

## REGULAR MEETING – JANUARY 7, 2008

The regular meeting of the Common Council of the City of Marshall was held on January 7, 2008 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; Mark Hanson, EDA Director; Thomas M. Meulebroeck, Finance Director/City Clerk; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

### **APPROVAL OF THE AGENDA:**

It was the general consensus of the council that the agenda be approved with the addition of item 11a, which is setting the date for the 2008 Local Board of Review.

### **APPROVAL OF THE MINUTES:**

Sanow moved, Reynolds seconded, that the minutes of the regular meeting held on December 17, 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 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:**

This was the date and time set for a public hearing to rezone 311 South O'Connell Street from a B-4 Shopping Center Business District to a B-3 General Business District. Glenn Olson, Director of Public Works/City Engineer, reviewed the request of Mike Lee to rezone 311 South O'Connell Street from B-4 Shopping Center Business District to a B-3 General Business District. He indicated that Mr. Lee intends to construct another office building on the property. Doom moved, Ritter seconded, that the public hearing be closed. All voted in favor of the motion.

Ritter moved, Sanow seconded, the adoption of ORDINANCE NUMBER 587, SECOND SERIES and that the reading of the same be waived. Ordinance Number 587, Second Series is an ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance provides for 311 South O'Connell Street to be rezoned from a B-4 Shopping Center Business District to a B-3 General Business District. All voted in favor of the motion.

### **CONSENT AGENDA – A. RESOLUTION DESIGNATING OFFICIAL DEPOSITORIES FOR 2008; B. RESOLUTION DESIGNATING OFFICIAL NEWSPAPER FOR 2008; C. LG220 APPLICATION FOR EXEMPT PERMIT FOR GAMBLING FOR LYON COUNTY PHEASANTS FOREVER FOR MARCH 8, 2008; D. BILLS/PROJECT PAYMENTS; E. BUILDING PERMITS:**

Per the request of Council Member Boedigheimer item d, which is the bills/project payments and per Mayor Byrnes item e, which is the building permits were removed from the consent agenda.

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

The adoption of RESOLUTION NUMBER 3057, SECOND SERIES, and that the reading of the same be waived. Resolution Number 3057, Second Series is a resolution Appointing the Official Depositories for the City of Marshall City Funds for the year 2008.

The adoption of RESOLUTION NUMBER 3058, SECOND SERIES and that the reading of the same be waived. Resolution Number 3058 Second Series is a resolution Designating the Marshall Minnesota "Independent" as the Official Newspaper for the City of Marshall.

BE IT RESOLVED, that the proper City personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the Application for Exempt Permit – LG220 for the Lyon County Pheasants Forever for a raffle to be held at Southwest Minnesota State University, 1501 State Street, Marshall, Minnesota on March 8, 2008 and that the 30 day waiting period be waived.

All voted in favor of the motion.

Council Member Boedigheimer questioned the two payments of \$8,000 to the City of New Ulm. Finance Director/City Clerk, Thomas Meulebroeck, indicated that check number 59015 in the amount of \$8,000 payable to the City of New Ulm was voided because this was a 2008 bill and should be paid in 2008 and not in 2007. Check number 59163 in the amount of \$8,000 payable to the City of New Ulm was reissued in 2008. Reynolds moved, Doom seconded, that the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 58934 through 59170. All voted in favor of the motion.

Mayor Byrnes briefly reviewed the increase in building permits for the City of Marshall for 2007. The following building permits previously approved by the Building Official were confirmed:

Application	Location	Description	Amount
1. Robert L. Carr	408 East Main Street	Sign	\$500
2. SEW Enterprises, Inc.	1101 East College Drive	Install Signs	\$10,500
3. Service Master	605 West Southview Drive	Interior Remodel	\$11,800

### INTRODUCTION OF ORDINANCE TO SELL CITY OWNED LAND TO MINNESOTA CORN PROCESSORS, LLC A SUBSIDIARY OF ARCHER-DANIELS-MIDLAND CO.:

Mark Hanson, EDA Director, indicated that the proposed sale between Minnesota Corn Processors, LLC (MCP), a subsidiary of Archer-Daniels-Midland Company and the City of Marshall would entail the City selling .92 acres of industrial land in the Minnesota Corn Processors Industrial Park First Addition. This newly acquired land will allow MCP to plan for

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future rail line expansion. MCP agrees to the purchase price for the appraised value of said property in the amount of \$5,400. The City is providing all necessary administrative and legal services for this transfer. All costs associated with the transfer of the property are the responsibility of MCP including, but not limited to, surveys, appraisal, platting, legal, recording fees and miscellaneous items. Reynolds moved, Sanow seconded, the introduction of an ordinance to Sell City Owned Land to Minnesota Corn Processors, LLC, a subsidiary of Archer-Daniels-Midland Company. All voted in favor of the motion.

### **WORKERS COMPENSATION INSURANCE RENEWAL FOR 2008:**

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, 2008 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 \$144,513 in comparison to \$119,831 for 2007. Sheldon Kimpling, Chairperson of the Insurance Advisory Committee, briefly reviewed the difference in rates between the City and the private sector. He indicated that the private sector rates are lower, but that the City receives a credit on their premium. He indicated that they would be reviewing these rates in October to make sure they are getting the best rates. He also indicated that Rick Ramert did not vote in favor of the work comp renewal because they did not receive the 2008 rates until December 20<sup>th</sup>. Sanow moved, Ritter seconded, that the City's Work Comp Insurance be renewed effective January 1, 2008 with the League of Minnesota Cities Insurance Trust with a \$5,000 medical deductible and with a 2% managed care credit for an estimated premium of \$144,513. All voted in favor of the motion.

### **APPROVAL OF ENGAGEMENT LETTER WITH AUDITING FIRM ABDO, EICK & MEYERS:**

Thomas M. Meulebroeck, Financial Director/City Clerk, reviewed the engagement letter from Abdo, Eick & Meyers, LLP for their firm to provide the audit services related to the City of Marshall 2007 Financial Statements. This engagement letter has been reviewed by City Attorney Dennis Simpson. The fees identified in the engagement letter are what were submitted in their proposal. Council Member Boedigheimer asked when they would be coming to start. Mr. Meulebroeck indicated that they would be here a couple of days in January and then would be back the middle of April. Boedigheimer moved, Doom seconded, that the proper city personnel be authorized to enter into an Engagement Letter with Abdo, Eick & Meyers, LLP for auditing services for the City of Marshall's 2007 Financial Statement. All voted in favor of the motion.

### **APPROVAL OF AGREEMENT WITH LEGISLATIVE ASSOCIATES INCORPORATED FOR MERIT FUNDING:**

Boedigheimer moved, Reynolds seconded, that the proper city personnel be authorized to enter into an agreement with Legislative Associates Inc., for Federal and State Legislative assistance on the MERIT Center Project. This agreement provides for Mr. Cain to lobby for the City of Marshall for funding for the MERIT Center at a fee \$1,500 per month or \$18,000 for the year. This will be paid from the "429" Revolving Fund. All voted in favor of the motion.

**CONSIDER REQUEST FROM LIBRARY BOARD ON NORTH 3<sup>RD</sup> STREET  
SIDEWALK FINAL SPECIAL ASSESSMENT STATEMENT:**

Mike Johnson, City Administrator, reviewed the request from the Library Board in regard to the Final Special Assessment amount for the North 3<sup>rd</sup> Street Sidewalk Improvement Project. The portion of that project that was assessed to the Library Property is \$10,048.64. The Library Board did not have funding for this in their budget and are inquiring if the City Council would pick up the cost. Mr. Johnson also indicated that the same situation exists for the City Parking Lot on North 4<sup>th</sup> Street. That Final Special Assessment amount totals \$26,350.74 for 132' of frontage on North 4<sup>th</sup> Street. Boedigheimer moved, Doom seconded, that the City of Marshall pay \$10,048.64 for the Special Assessment for the Library along North 3<sup>rd</sup> Street and that they also pay \$26,350.74 for the Special Assessment for the 132' of frontage on North 4<sup>th</sup> Street. These special assessments are to be paid from the "429" Fund. All voted in favor of the motion.

**CITY OF MARSHALL VS. JOE BOT FIRE ESCAPE SETTLEMENT AGREEMENT:**

Dennis Simpson, City Attorney, reviewed the Fire Escape Investigation Summary that was prepared by our consultant structural engineer regarding the structural integrity of the fire escape located at 326 West Main Street. Based on that summary report, a Settlement Agreement has been agreed upon between the City of Marshall and Joe Bot. Ritter moved, Sanow seconded, that the proper city personnel be authorized to enter into the Fire Escape Settlement Agreement with Joe Bot for the property located at 326 West Main Street, Marshall, Minnesota. All voted in favor of the motion.

**PROJECT Y27 LEGION FIELD PARK SANITARY SEWER IMPROVEMENT  
PROJECT – A. CONSIDER CHANGE ORDER NO. 1:**

Doom moved, Reynolds seconded, the approval of Change Order No. 1 with D & G Excavating, Inc., for Legion Field Park Sanitary Sewer Improvement Project Y27 in the amount of \$2,550.00. This change order is a result of using 10" HDPE Pipe. There is no change in the contract time associated with this change order. All voted in favor of the motion.

**CONSIDER APPOINTMENT TO MARSHALL COMMUNITY SERVICES ADVISORY  
BOARD:**

Per the recommendation of Mayor Byrnes, Doom moved, Reynolds seconded, Tina Quinones be appointed to the Marshall Community Services Advisory Board for an unexpired term to expire on February 28, 2009. Mayor Byrnes indicated that they have received another resignation from the Marshall Community Services Advisory Board. All voted in favor of the motion.

**SETTING THE DATE FOR THE 2008 LOCAL BOARD OF REVIEW:**

Sanow moved, Doom seconded, that the 2008 Local Board of Review be held on April 22, 2008 at 5:30 P.M. 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 and the Fire Relief Association will be meeting on Tuesday; Regional Development Commission will meet on Thursday.



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Boedigheimer No report.

Doom            Marshall Community Services Advisory Board met last week – their Winter Brochure has been sent out.

Hulsizer        No report.

Reynolds        No report.

Ritter            No report.

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.

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

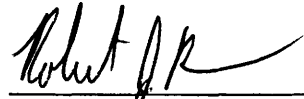
Boedigheimer moved, Hulsizer seconded, to go into closed session at 6:15 P.M. pursuant to Minnesota Statute 13D.05, Subd. 3(a). All voted in favor of the motion.

The Council came out of closed session at 6:42 P.M.

The City Council meeting reconvened at 6:43 P.M. to discuss the City Administrator performance and settlement agreement. Dennis Simpson, City Attorney, addressed the separation agreement between the City of Marshall and Michael Johnson. This agreement provided for a termination date of January 18, 2008, that Mike be allowed to take 10 weeks of vacation through March 28, 2008, and he be paid all unused vacation, sick leave, holiday, floating holidays and personal leave as per his employment agreement with the City and 4 months of severance pay to be paid bi-weekly as per the amendment to the employment agreement from 1999. Mike will be allowed to continue with health, dental, life and long-term disability insurance coverage with the City continuing to pay its share of the premiums and Mike paying the employee share of the premiums through the pay out of his severance pay. Reynolds moved, Ritter seconded, that the Separation Agreement between the City of Marshall and Michael Johnson be approved with the pay package as addressed by City Attorney, Dennis Simpson, and that Mike also be granted six months car allowance at \$250.00 per month; six months of cell phone reimbursement at \$40.00 per month; pay his January 1, 2008 dues to the International City Management Association of \$895.73; the City pay his dues for the Minnesota City Management Association on May 1, 2008 in the amount of \$111.97; and reimburse Mike \$1,000 for attorney fees. All voted in favor of the motion.

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

  
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Mayor of the City of Marshall

ATTEST:

  
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Financial Director/City Clerk

## SPECIAL MEETING – JANUARY 14, 2008

A special meeting of the Common Council of the City of Marshall was held on January 14, 2008 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: Dennis Simpson, City Attorney; and Thomas M. Meulebroeck, Financial Director/City Clerk. Others present included: Aaron Zimmer and Rae Kruger.

The purpose of this special meeting was to appoint an interim City Administrator and to discuss the search process for a new City Administrator.

### **CONSIDER APPOINTMENT OF INTERIM CITY ADMINISTRATOR:**

Mayor Byrnes had meet with the Division Heads, Glenn Olson, Director of Public Works/City Engineer; Harry Weilage, Director of Community Service; and Rob Yant, Director of Public Safety, to discuss the selection of an interim City Administrator. It was the consensus of the Division Heads and agreed upon by Glenn Olson for him to be appointed the interim City Administrator if the City Council was in concurrence. Ritter moved, Boedigheimer seconded, that Glenn Olson be appointed the interim City Administrator. All voted in favor of the motion.

### **DISCUSSION ON SEARCH PROCESS FOR NEW CITY ADMINISTRATOR:**

In discussing the search process for a new City Administrator, a brief discussion was held on previous positions including the City Administrator, Director of Public Works/City Engineer, Director of Public Safety and Economic Director positions that were filled by the assistance of a search company.

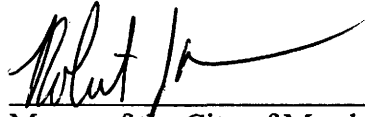
A suggestion was made for the City Council to be the group to do the search for the new City Administrator by advertising through respective organizations in Minnesota, Wisconsin, Iowa, South Dakota and North Dakota. In discussing the search process, the City Council was concerned with what the cost was for the use of a search company in the past, that time is of the essence in getting the position filled, the process for selection of a search company, the search company's experience on filling the position in comparable communities and the cost. The council also discussed the need for the search company selected to assist with the updating of the position profile. The City Council would like to interview the search companies interested in doing the search for the City. Reynolds moved, Doom seconded, that city staff be directed to contact the nine (9) search companies in Minnesota that were provided by the League of Minnesota Cities to determine their interest in working with the City of Marshall to fill the City Administrator position; for the search company to identify their process for the selection; for them to identify their time frame for completing the process; to provide experiences in filling the City Administrator position in comparable sized cities and what their cost would be for the process. The directive included the request to have the interested companies return their letter of intent by Tuesday morning, January 22, 2008 for the personnel committee to meet at noon on January 22, 2008 to make a recommendation to the City Council at the 5:30 P.M. meeting on January 22, 2008. All voted in favor of the motion, except Boedigheimer who voted no.

The definitions of a City Manager versus a City Administrator were discussed.

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Reynolds moved, Ritter seconded, that Interim City Administrator, Glenn Olson, be designated as an authorized signer on all documents for the City of Marshall, Minnesota effective January 19, 2008. Mr. Olson replaces Michael Johnson as an authorized signer. All voted in favor of the motion.

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

  
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Mayor of the City of Marshall

ATTEST:

  
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Financial Director/City Clerk

## REGULAR MEETING – JANUARY 22, 2008

The regular meeting of the Common Council of the City of Marshall was held on January 22, 2008 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: Dennis Simpson, City Attorney; Glenn Olson, Interim City Administrator, Director of Public Works/City Engineer; Rob Yant, Director of Public Safety; Harry Weilage, Director of Community Services; Scott Truedson, Assistant Wastewater Superintendent; Thomas M. Meulebroeck, Financial Director/City Clerk; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

### **APPROVAL OF THE AGENDA:**

It was the general consensus of the council that the agenda be approved with the addition of item 15a, which is to consider the Personnel Committee recommendation to proceed with Springsted as the search firm in the hiring of a City Administrator and for Augmentation of salary to the Interim City Administrator.

### **APPROVAL OF THE MINUTES:**

Sanow moved, Reynolds seconded, that the minutes of the regular meeting held on January 7, 2008 and the minutes of the special meeting held on January 14, 2008 be approved as presented and that the reading of the same be waived. All voted in favor of the motion.

### **AWARD OF BIDS – CONSIDER AWARD OF PROPOSALS FOR PROFESSIONAL SERVICES FOR A WASTEWATER TREATMENT PLANT CAPACITY EVALUATION AND CHEMICAL PHOSPHORUS TREATMENT SYSTEM DESIGN AND CONSTRUCTION SERVICES:**

Requests for Proposals for Professional Services for a Wastewater Treatment Plant Capacity Evaluation and Chemical Phosphorus Treatment System Design and Construction Services were received on January 4, 2008. An addendum to the proposal added an additional task of "Hydrogen Sulfide Evaluation and Treatment Design and Construction". The City received proposals from Bolton & Menk Inc., of Burnsville, Minnesota and from Short Elliott Hendrickson, Inc., (SEH) of St. Paul, Minnesota. Per the recommendation of city staff Ritter moved, Reynolds seconded, that the proper city personnel be authorized to enter into an agreement with Bolton & Menk, Inc., for Professional Services for a Wastewater Treatment Plant Capacity Evaluation, Chemical Phosphorus Treatment System Design and Construction Services; and Hydrogen Sulfide Evaluation and Treatment Design and Construction for a total hourly plus expenses cost in the amount of \$37,500, contingent upon review and approval of the City Attorney. All voted in favor of the motion.

### **PUBLIC HEARING – CONSIDER ORDINANCE TO SELL CITY OWNED LAND TO MINNESOTA CORN PROCESSORS, LLC A SUBSIDIARY OF ARCHER-DANIELS-MIDLAND CO.:**

This was the date and time set for a public hearing to sell City owned land to Minnesota Corn Processors, LLC a subsidiary of Archer-Daniels-Midland Co. The proposed sale is for .92 acres of Industrial land in the Minnesota Corn Processors Industrial Park First Addition. This newly acquired land will allow Minnesota Corn Processors, LLC to plan for future rail line expansion. Minnesota Corn Processors, LLC agrees to purchase price of \$5,400 with the City providing all necessary administrative and legal services for this transfer. All costs associated with the transfer of the property are the responsibility of Minnesota Corn Processors LLC, including, but not limited to: surveys, appraisal, platting, legal, recording fees and miscellaneous

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

Sanow moved, Doom seconded, the adoption of ORDINANCE NUMBER 588, SECOND SERIES and that the reading of the same be waived. Ordinance Number 588, 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 .92 acres of Industrial land in the Minnesota Corn Processors Industrial Park First Addition to Minnesota Corn Processors, LLC in the amount of \$5,400. All voted in favor of the motion.

**CONSENT AGENDA – A. DECLARATION OF SURPLUS PROPERTY – PUBLIC SAFETY FOR BIKES AND FIRE HYDRANTS; B. LAWFUL GAMBLING LICENSE RENEWAL FOR EAGLES CLUB; C. LG220 APPLICATION FOR EXEMPT PERMIT FOR SMSU FOUNDATION FOR APRIL 1, 2008; D. LG220 APPLICATION FOR EXEMPT PERMIT FOR HOLY REDEEMER CHURCH AND SCHOOL; E. TRANSIENT MERCHANT LICENSE FOR MIRACLE EAR FOR 2008; F. TEMPORARY ON-SALE LIQUOR LICENSE FOR LYON COUNTY PHEASANTS FOREVER FOR MARCH 8, 2008; G. BILLS/PROJECT PAYMENTS; H. BUILDING PERMITS:**

Per the request of Council Member Hulsizer item g, which is the bills/project payments be removed from the consent agenda.

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

Authorization to declare bicycles from the Department of Public Safety as surplus City property and that these bicycles will be donated to Bikes for Kids Program of the Department of Corrections.

Authorization to declare four (4) fire hydrants from the Department of Public Safety as surplus City property. These four (4) fire hydrants will be sold to Marshall Municipal Utilities for \$1,000 a piece for a total of \$4,000.

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 Lawful Gambling License Renewal –LG200R for the Eagles Aerie 3045 for the period June 1, 2008 to May 31, 2010.

BE IT RESOLVED, that the proper City personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the Application for Exempt Permit – LG220 for Southwest Minnesota State University for a raffle to be held at Southwest Minnesota State University, 1501 State Street, Marshall, Minnesota on April 1, 2008 and that the 30 day waiting period be waived.

BE IT RESOLVED, that the proper City personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the Application for Exempt Permit – LG220 for Holy Redeemer Church & School for a raffle to be held at Holy Redeemer Church Carlin Hall, 503 West Lyon Street, Marshall, Minnesota on March 9, 2008 and that the 30 day waiting period be waived.

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The approval of a Transient Merchants License for Connor Enterprises Minnesota, Inc., dba Miracle Ear for the calendar year 2008 at a fee of \$300.00.

The approval of a Temporary On-Sale Liquor License for Lyon County Pheasants Forever to be used at Southwest Minnesota State University on March 8, 2008 at a fee of \$30.00.

All voted in favor of the motion.

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

	Applicant	Location Address				Description of Work	
1.	Paxton Signs, Inc.	800	East	Main	Street	Install Signs	\$2,100
2.	Rick Slagel Construction, Inc.	300	North	Minnesota	Street	Interior Remodel	\$10,000
3.	Rick Slagel Construction, Inc.	511		Central	Avenue	Replace Window	\$4,000
4.	Geske Home Improvement Co.	811		Westmar	Circle	Reside Dwelling	\$15,600
5.	David & Sharron Kabes	1106		Washington	Avenue	Interior Remodel	\$15,000
6.	Geske Home Improvement Co.	506		Viking	Drive	Patio Door	\$1,800
7.	Scott Stattelmann	2573		County Road 7		Interior Remodel	\$25,000
8.	Eric Klenken	1305		Ellis	Avenue	Finish Basement	\$8,000
9.	Greig-Gregerson Mgt.	349	West	Main	Street	Interior Remodel	\$5,000
10.	Service Master	1312		Parkside	Drive	Interior Remodel	\$12,500
11.	Richard Louwagie Construction	113	South	High	Street	Replace Window	\$1,500
12.	True Value Home Center	1224		Patricia	Court	Basement Remodel	\$19,000

Council Member Jennie Hulsizer questioned the payment to Van's Sound Room for drum class. Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that this was for a class through Marshall Community Services. Sanow moved, Ritter seconded, that the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 59171 through 59356. All voted in favor of the motion.

### **CONSIDER THE REQUEST OF NORTH RIVERVIEW PROPERTIES, LLC TO REZONE 1101 – 1110 ESTHER CIRCLE FROM AN R-1 ONE FAMILY RESIDENCE DISTRICT AND R-2 ONE TO FOUR FAMILY RESIDENCE DISTRICT TO AN R-4 HIGHER DENSITY MULTIPLE FAMILY RESIDENCE DISTRICT INTRODUCTION OF ORDINANCE AND CALL FOR PUBLIC HEARING:**

Glenn Olson, Interim City Administrator/Director of Public Works/City Engineer, briefly reviewed the request of North Riverview Properties, LLC to rezone 1101 – 1110 Esther Circle from an R-1 One Family Residence District and R-2 One to Four Family Residence District to an R-4 Higher Density Multiple Family Residence District. Sanow moved, Reynolds seconded, the introduction of an ordinance to rezone 1101 – 1110 Esther Circle from an R-1 One Family Residence District and R-2 One to Four Family Residence District to an R-4 Higher Density Multiple Family Residence District and call for a public hearing to be held at 5:30 P.M. on

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February 4, 2008. All voted in favor of the motion except Ritter who voted no and Boedigheimer who abstained.

**PRELIMINARY PLAT OF MARSHALL TOWN GARAGES – INTRODUCTION OF PLAT AND CALL FOR PUBLIC HEARING:**

Glenn Olson, Interim City Administrator/Director of Public Works/City Engineer, briefly reviewed the preliminary plat of Marshall Town Garages. The proposed plat will provide 2 large lots for industrial development, 21 smaller lots for storage units, and 1 outlot for roadway/access development. Doom moved, Ritter seconded, the introduction of the preliminary plat for Marshall Town Garages and call for a public hearing to be held at 5:30 P.M. on February 4, 2008. All voted in favor of the motion.

**PRESENTATION OF THE 2008 BUDGET BY MARSHALL MUNICIPAL UTILITIES:**

Brad Roos, General Manager Marshall Municipal Utilities and Roxy Moon, Finance Officer Marshall Municipal Utilities presented the 2008 Marshall Municipal Utilities Budget.

**PUBLIC SAFETY – A. AUTHORIZATION TO HIRE BRYAN A. ARZDORF AS A FULLTIME POLICE OFFICER; B. APPROVAL OF OPERATION NIGHTCAP TRAFFIC SAFETY GRANT WITH STATE OF MINNESOTA; C. APPROVAL OF MINNESOTA RADIO JOINT POWERS RADIO USAGE AGREEMENT WITH STATE OF MINNESOTA; D. AUTHORIZATION TO ACCEPT FEDERALLY FUNDED EQUIPMENT FOR PUBLIC SAFETY THROUGH THE CEDAP PROGRAM; E. CRIME FUND EVENTS:**

Upon the recommendation of Director of Public Safety Robert Yant, Ritter moved, Reynolds seconded, that Bryan A. Arzdorf be employed as a fulltime Police Officer with the City of Marshall at the rate of \$19.79 effective February 4, 2008. The following resolution was adopted: BE IT RESOLVED that Bryan A. Arzdorf be duly appointed, qualified and acting fulltime police officer for the City of Marshall, Minnesota, possessing the power of arrest by warrant and otherwise and other authority generally conferred upon and possessed by the Municipal Police Officers in Minnesota with the specific duty of enforcing the laws of the State of Minnesota and the ordinances of the City of Marshall in apprehending violators thereof and engaging in the hazards of protecting the safety and property of others and said employee shall become a member of the Public Employees Retirement Association Police and Fire Fund. All voted in favor of the motion.

Per the recommendation of Rob Yant, Director of Public Safety, Doom moved, Reynolds seconded, that the proper city personnel be authorized to enter into a grant between the Department of Public Safety, Minnesota State Patrol and the City of Marshall. This grant is to fund the officer's overtime rate and benefits up to \$440 for participation in the Operation NIGHTCAP detail. There is no match fund requirement and this is the same grant that we have received in the past. Council Boedigheimer questioned whether or not it was worth the time and effort for the \$440. Mr. Yant indicated that most of the work involved for this grant is at the State level and this grant will cover overtime plus benefits for two officers for approximately 4 hours each. All voted in favor of the motion.

Per the recommendation of Rob Yant, Director of Public Safety, Ritter moved, Reynolds seconded, that the proper city personnel be authorized into a Joint Powers Agreement between the State of Minnesota and the City of Marshall to allow the Marshall Police Department to utilize the State computer system. Mr. Yant indicated that there are approximately \$10,000



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upfront costs for this equipment and there is a cost of \$1,200 per car per year for license fee and software maintenance. All voted in favor of the motion.

Per the recommendation of Rob Yant, Director of Public Safety, Ritter moved, Doom seconded, that the proper city personnel be authorized to accept the equipment awarded through the Commercial Equipment Direct Assistance Program (CEDAP) for FY2007. Mr. Yant indicated that the City of Marshall, Police Department received an award for TACSIGHT SE25 Advanced Thermal Imager for Law Enforcement with a value of nearly \$11,000 and the City of Marshall, Chemical Assessment Team; the award was a “Chemical Detection Kit”. The Chemical Detection Kit consists of the FirstDefender handheld chemical identifier by Ahura Scientific and the Sirius gas detector from MSA instruments. Together they are worth approximately \$35,000. All voted in favor of the motion.

Rob Yant, Director of Public Safety, took this opportunity to inform the Council of the Home Security and Safety Expo event for March 27<sup>th</sup> at the Merit Center. The purpose of this event is to: educate on how to protect yourself – Myth versus Realty; vendors to demonstrate product / hand out educational information; promote National Night Out on August 5<sup>th</sup>. He also indicated that there will be a booth at the Boomer Nation Kick-Off Event on January 28<sup>th</sup> to hand out information.

### **PROJECT Y23 – REDWOOD RIVER RIPRAP – CONSIDER CHANGE ORDER NO. 1:**

Reynolds moved, Sanow seconded, the approval of Change Order No. 1 with Rogge Excavating for the Redwood River Riprap Project Y23. This change order provides for a decrease in the contract sum in the amount of \$44,647.35 due to authorized work and conditions provided in the DNR Permit No. 2008-0147 and 2008-0148 and the provisions within the MN/DOT Permit EDMS #577165. The approximate value of the MN/DOT authorized work is \$126,000. Additional work may be authorized by MN/DOT at a later date. The original contract amount was \$170,649.05 and the new contract amount resulting from the change order is \$126,002.30. All voted in favor of the motion.

### **PROJECT Y20 – TIGER DRIVE/HARRIETT DRIVE SIDEWALK IMPROVEMENT – CONSIDER CHANGE ORDER NO. 1 (FINAL) AND ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION:**

Sanow moved, Doom seconded, the approval of Change Order No. 1 (Final) with Rogge Excavating for a decrease in the amount of \$286.90 and the acknowledgement for the final payment in the amount of \$5,797.08 for Tiger Drive/Harriett Drive Sidewalk Improvement Project Y20. The change order is a result of the final measurements and quantities. All voted in favor of the motion.

Per the request of Mayor Byrnes the council went into recess at 6:31 P.M. to conduct the HRA meeting. The council reconvened at 6:36 P.M.

### **PROJECT Y26 – HERITAGE PLACE IMPROVEMENT PROJECT – CONSIDER RESOLUTION RECEIVING REPORT AND ORDER PUBLIC HEARING ON IMPROVEMENT:**

Glenn Olson, Interim City Administrator/Director of Public Works/City Engineer, reviewed Project Y26 Heritage Place Improvement. This project provides for new curb and gutter, sidewalks, asphalt surfacing and all associated items for the construction of Heritage Place. Ritter moved, Doom seconded, the adoption of RESOLUTION NUMBER 3059, SECOND SERIES and that the reading of the same be waived. Resolution Number 3059,

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Second Series is a resolution Receiving Report and Calling for a Hearing on Improvement for Project Y26 Heritage Place. The public hearing will be held at 5:30 P.M. on February 19, 2008. All voted in favor of the motion.

### **CONSIDER RESOLUTION ORDERING PREPARATION OF REPORT ON IMPROVEMENT FOR PROJECT Y31 – WINDSTAR STREET FROM SCOTT STREET TO TH 59 (139-131-02); PROJECT Y31 – WINDSTAR STREET FROM TH 59 TO CLARICE AVENUE (139-131-03), CLARICE AVENUE FROM WINDSTAR STREET TO SUSAN DRIVE (139-132-01); AND PROJECT Y33 – CLARICE AVENUE FROM SUSAN DRIVE TO TH 23 (139-132-02):**

Glenn Olson, Interim City Administrator/Director of Public Works/City Engineer, reviewed Project Y31 – Windstar Street from Scott Street to TH 59 (139-131-02); Project Y31 – Windstar Street from TH 59 to Clarice Avenue (139-131-03), Clarice Avenue from Windstar Street to Susan Drive (139-132-01); and Project Y33 – Clarice Avenue from Susan Drive to TH 23 (139-132-02). These projects involve the installation of Windstar Street, a designated minor arterial street, and Clarice Avenue a designated collector street, connecting South Saratoga Street south of TH 23 to TH 59 to Clarice Avenue east of TH 59 and Clarice Avenue from Windstar Street north to TH 23 creating a major street route opening development for future commercial and residential areas south and east of TH 23. Reynolds moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3060, SECOND SERIES and that the reading of the same be waived. Resolution Number 3060, Second Series is a resolution Ordering Preparation of Report on Improvement for Project Y31 – Windstar Street from Scott Street to TH 59 (139-131-02); Project Y31 – Windstar Street from TH 59 to Clarice Avenue (139-131-03), Clarice Avenue from Windstar Street to Susan Drive (139-132-01); and Project Y33 – Clarice Avenue from Susan Drive to TH 23 (139-132-02). All voted in favor of the motion.

### **CONSIDER AUTHORIZING ENTERING INTO AN AGREEMENT WITH I&S ENGINEERS AND ARCHITECTS FOR ENGINEERING AND SURVEYING SERVICES FOR PUBLIC IMPROVEMENTS ON CLARICE AVENUE AND WINDSTAR STREET:**

Doom moved, Sanow seconded, that the proper city personnel be authorized to enter into an agreement with I&S Engineers and Architects for engineering and surveying services for public improvements on Clarice Avenue and Windstar Street in the amount of \$84,400. I&S Engineers & Architects, Inc., will be providing for the development of utility, street and grading plans and specifications for Windstar Street from TH 59 to Clarice Avenue and Clarice Avenue from Windstar Street to TH 23 according to the requirements of MN/DOT State Aid requirements. All voted in favor of the motion.

### **CONSIDER RESOLUTION REALLOCATING BUDGET AMOUNTS FOR FISCAL YEAR ENDED DECEMBER 31, 2007:**

Thomas M. Meulebroeck, Finance Director/City Clerk, reviewed the budget adjustments for the 2007 budget. Council Member Boedigheimer was concerned with some departments overspending on their budgets and money not spent in another department being used to cover the amount over spent. He used the Police Department fuel account as an example. Mr. Meulebroeck indicated that fuel costs were higher in 2007 than anticipated and that needs to be considered. Council Member Boedigheimer requested that the Ways and Means Committee discuss the budget reallocation issue. Council Member Ritter asked about the budget amount for the bucket truck that was not received in 2007. Mr. Meulebroeck indicated that the 2008 budget would be amended to reflect the 2007 budgeted amount for the truck. Reynolds moved, Doom seconded, the adoption of RESOLUTION NUMBER 3061, SECOND SERIES and that the reading of the same be waived. Resolution Number 3061, Second Series is a resolution

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Reallocating Budget Amounts for Fiscal Year Ended December 31, 2007. All voted in favor of the motion except Boedigheimer who voted no.

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

### **RESOLUTION TO ACCEPT DONATION OF LAND FROM PAUL AND FRANCES DEUTZ:**

Doom moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3062, SECOND SERIES and the reading of the same be waived. Resolution Number 3062, Second Series is a resolution to Accept a Donation of Land to the City of Marshall. This resolution provides for the City to accept 0.055 acres described at Outlot C of Carr Subdivision I from Paul and Frances Deutz. All voted in favor of the motion.

### **CONSIDER THE PERSONNEL COMMITTEE RECOMMENDATION TO PROCEED WITH SPRINGSTED AS THE SEARCH FIRM IN THE HIRING OF A CITY ADMINISTRATOR:**

The Personnel Committee and Mayor Byrnes met on January 22, 2008 to review and discuss the letters of interest/proposals submitted by the executive search teams. Per the recommendation of the Personnel Committee Ritter moved, Doom seconded, that the City of Marshall proceed with Springsted to provide executive search services to assist them in the hiring of a City Administrator. A contract with Springsted will be provided at a future meeting. All voted in favor of the motion.

The Personnel Committee and Mayor Byrnes also discussed the compensation of Interim City Administrator/Director of Public Works/City Engineer Glenn Olson. Per the recommendation of the Personnel Committee Reynolds moved, Sanow seconded, the approval of a salary augmentation from \$46.11 to 50.72 per hour beginning January 21, 2008 while serving in an Interim City Administrator Capacity for Glenn Olson, Director of Public Works/City Engineer. The salary augmentation will terminate upon the start date of a City Administrator. 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   M.E.R.I.T. Center met last week but he was unable to attend, Lyon County Enterprise Development will be meeting on Wednesday.

Doom            Planning Commission minutes are included in the agenda packet.

Hulsizer        Library Board minutes are included in the agenda packet.

Reynolds        Hospital Board met earlier today.

Ritter           Housing Commission met last Monday.

Sanow           Cable Commission questioned the positions within Studio One – whether the part-time person is suppose to be a ¾ time employee or a part-time person

REGULAR MEETING – JANUARY 22, 2008

under 29 hours per week; Marshall Area Transit met last week and the members rode the bus on the new scheduled route.

**COUNCIL MEMBER INDIVIDUAL ITEMS:**

Other items brought forth by the Mayor and Council Members included: Council Member Sanow indicated that the Vespa company, a manufacture of wind turbines and equipment is looking for a facility site and the City of Marshall needs to make a pitch to be that site. He indicated that they would be bringing in 80 good paying jobs. Sanow indicated that he has contacted State Representative Mary Seifert and Senator Dennis Frederickson and they both indicated that they would be in favor of helping the City of Marshall to put together a package to bring them to Marshall. Boedigheimer indicated that they needed to schedule several committee meeting dates; and Jerry Mather will be in Marshall on Monday, January 28, 2008.

**REVIEW OF PENDING AGENDA ITEMS:**

There were no questions or concerns on the pending agenda items.


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

**3.(C)(2):**

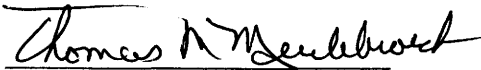
Doom moved, Sanow seconded, to go into closed session at 7:30 P.M. pursuant to Minnesota Statute 13D.05, Subd. 3(b) and 13D.05, Subd. 3. (c)(2). All voted in favor of the motion.

The City Council came out of closed session at 8:07 P.M.

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

  
\_\_\_\_\_  
Mayor of the City of Marshall

ATTEST:

  
\_\_\_\_\_  
Financial Director/City Clerk

## REGULAR MEETING – FEBRUARY 4, 2008

The regular meeting of the Common Council of the City of Marshall was held on February 4, 2008 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: Dennis Simpson, City Attorney; Glenn Olson, Interim City Administrator, Director of Public Works/City Engineer; Rob Yant, Director of Public Safety; Harry Weilage, Director of Community Services; Thomas M. Meulebroeck, Financial Director/City Clerk; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

### **APPROVAL OF THE AGENDA:**

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

### **APPROVAL OF THE MINUTES:**

Sanow moved, Doom seconded, that the minutes of the regular meeting held on January 22, 2008 be approved as presented and that the reading of the same be waived. All voted in favor of the motion.

### **RESOLUTION OF APPRECIATION – MICHAEL R. THOMPSON:**

Ritter moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3063, SECOND SERIES and that the reading of the same be waived. Resolution Number 3063, Second Series is a resolution expressing the City of Marshall's Appreciation to Michael R. Thompson, Senior Park Maintenance Worker. Harry Weilage, Director of Community services read the resolution. All voted in favor of the motion.

### **ACKNOWLEDGEMENT OF CITY ENGINEERS ASSOCIATION OF MINNESOTA (CEAM) CITY ENGINEER OF THE YEAR AWARD FOR 2007 TO GLENN J. OLSON:**

Mayor Byrnes took this opportunity to acknowledge the City Engineers Association of Minnesota (CEAM) City Engineer of the Year Award for 2007 to Glenn J. Olson.

### **PUBLIC HEARING – CONSIDER THE REQUEST OF NORTH RIVERVIEW PROPERTIES, LLC TO REZONE 1101 – 1110 ESTHER CIRCLE FROM AN R-1 ONE FAMILY RESIDENCE DISTRICT AND R-2 ONE TO FOUR FAMILY RESIDENCE DISTRICT TO AN R-4 HIGHER DENSITY MULTIPLE FAMILY RESIDENCE DISTRICT:**

This was the date and time set for a public hearing to consider the request of North Riverview Properties, LLC to rezone 1101-1110 Esther Circle from an R-1 One Family Residence District and R-2 One to Four Family Residence District to an R-4 Higher Density Multiple Family Residence District. This property is currently vacant and includes all the lots on both sides of Esther Circle north of Darlene Drive. Glenn Olson, Director of Public Works/City Engineer, indicated that a conditional use permit would be required for a daycare facility and office facility, but a Head Start facility could be built in an R-1 district. Comments at the public hearing included:

## REGULAR MEETING – FEBRUARY 4, 2008

Kris Carrow, 515 Harriett Drive, spoke on behalf of 10 other property owners who live in the area of Esther Circle. She indicated that the request for rezoning is right in the middle of the R-1 One Family Residence District and R-2 One to Four Family Residence District; there would be increased traffic; their property values would decrease; and there would be additional water runoff. She also indicated that the four individuals requesting the area to be rezoned have signed a Protective Covenant for North Riverview Properties. The covenant states that “all lots shall be used as residential lots. No dwelling shall be erected, altered, placed or permitted to remain on any lot other than one detached single family dwelling. This covenant shall be binding until June 1, 2028.

Art Olson, representing the owners indicated that the Head Start facility could be built anywhere in the R-1 One Family Residence District. He also indicated that the owners were willing to have some of the lots rezoned to R-2 to allow for a buffer between the R-1 lots and the R-3 lots.

Council Member Hulsizer asked if WCA considered building in an area that was currently zoned R-4. The Director of Community Development for WCA indicated that all of the other areas that were considered were beyond what they could afford.

Council Member Ritter indicated that the market for affordable lots is down and suggested that maybe the site for WCA should be considered in the Parkway Addition.

Glenn Olson indicated that if the owners wanted to change their rezoning request he wasn't sure if it they needed to reapply.

Dennis Simpson, City Attorney, indicated that the Planning Commission is an advisory board and the council could do what they want.

Council Member Ritter indicated that they should vote on the request in front of them.

Council Member Sanow indicated that there are several apartment buildings and business in the area where he lives and that his property value has not decreased.

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

Doom moved, Ritter seconded, to deny the request of North Riverview Properties to rezone 1101 – 1110 Esther Circle from R-1 One-Family Residence District and R-2 One to Four Family Residence District to R-4 Higher Density Multiple Family Residence District. Council Member Sanow indicated that property owned by the City in the Parkway Addition has been rezoned from industrial to residential and he did not think this was right to deny this rezoning request. All voted in favor of the motion, except Sanow who voted no and Boedigheimer who abstained.

**PUBLIC HEARING – CONSIDER THE APPROVAL OF THE PRELIMINARY PLAT FOR MARSHALL TOWN GARAGES:**

This was the date and time set for a public hearing on the Preliminary Plat for Marshall Town Garages. Glenn Olson, Director of Public Works/City Engineer, indicated the proposed plat will provide 2 large lots for industrial development, 21 smaller lots for storage units and 1 outlot for roadway/access development. He also indicated that the driveway is split between two property owners and that the other property is objecting to Marshall Town Garages using his side of the driveway. Sanow moved, Doom seconded, that the public hearing be closed. All voted in favor of the motion.

Sanow moved, Doom seconded, the approval of the Preliminary Plat for Marshall Town Garages. All voted in favor of the motion.

**AWARD OF BIDS – CONSIDER AWARD OF PROPOSAL FOR PROFESSIONAL SERVICES FOR MARSHALL AQUATIC CENTER POOL AREA IMPROVEMENTS:**

Harry Weilage, Director of Community Services, along with Community Service Board Members Jim Polejewski and Cindy McKittrick, reviewed the upgrade to the Marshall Aquatic Center. The main concern is the floor to the main pool. The floor is over 40 years old and in serious need of replacement. They indicated that there is a short timeline for the project to be bid and constructed before the 2008 swimming season. Mr. Weilage indicated that they have asked USAquatics to prioritize the project so we do not impact the 2008 swimming season. They have asked USAquatics to do a full review of the facility and lay out a phased plan that would be used now and in the future. This project will include demolition, new floor, diving well, wading pool, waterslide, wet deck and mechanical building. Council Members Ritter, Boedigheimer and Sanow were concerned with using USAquatics for this project because of an advertisement for bids on this project appeared in a construction bulletin twice without city approval. Council Member Boedigheimer was also concerned with using USAquatics due to all of the problems that the City of Tracy had with their pool project. It was indicated that the City of Tracy chose not to have an outside inspector and this has caused many of their problems.

Mr. Weilage indicated that USAquatics has apologized for their error in advertising. Tom Polfliet, Park Maintenance Supervisor, indicated that he worked with Tom Schaffer from USAquatics on other projects and indicated that he has a good relationship with him.

Ritter moved, Reynolds seconded, that the proper city personnel be authorized to execute the Proposal for Professional Services with USAquatics for the Marshall Aquatic Center Pool Area Improvements and the approval of inspections being completed by a third party. Voting in favor of the motion were: Reynolds, Ritter, Doom and Byrnes. Voting no were: Boedigheimer, Sanow and Hulsizer.

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

REGULAR MEETING – FEBRUARY 4, 2008

**APPROVAL OF CONSENT AGENDA – A. TRANSIENT MERCHANT LIQUOR LICENSE FOR TAP ENTERPRISES; B. TEMPORARY ON-SALE LIQUOR LICENSE FOR LYON COUNTY PHEASANTS FOREVER; C. CONSIDER REQUEST OF MARSHALL AREA CHAMBER OF COMMERCE FOR ST. PATRICK'S DAY PARADE ON MARCH 14, 2008; D. RESOLUTION ACCEPTING THE GRANT OF PERSONAL PROPERTY FROM DALE R. & DEBORAH BISBEE; E. BILLS/PROJECT PAYMENTS; F. BUILDING PERMITS:**

Per the request of Council Doom item a, which is a Transient Merchant Liquor License for TAP Enterprises be removed from the consent agenda.

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

The approval of a Temporary On-Sale Liquor License for Lyon County Pheasants Forever to be used at Southwest Minnesota State University on March 8, 2008 at a fee of \$30.00.

Contingent upon the approval of MN/DOT, the closure of Main Street from the corner of Casey's station at 100 East Main Street and continue to North 5<sup>th</sup> Street was approved for the St. Patrick's Day Parade on March 14, 2008 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 5<sup>th</sup> Street.

The adoption of RESOLUTION NUMBER 3064, SECOND SERIES and that the reading of the same be waived. Resolution Number 3064, 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 Turn Out Gear Racking Equipment for the Marshall Volunteer Fire Department.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 59357 through 59540.

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.	Dave Edens	305 West Redwood Street	Interior Demolition Work	\$0
2.	Good Shepherd Lutheran Church	1600 East College Drive	Interior Remodel	\$600
3.	Bruce Shover	304 Athens Avenue	Basement Remodel	\$4,500
4.	Nathan Burns	1128 David Drive	Finish Basement	\$5,000

Council Member Doom asked about the Transient Merchant Liquor License for TAP Enterprises. It was indicated that this was a typing mistake and TAP Enterprises is applying for a Transient Merchant License and not a liquor license. Doom moved, Ritter seconded, the



REGULAR MEETING – FEBRUARY 4, 2008

approval of a Transient Merchant License for TAP Enterprises for the calendar year 2008 at a fee of \$300.00. All voted in favor of the motion.

**POLICE DEPARTMENT – A. AUTHORIZATION TO HIRE RYAN KOENEN AS A FULL-TIME POLICE OFFICER, TO BE SWORN IN AND TO ENTER INTO PERA; B. AUTHORIZATION TO HIRE AARON QUESENBERRY AS A FULL-TIME POLICE OFFICER, TO BE SWORN IN AND TO ENTER INTO PERA; C. SWEARING IN OF BRYAN ARZDORF AND RYAN KOENEN AS POLICE OFFICERS FOR THE CITY OF MARSHALL:**

Upon the recommendation of Director of Public Safety Robert Yant, Ritter moved, Reynolds seconded, that Ryan Matthew Koenen be employed as a fulltime Police Officer with the City of Marshall at the rate of \$19.79 effective February 5, 2008. The following resolution was adopted: BE IT RESOLVED that Ryan Matthew Koenen be duly appointed, qualified and acting fulltime police officer for the City of Marshall, Minnesota, possessing the power of arrest by warrant and otherwise and other authority generally conferred upon and possessed by the Municipal Police Officers in Minnesota with the specific duty of enforcing the laws of the State of Minnesota and the ordinances of the City of Marshall in apprehending violators thereof and engaging in the hazards of protecting the safety and property of others and said employee shall become a member of the Public Employees Retirement Association Police and Fire Fund. All voted in favor of the motion.

Upon the recommendation of Director of Public Safety Robert Yant, Ritter moved, Reynolds seconded, that Aaron Jay Quesenberry be employed as a fulltime Police Officer with the City of Marshall at the rate of \$19.79 effective March 3, 2008. The following resolution was adopted: BE IT RESOLVED that Aaron Jay Quesenberry be duly appointed, qualified and acting fulltime police officer for the City of Marshall, Minnesota, possessing the power of arrest by warrant and otherwise and other authority generally conferred upon and possessed by the Municipal Police Officers in Minnesota with the specific duty of enforcing the laws of the State of Minnesota and the ordinances of the City of Marshall in apprehending violators thereof and engaging in the hazards of protecting the safety and property of others and said employee shall become a member of the Public Employees Retirement Association Police and Fire Fund. All voted in favor of the motion.

At this time Thomas M. Meulebroeck, Financial Director/City Clerk, administered the Oath of Office to Bryan Arzdorf and Ryan Koenen newly hired Police Officers for the City of Marshall.

**SAFE AND SOBER CHALLENGE AWARD TO MARSHALL POLICE DEPARTMENT:**

Rob Yant, Director of Public Safety, indicated that their department received a First Place Safe and Sober Challenge Award from the Minnesota Office of Traffic Safety, Minnesota Department of Public Safety for their work during 2007 with traffic safety education, outreach and enforcement efforts. The First Place Award includes a three thousand grant (\$3,000). Marshall was one of only ten agencies in Minnesota to receive a First Place in this program for their efforts to save lives through traffic efforts. Brad Kollmann, a Law Enforcement Liaison for the Minnesota Department of Public Safety, Office of Traffic Safety presented this award to Rob Yant at this time.

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Rob also took this opportunity to provide a brief update on the activities of the M.E.R.I.T. Center.

### **INTRODUCTION OF ORDINANCE FOR SALE OF CITY PROPERTY – LOT 2, BLOCK 1, MINNESOTA CORN PROCESSORS INDUSTRIAL PARK FIRST ADDITION:**

Doom moved, Reynolds seconded, the introduction of an ordinance for the Disposition of City Owned Real Property as required by Marshall City Charter Section 12.05. Dennis Simpson, City Attorney, indicated that in 1996 the City of Marshall, Schwan's Sales Enterprises and Minnesota Corn Processors entered into an agreement for the platting of land and subsequent sale of that platted land. The Earnest Money Contract, dated October 1, 1996, anticipated the sale of Lots One and Two of Block One of Minnesota Corn Processors Industrial Park Addition. Lot One, Block One was conveyed as a result of that Earnest Money Contract. Schwan's Development Corporation is presently the owner of Lot One, Block One, Minnesota Corn Processors Industrial Park First Addition. The sale of Lot 2, Block 1 was contingent upon the removal of wind turbines previously located on that property. The wind turbines and cement bases have now been removed from the property and the City is now in a position to conclude the sale to Schwan's Development Corporation. The City, as seller, and Schwan's Development Corporation, as buyer, are both reviewing the financial transaction to verify the amounts paid and the amounts yet owed on this transaction. All voted in favor of the motion.

### **CONSIDER THE REQUEST OF NORTH RIVERVIEW PROPERTIES, LLC FOR A CONDITIONAL USE PERMIT FOR A BUSINESS OFFICE IN AN R-4 HIGHER DENSITY, MULTIPLE FAMILY RESIDENCE DISTRICT AT 1101-1110 ESTHER CIRCLE:**

Due to the fact that the request to rezone this property was denied this item has been removed from the agenda.

### **CONSIDER RESOLUTION APPROVING REGISTERED LAND SURVEY IN BLOCK 2 OF SOUTHVIEW THIRD SUBDIVISION:**

Reynolds moved, Doom seconded, the adoption of RESOLUTION NUMBER 3065, SECOND SERIES and that the reading of the same be waived. Resolution Number 3065, Second Series is a resolution Approving Registered Land Survey in Southview Third Subdivision to the City of Marshall, County of Lyon, State of Minnesota. Glenn Olson, Director of Public Works/City Engineer, indicated that this is a special condition where the property line separating the two properties must be located in the wall of the existing structure. Therefore, the Recorder's office required the survey to indicate exactly where that property split should be. All voted in favor of the motion.

### **CONSIDER ENTERING INTO AGREEMENT WITH SPRINGSTED INCORPORATED FOR EXECUTIVE SEARCH SERVICES:**

Ritter moved, Reynolds seconded, that the proper city personnel be authorized to enter into an agreement with Springsted Incorporated for Executive Search Services in the amount of \$17,720, plus out-of-pocket expenses in the manner set forth in the January 18, 2008 proposal. The funding for these services will come from the Mayor and Council Contingency. All voted in favor of the motion.

**PROJECT Y03 / S.P. 4201-38: 2007 MAIN STREET PROJECT – CONSIDER CHANGE ORDER:**

Doom moved, Reynolds seconded, the approval of the following Work Orders for the 2007 Main Street Project Y03:

The first Work Order results in a contract increase in the amount of \$200.20 for the labor and materials installed over a shallow water service encountered on the project. The insulation will protect the water service from freezing during the winter. No contract time changes resulted from this work order. These items will be funded by Marshall Municipal Utilities.

The second Work Order results in a contract increase in the amount of \$2,306.04 for the cost of working around a steam line and vault located in front of the American Legion and Thrivent buildings. This work was done in lieu of complete removal and disposal of the steam line and related asbestos insulation. No contract time changes resulted from this work order. These items will be funded by Marshall Municipal Utilities.

The third Work Order results in a contract increase in the amount of \$3,036.00 for the equipment, labor and materials involved for the installation of required casing for the watermain as directed by the MN/DOT. This work was completed on the west end of the 24" diameter casing pipe bored under the railroad right-of-way. The 24" PVC casing was installed for the portion of the new 10" watermain installed under the proposed pavement. No contract time change resulted from this work order. This additional cost will be funded by Marshall Municipal Utilities.

The fourth Work Order results in a contract increase in the amount of \$761.84 for the equipment, labor and materials involved for the installation of two hydrant extensions required to adjust the height of the hydrants to the finished grade in the boulevard. No contract time changes will result from this work order. This additional cost will be funded by Marshall Municipal Utilities.

The fifth Work Order results in a contract increase in the amount of \$4,610.98 for the equipment and labor involved for the removal and disposal of the second (stacked) watermain encountered on the project between 3<sup>rd</sup> Street and 5<sup>th</sup> Street. No contract time changes will result from this work order. This additional cost will be funded by Marshall Municipal Utilities.

The net impact of these Work Orders is a project cost increase of \$10,915.06. The Work Orders have been discussed with Marshall Municipal Utilities and subsequently approved for processing with MN/DOT.

All voted in favor of the motion.

**PUBLIC IMPROVEMENT/TRANSPORTATION COMMITTEE ITEMS FROM  
FEBRUARY 4, 2008 MEETING – A. MARSHALL AREA TRANSIT SIGNAGE;**

**B. CIRCLES / CUL DE SAC PROJECTS:**

Ritter moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3066, SECOND SERIES and that the reading of the same be waived. Resolution Number 3066, Second Series is a resolution Providing for Control Signage Regulated No Parking Signs and Non-Regulated Bus Stop Signs in the City of Marshall. This resolution provides for the following regulated no parking signs at:

1. City Hall – Main Street – one side
2. Court House – back main entrance curved area (would prefer corner near 6<sup>th</sup> & 7<sup>th</sup> Street – one side (pending County approval)
3. Lyon County Apartments – West Saratoga – one side
4. Riverview Court Apartments – West Saratoga – right after bridge – one side
5. 4<sup>th</sup> Street and Lyon Street – both sides
6. Village Drive – Wedgewood Apartments and near Birch Court Apartments – both sides
7. Birchwood Apartments – both sides
8. Campus Apartments – both sides
9. Peterson Street near Halter Villa and DAC – both sides
10. City Side Apartments on South 4<sup>th</sup> Street – both sides
11. Freedom Park on South 4<sup>th</sup> Street – both sides
12. YMCA
13. RC Square – both sides

Non-regulated bus stop signs at:

1. North 4<sup>th</sup> Street area between Fairview and Lyon – both sides
2. North Bruce & Fairview – both sides
3. Boulder Estates
4. Windsong Apartments
5. SMSU Conference Center area
6. Riverwind Apartments
7. Marshall Square Apartments
8. Market Street Mall
9. K-Mart
10. Shopko
11. Wal-Mart
12. HyVee
13. Dogwood – both sides
14. Camden Drive near Country Club Drive & Southview – both sides

All voted in favor of the motion.

Per the recommendation of the Public Improvement / Transportation Committee, Glenn Olson, Director of Public Works/City Engineer, indicated that the following areas will be

REGULAR MEETING – FEBRUARY 4, 2008

included for consideration in the “429” public improvement projects:

Arbor Court  
Village Drive from Birch Street to Fairview Street  
Nuese Lane from Brian Street to East Lyon Street  
Emerald Court  
Sunset Circle  
Horizon Circle  
Morningside Circle

**LEGISLATIVE AND ORDINANCE COMMITTEE MEETING ITEMS FROM  
FEBRUARY 4, 2008 MEETING – A. INTRODUCTION OF ORDINANCE FOR  
REVISIONS TO CHAPTER 86 OF THE CODE OF ORDINANCES (ZONING CODE):**

Per the recommendation of the Legislative and Ordinance Committee, Sanow moved, Boedigheimer seconded, the introduction of an ordinance Amending Chapter 86 of the Marshall City Code of Ordinances Relating to Zoning. The proposed changes to the Zoning Code were reviewed and recommended for approval by the Planning Commission. 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 Lyon County Enterprise Development met last week.

Doom            No report.

Hulsizer        Human Rights Commission is working on the Martin Luther King Poster contest.

Reynolds       No report.

Ritter           No report.

Sanow           No report.

**COUNCIL MEMBER INDIVIDUAL ITEMS:**


Other items brought forth by the Mayor and Council Members included: there is a concern about the City of Marshall, Marshall Municipal Utilities and AVERA being under the \$10 million for bonding for 2008.

**REVIEW OF PENDING AGENDA ITEMS:**


Two members need to be appointed to the Airport Zoning Board and the City needs to advertise for several vacancies on the City Boards and Commissions. There will be a Ways and Means Committee meeting on February 19<sup>th</sup> at noon.

REGULAR MEETING – FEBRUARY 4, 2008

Upon motion by Doom, seconded by Reynolds, the meeting was 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 – FEBRUARY 13, 2008

A special meeting of the Common Council of the City of Marshall was held on February 13, 2008 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, Boedigheimer and Ritter. Council Member Reynolds arrived at 6:05 P.M. Absent: Doom and Sanow. Staff present included: Dennis Simpson, City Attorney; Glenn Olson, Interim City Administrator, Director of Public Works/City Engineer; Harry Weilage, Director of Community Services and Jane DeVries, Deputy City Clerk.

The purpose of this special meeting was to meet with Sharon Klumpp from Springsted Incorporated to discuss the Executive Search Services for a new City Administrator.

Sharon Klumpp spent the day visiting with City Council Members and the Division Heads to get their input on what they would consider important qualifications for the City Administrator. Ms. Klumpp will use this information to put together a profile for the City Administrator which she hopes to have back to the City Council and staff by February 22, 2008 for the final review by the Council at the regular meeting on March 3, 2008.

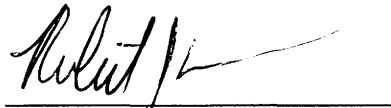
Ms. Klumpp indicated that the next step would be to put together a recruitment brochure which will include the profile and selling Marshall as the place to be. She indicated that this position should be advertised in the International City Administrator Newsletter as well as other sources. She indicated that the advertisement would be for 3 to 4 weeks with a date set to start reviewing the applications but the position would be open until filled. This will allow them to consider applications after the review date if they so choose.

Ms. Klumpp indicated that other items that need to be worked on include: identifying the salary range, completing the job description and reviewing the organization structure. She would also like to see information on the personnel policy and benefits of the City of Marshall. She also briefly reviewed the time line and indicated that they should be ready to conduct interviews the end of April or the first part of May.


Council Member Boedigheimer indicated that members of the M.E.R.I.T. Board will be at the State Legislature on Monday to lobby for funding for the MERIT Center.

Glenn Olson, Interim City Administrator, Director of Public Works/City Engineer, indicated that they received 7 applications for the Assessor Position with 3 applications close to meeting minimum requirements. He indicated that he would be working with Tom Meulebroeck, Finance Director/City Clerk, to fill this position.

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

  
Mayor of the City of Marshall

ATTEST:

  
Deputy City Clerk

## REGULAR MEETING – FEBRUARY 19, 2008

The regular meeting of the Common Council of the City of Marshall was held on February 19, 2008 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: Dennis Simpson, City Attorney; Glenn Olson, Interim City Administrator, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Financial Director/City Clerk; Harry Weilage, Director of Community Services; Dale Howe, Building Official; Brian Gadd, Police Sergeant; and Tom Polfliet, Park Maintenance Supervisor.

The Pledge of Allegiance was recited at this time.

### **APPROVAL OF THE AGENDA:**

It was the general consensus of the council that the agenda be approved with the removal of item number 13, which is the introduction of an Ordinance Amending Chapter 14 – Animal Ordinance of the City Code of Ordinances.

### **APPROVAL OF THE MINUTES:**

Reynolds moved, Doom seconded, that the minutes of the regular meeting held on February 4, 2008 and the minutes of the special meeting held on February 13, 2008 be approved as presented and that the reading of the same be waived. All voted in favor of the motion.

### **PUBLIC HEARING - PROJECT Y26 HERITAGE PLACE IMPROVEMENT AND CONSIDER RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS AND SPECIFICATIONS:**

This was the date and time set for a public hearing on the Heritage Place Improvement Project Y26. Glenn Olson, Director of Public Works/City Engineer, indicated that 100% of the property owners abutting on Heritage Place have petitioned the City for the installation of a new street, sidewalk, curb and gutter, and associated items pursuant to Minnesota Statutes Chapter 429. It is anticipated that the adjacent properties will be assessed for the improvements according to the following recommended procedures: residential properties will be assessed in accordance with the Special Assessment Policy (second revision dated March 19, 2007), and the street lighting will be provided by MMU according to their existing policy and will not be assessed.

JoAnn Gould, 412 North 7<sup>th</sup> street, was concerned with the allocation of cost of improvements and that Ron Schilling the developer of this area be assessed a larger portion of the cost. Glenn did indicate that the assessment would be allocated per lot and not per front footage.

John Thooft, 414 North 7<sup>th</sup> Street, was concerned with the trees on his property. John was agreeable to the removal of the tree on the Southwest corner and Glenn did indicate the city would replace this tree. With the other trees, John was concerned with the elevation and the location of the sidewalk to the trees.

Jaci Garvey, Ron Schilling's daughter, indicated that they preferred no sidewalks in the area but did suggest that there be a sidewalk from the area going through one of the properties to get to a near by park area. Ms. Garvey did request that if sidewalks are going to be installed that they not be done until after the houses have been installed. Currently there are seven lots without homes on them. The developer could install the sidewalk in the subdivision within 5 years or there could be an amendment to the development contract. Ms. Garvey also addressed the style



## REGULAR MEETING – FEBRUARY 19, 2008

of curb for the area. Ms. Garvey suggested installing the drive over curb in the area. Glenn responded with concerns with snow removal on cul-de-sacs in the area with snow plow operators not having the curb to work with. Glenn was not in support of a drive over curb in the area. Glenn indicated it is the intent to make a decision within the next month on the improvements to the area. Sanow moved, Reynolds seconded, to close the public hearing. All voted in favor of the motion.

Reynolds moved, Doom seconded, the adoption of RESOLUTION NUMBER 3067, SECOND SERIES and that the reading of the same be waived. Resolution Number 3067, Second Series is a resolution Ordering the Improvement for Project Y26 which includes the installation of paved surface, curb and gutter, and sidewalks to Heritage Place in Jacqueline's Addition to the City of Marshall. This resolution provides for the installation of sidewalk on both sides of the street. All voted in favor of the motion.

Mayor Byrnes addressed the schedule and process for this improvement project.

### **PUBLIC HEARING - ADOPTION OF ORDINANCE FOR DISPOSITION OF CITY OWNED REAL PROPERTY LOT 2, BLOCK 1, MINNESOTA CORN PROCESSORS INDUSTRIAL PARK FIRST ADDITION:**

This was the date and time set for a public to sell City owned land to Schwans Development Corporation. The proposed sale is for Lot Two (2), Block One (1), Minnesota Corn Processors Industrial Park First Addition. This ordinance would authorize the sale of land as a result of the parties entering into an Earnest Money Contract for sale of land dated October 1, 1996. The sale of property was contingent upon the removal of wind towers and cement bases, which is now complete. Some final dirt work needs to be done on site and that work may not be completed until early spring. Sanow moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion.

Doom moved, Reynolds seconded, the adoption of ORDINANCE NUMBER 589, SECOND SERIES and that the reading of the same be waived. Ordinance Number 589, 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 Lot Two (2), Block One (1), Minnesota Corn Processors Industrial Park First Addition to Schwans Development Corporation in the amount of \$12,696. All voted in favor of the motion.

### **PUBLIC HEARING – ADOPTION OF ORDINANCE AMENDING CHAPTER 86 (ZONING) OF THE CODE OF ORDINANCES:**

This was the date and time set for a public hearing on revisions to Chapter 86 (Zoning) of the City Code of Ordinances. These revisions were reviewed and recommended for approval by the Planning Commission. The elimination of wind generation referenced in the ordinance was addressed. It was suggested that the ordinance be amended to identify what it is that could be allowed for wind generation and that reconsideration should be given to mass burn incinerators and refuse derived fuel incinerators. Sanow moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion.

Sanow moved, Reynolds seconded, the adoption of ORDINANCE NUMBER 590, SECOND SERIES and that the reading of the same be waived. Ordinance Number 590, Second Series is an ordinance Amending Chapter 86 of the Marshall City Code of Ordinances Relating to Zoning. All voted in favor of the motion.

**APPROVAL OF CONSENT AGENDA – A. CONSIDERATION OF RENEWAL OF THE GROUP SELF-INSURED ACCIDENT PLAN FOR CITY VOLUNTEERS; B. LAWFUL GAMBLING LICENSE RENEWAL FOR THE MARSHALL AMATEUR HOCKEY ASSOCIATION TO BE USED AT THE WOODEN NICKEL FOR APRIL 1, 2008 TO MARCH 31, 2010; C. LG220 APPLICATION FOR EXEMPT PERMIT FOR SW GREAT DIVIDE ROCKY MOUNTAIN ELK FOUNDATION FOR A RAFFLE TO BE HELD AT BEST WESTERN MARSHALL INN ON APRIL 5, 2008; D. CONSIDER THE REVISED REQUEST OF MARSHALL AREA CHAMBER OF COMMERCE TO REVISE THE DATE OF THE ST. PATRICK'S DAY PARADE TO MONDAY, MARCH 17, 2008; E. BILLS/PROJECT PAYMENTS; F. BUILDING PERMITS:**

Reynolds moved, Ritter 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 2008 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 Lawful Gambling License Renewal – LG220R for the Marshall Amateur Hockey Association for the period April 1, 2008 to March 31, 2010.

BE IT RESOLVED, that the proper City personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the Application for Exempt Permit – LG220 for SW Great Divide Rocky Mountain Elk Foundation for a raffle to be held at the Best Western Marshall Inn, 1500 East College Drive on April 5, 2008 and that the 30 day waiting period be waived.

Contingent upon the approval of MN/DOT, the closure of Main Street from the corner of Casey's station at 100 East Main Street and continue to North 5<sup>th</sup> Street was approved for the St. Patrick's Day Parade on March 17, 2008 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 on Main Street to North 5<sup>th</sup> Street. This is a revised date from their original request of March 14, 2008 which was approved at the last City Council meeting.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 59541 through 59692.

All voted in favor of the motion.

# REGULAR MEETING – FEBRUARY 19, 2008

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

Appl. No.	Applicant	Location	Address	Permit Description	Valuation
1.	Lonny Sowden	206	West Southview Drive	Finish Basement	\$2,000
2.	Thomas Winn	613	South 4th Street	Interior Remodel	\$1,500
3.	M & M Signs	1406	East College Drive	Install Sign	\$7,000
4.	Marshall Commercial Properties, LLC	103	North 3rd Street	Interior Remodel & Replace Windows	\$80,000
5.	Todd & Jane Bock	507	Lincoln Avenue	Interior Remodel	\$30,000
6.	William & Mary Vlaminck	214	Athens Avenue	Finish Basement	\$700
7.	Neil Peterson	611	DeSchepper Street	Install Window	\$1,100

## MARSHALL TOWN GARAGES – CONSIDER RESOLUTION APPROVING THE FINAL PLAT:

Ritter moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3068, SECOND SERIES and that the reading of the same be waived. Resolution Number 3068, Second Series is a resolution Approving the Final Plat of Marshall Town Garages and was approved contingent upon the abstract of title and title opinion being provided by City Attorney Dennis Simpson. All voted in favor of the motion.

## CONSIDER APPROVAL OF DOCUMENTS CONCERNING TRANSPORTATION FUNDING AND SUPPORT – A. RESOLUTION SUPPORTING THE PASSAGE OF A COMPREHENSIVE TRANSPORTATION BILL; B. RESOLUTION REQUESTING COMPREHENSIVE ROAD AND TRANSIT FUNDING; C. RESOLUTION ENDORSING THE MARSHALL AREA TRANSPORTATION FEDERAL FUNDING PRIORITIES; D. LETTER TO DISTRICT ENGINEER DAVID TROOEN CONCERNING THANKS AND SUPPORT FOR TRANSPORTATION PROJECT:

Boedigheimer moved, Doom seconded, the adoption of RESOLUTION NUMBER 3069, SECOND SERIES as amended and that the reading of the same be waived. Resolution Number 3069, Second Series is a resolution Supporting the Passage of a Comprehensive transportation Bill. This resolution indicates that the City of Marshall supports passage of a comprehensive transportation bill during the 2008 Legislative session that provides additional long-term, sustainable funding to Minnesota's state highways and bridges, county roads, city streets, metro and rural transit systems and local bridges. All voted in favor of the motion.

Doom moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3070, SECOND SERIES and that the reading of the same be waived. Resolution Number 3070, Second Series is a resolution Requesting Comprehensive Road and Transit Funding in 2008. This resolution provides for the City of Marshall to request that in 2008 the Minnesota Legislature pass a comprehensive transportation funding package that permanently increases dedicated funding for highways and transit in both Greater Minnesota and the Twin Cities Metropolitan Area. All voted in favor of the motion.

## REGULAR MEETING – FEBRUARY 19, 2008

Doom moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3071, SECOND SERIES and that the reading of the same be waived. Resolution Number 3071, Second Series is a resolution Endorsing the Marshall Area Transportation Federal Funding Priorities. This resolution endorses the Marshall Area Chamber of Commerce Transportation Committee prioritized projects for submission to the United States Congress for federal funding consideration. All voted in favor of the motion.

Doom moved, Boedigheimer seconded, that the proper city personnel be authorized to send a letter to District Engineer David Trooien concerning their Thanks and Support for the Transportation Project. All voted in favor of the motion.

### **CONSIDER THE REQUEST OF LYON COUNTY FOR A VARIANCE ADJUSTMENT PERMIT TO CONSTRUCT AN ANTENNA TOWER IN A B-1 LIMITED BUSINESS DISTRICT AT 611 WEST MAIN STREET:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of Lyon County to construct a 130' antenna tower at the Law Enforcement Center. Loren Stromberg indicated the proposed tower would be located in front of the building on the West Main Street frontage. The tower would replace the existing 150' tower located on the east side of the building. The addition to the Lyon County Jail is proposed to be located on the east side of the building requiring the existing tower be removed. Doom moved, Boedigheimer seconded, that a Variance Adjustment Permit be granted to Lyon County to construct a 130' antenna tower in a B-1 Limited Business District at 611 West Main Street. All voted in favor of the motion.

### **PUBLIC UTILITY BONDS, SERIES 2008 – RESOLUTION AUTHORIZING THE UTILITIES COMMISSION TO ORDER THE ISSUANCE AND SALE OF BONDS:**

Brad Roos, Marshall Municipal Utilities, and Terri Heaton, Springsteds, were in attendance at the meeting to review the Issuance of Public Utility Bonds, Series 2008 in the amount of \$7,000,000. Council Person Sanow expressed a concern with the amount of debt that the Marshall Municipal Utilities has, and if it was necessary for the amount of electrical improvements to be done this year. Brad Roos indicated this is the 5<sup>th</sup> of the 10 year plan to relocate above ground electrical lines to an underground system. Brad addressed the need to rebuild the system. With the concern of increasing debt, the status of today's economy and the increase in electrical rates Sanow moved, Hulsizer seconded, to deny the request to issue Public Utility Bonds, Series 2008 in the amount of \$7,000,000. Voting in favor of the motion were Sanow and Hulsizer. Voting no were: Doom, Byrnes, Reynolds, Boedigheimer and Ritter.

Per the recommendation of the Ways and Means Committee Boedigheimer moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3072, SECOND SERIES and that the reading of the same be waived. Resolution Number 3072, Second Series is a resolution Approving the Issuance of Public Utility Revenue Bonds, Series 2008A, and Authorizing Certain Actions to be Taken by the Marshall Municipal Utilities Commission with Respect to the Issuance of the Series 2008A Bonds. These bonds are not to exceed \$7,000,000. Voting in favor of the motion were: Doom, Byrnes, Reynolds, Boedigheimer and Ritter. Voting no were: Sanow and Hulsizer.

**MARSHALL AQUATIC CENTER – APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE ADVERTISEMENT FOR BIDS:**

Glenn Olson, Interim City Administrator; and Harry Weilage, Director of Community Services; addressed the contract with USAquatics for Professional Services for the design and specifications for the Marshall Aquatic Center improvements. The City has received draft construction documents, made several revisions to those documents and has received all changes as requested. It was indicated that they would be advertising for bids for three weeks in newspapers and two building exchanges with a proposed bid date of March 11, 2008. If the bids received are within budget and upon Council approval the main pool and wading pool would be operational on or about June 1, 2008 for the summer swimming season. The contract includes the base bid for the demolition and replacement of the pool floor, wading pool deck, diving well, mechanical building and miscellaneous items with alternates of an additional water slide and special finish. The plans also include future expansion for additional water slide and a 9-hole putt putt golf course but these are not being bid at this time. Sanow moved, Boedigheimer seconded, the approval of the plans and specifications and that the proper city personnel be authorized to advertise for bids for a base bid which includes the necessary improvements to repair the pool floor and that all other improvements to the Aquatic Center be bid as alternates. All voted in favor of the motion.

Mayor Byrnes called for a 5-minute recess at 7:22 P.M.

**LIBERTY PARK GAZEBO – MADDEN DONATION – CONSIDER AUTHORIZATION TO OBTAIN QUOTATIONS:**

The Marshall Parks Department received a significant donation from Mrs. Mildred Madden. It was her intent to have the donation enhance the parks system and with that in mind, the Marshall Community Services Board has voted for the completion of the Liberty Park with the purchase of a gazebo that conforms to the new look at Liberty Park and downtown Marshall. This will be known as the Madden Gazebo. The estimated cost of the gazebo is \$23,000, with the funding for the project to come from the Park donation account. According to the most recent League of Minnesota Cities Bulletin "Competitive Bidding Requirements in Cities" (130B1.3 dated April 2005), certain contracts estimated to exceed \$10,000, but not exceed \$50,000 may be made by direct negotiation but they must obtain at least two quotations. Ritter moved, Doom seconded, that the proper city personnel be authorized to obtain quotations for the Liberty Park gazebo. All voted in favor of the motion.

**RECEIPT OF PETITION FOR VACATION OF A PORTION OF STREET RIGHT-OF-WAY BETWEEN NORTH HILL STREET AND POPLAR AVENUE AND CALL FOR PUBLIC HEARING:**

Glenn Olson, Director of Public Works/City Engineer, indicated that they have received a petition from Luis and Christian Rubio for the vacation of a portion of street right-of-way in Part of Lot 3 & 4, Block 2 of Schutz Addition. The Rubios have purchased a vacant lot on the southwest corner of the intersection of North Hill Street and Poplar Avenue previously occupied by a dwelling that was destroyed by fire. When the Rubios came in to inquire about building on the lot, they found that the front property line significantly reduced the size of home and location that it could be placed on that area. The Rubios requested that the City investigate whether or not it would be possible for them to acquire additional property located between their property line and the curb. Glenn indicated that all utility companies would be contacted prior to the public hearing and requested to define the utility easements necessary to be retained within the requested vacated areas. Sanow moved, Doom seconded, the receipt of a petition from Luis and Christian Rubio for the vacation of a portion of street right-of-way between North Hill Street and

## REGULAR MEETING – FEBRUARY 19, 2008

Poplar Avenue and called for a public hearing to be held at 5:30 P.M. on March 3, 2008. All voted in favor of the motion.

### **FARM LEASES FOR CITY OWNED PROPERTY FOR 2008:**

Dennis Simpson, City Attorney, briefly reviewed the proposed farm leases of City owned property. These leases are from January 1, 2008 to November 15, 2008 with the rent being due by April 15, 2008. Rental payments 2008 represent approximately a 10% increase.

Ritter moved, Sanow seconded, and it was unanimously approved that the property city personnel be authorized to enter into the following farm leases and that these farm leases be advertised for bids by September 1, 2008 for the next year.

Michael Mortier	14 acres (airport north quadrant) – an existing lease is in place for 2008. This is the last year of a 3-year lease.
Paul Deutz	10.71 acres north of the college in the amount of \$1,071.00
Gary Deutz	5.5 acres, County Road 7 land, hay land only no leases payment. Tenant is responsible for weed control.
Wayne Schreurs	5 acres adjacent to Sonstegard property in the amount of \$250.00
Wayne DeBaere	142.4 in the amount of \$14,240.00 – added a fall plowback provision.
Wayne DeBaere	84.9 acres (Wastewater) (79.8 acres tillable; 5.1 hay) in the amount of \$4,389.00 – added a fall plowback provision
Dan Gregoire	18.19 tillable acres (Parkway III Addition) in the amount of \$2,000.00
Paul Wambeke	31.1 acres (Parkway IV Addition) in the amount of \$3,421
Paul Wambeke	9.59 acres north of Truss plant in the amount of \$527.45
Craig Deutz	2.11 acres acquired from Regnier in the amount of \$211.00
Mike Mortier	60.73 acres (airport acquisition from Mortier) in the amount of \$6,680.00
Michael Mortier	152.4 acres (DeRuyck property) in the amount of \$15,764.00

### **RESOLUTION APPROVING SPECIFIC FEES TO BE CHARGED BY THE CITY OF MARSHALL:**

Boedigheimer moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3073, SECOND SERIES and that the reading of the same be waived. Resolution Number 3073, Second Series is a resolution Approving Specific Fees to be Charged by the City of Marshall effective February 19, 2008. This resolution was adopted with the understanding that later in 2008 a public hearing would be held to consider changes in the liquor and beer related licenses. The explanation for charges for fire calls was more clearly defined; the rental rate for a dump

## REGULAR MEETING – FEBRUARY 19, 2008

truck from Wastewater was changed to be the same as the Street Department rate; the reference to LEPAC Equipment List or MMU Labor Charges 1/1/01 be deleted under the rental rates for Street and Wastewater equipment; and that the rental under Wastewater identify the camera as a Sewer Line Camera and that the sewer locate with camera be deleted. All voted in favor of the motion.

### **COUNCIL MEMBER COMMISSION BOARD AND LIAISON REPORTS:**

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

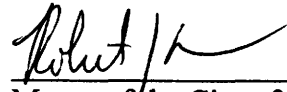
- Byrnes        EDA met and are moving forward with a housing study – the last study was done 4 years ago and a discussion was also held on the idea of placing spec homes on lots in Parkway II Addition and that the lots be paid for when the homes are sold; Regional Development Commission discussed the MN Board of Aging
- Boedigheimer Lyon County Enterprise met two weeks ago and entertained the idea of a housing study in various communities in the county.
- Doom        Marshall Community Services Advisory Board items were discussed earlier in the meeting.
- Hulsizer     Library Board met and discussed strategic planning
- Reynolds    Hospital Board meeting was rescheduled to next Monday due to the school bus accident
- Ritter        No report.
- Sanow        Cable Commission met and was requesting the survey on the Cable operations be placed back in the Cable Commission budget – suggest Mike Rich from SMSU Marketing Department to do the survey.

### **COUNCIL MEMBER INDIVIDUAL ITEMS:**

Other items brought forth by the Mayor and Council Members included: A citizen at 612 Camden has contacted staff and council members in reference to trees on his lot, he would like the City to remove them - Glenn will follow up on this; plans for the future and improvements to the Municipal Building and in particular concerns with the elevator were discussed at this time; the Administrator Office is being moved to the first floor and some modifications are being made to the 2<sup>nd</sup> floor to better accommodate the Engineering/Building Inspection Departments; the Chamber of Commerce has withdrawn from the Sounds of Summer Community Festival for 2008 – the City does not have a budget or staff to take on this project; a joint meeting with representatives from the City Council and the County Commissioners needs to be held to discuss concerns and issues; the city has received an extension to the Small Cities Airport Grant for 1 year; the staff from the Fire Department has indicated that they are not interested in performing fireworks activities on July 4<sup>th</sup>; and the status of city employees being assessed for the use of city vehicles going home and back to work.

REGULAR MEETING – FEBRUARY 19, 2008

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

  
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Mayor of the City of Marshall

ATTEST:

  
\_\_\_\_\_  
Financial Director/City Clerk



## REGULAR MEETING – MARCH 3, 2008

The regular meeting of the Common Council of the City of Marshall was held on March 3, 2008 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 Boedigheimer. Absent: Ritter. Staff present included: Dennis Simpson, City Attorney; Glenn Olson, Interim City Administrator, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Financial Director/City Clerk; Harry Weilage, Director of Community Services; Dale Howe, Building Official; Brian Gadd, Police Sergeant; Mark Hanson, EDA Director; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

### **APPROVAL OF THE AGENDA:**

It was the general consensus of the council that the agenda be approved with the removal of item number 9, which is to consider M.E.R.I.T. Center Signage.

### **APPROVAL OF THE MINUTES:**

Doom moved, Sanow seconded, that the minutes of the regular meeting held on February 19, 2008 be approved as presented and that the reading of the same be waived. All voted in favor of the motion.

### **PUBLIC HEARING – CONSIDER RESOLUTION GRANTING PETITION TO VACATE A PORTION OF STREET RIGHT-OF-WAY BETWEEN NORTH HILL STREET AND POPLAR AVENUE:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the request from Luis & Christian Rubio for vacation of a portion of street right-of-way in Block 2 of Schutz Addition to the City of Marshall. The Rubios have purchased a vacant lot on the southwest corner of the intersection of North Hill Street and Poplar Avenue previously occupied by a dwelling that was destroyed by fire. When the Rubios came in to inquire about building on the lot, they found that the front property line significantly reduced the size of home and location that it could be placed on that area. The Rubios requested that the City investigate whether or not it would be possible for them to acquire additional property located between their property line and the curb. Mr. Olson indicated that a survey of the property was requested and all of the utility companies have been contacted. Sanow moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion.

Sanow moved, Doom seconded, the adoption of RESOLUTION NUMBER 3074, SECOND SERIES and that the reading of the same be waived. Resolution Number 3074, 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 portion of the street right-of-way in Block 2 of Schutz Addition. All voted in favor of the motion.

### **CONSENT AGENDA – A. YOUTH INTERVENTION GRANT; B. AGREEMENT FOR LONG-TERM DISABILITY INSURANCE WITH NATIONAL INSURANCE; C. CONSIDER AUTHORIZATION FOR OUT-OF-STATE TRAVEL; D. BILLS/PROJECT PAYMENTS; E. BUILDING PERMITS:**

Per the request of Council Member Sanow item d, which is the bills/project payments was removed from the consent agenda. Per the request of Council Member Boedigheimer item a, which is the Youth Intervention Grant and item c, which is authorization for out-of-state travel were removed from the consent agenda.

# REGULAR MEETING – MARCH 3, 2008

Sanow moved, Doom seconded, that the following consent agenda item be approved:

The proper city personnel be authorized to execute the Long-Term Disability Insurance with National Insurance for the City of Marshall. This agreement incorporates the supplemental long-term disability insurance coverage for the Marshall Municipal Utility employees and also adds a separate class for Michael Johnson per his separation agreement with the City. 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.	Progressive AE	1220		Susan	Drive	Finish Office Space	\$85,000
2.	David Sprik	103		Church	Street	Install Window & Door, Interior Remodel	\$2,600
3.	James Lozinski Construction	1001		Paris	Road	Repair Walls	\$3,000
4.	Todd Siers	303	North	Minnesota	Street	Install Bathroom	\$5,000
5.	Richard Louwagie Construction	602	North	Minnesota	Street	Remove Window	\$500
6.	Kevin Lanoue Construction	1300	East	Main	Street	Install Window	\$1,000
7.	James Lozinski Construction	419	North	5th	Street	Replace Door	\$600
8.	Dawn Bailey	305		Athens	Avenue	Interior Remodel	\$6,500
9.	Construction Partners, LLC	403		Walnut	Street	Reroof	\$3,000
10.	French Construction	506	East	Lyon	Street	Insulate Porch	\$5,100
11.	Jeffrey & Bonnie Allen	1203		Westwood	Drive	Bathroom Remodel	\$4,000

Council Member Boedigheimer asked about Marshall Community Services serving as the fiscal agent for the Lyon County Community Plus Program. Harry Weilage, Director of Community Services indicated that the City of Marshall did serve as the fiscal agent for the Lyon County Community Plus Program through a Minnesota Youth Intervention Program grant since January 1, 2000. This program has been operated through the Minnesota Department of Economic Security. In 2005, this program was moved to the Minnesota Department of Public Safety – Office of Justice Programs. The Marshall Community Plus Program has again been fortunate to receive a grant for the Youth Intervention Program 08. Mr. Weilage indicated that since August, 2006 Gail Polejewski, an employee of Southwest Minnesota Private Industry Council, Inc., has provided Community Plug Program services for the City of Marshall. Boedigheimer moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3074-A, SECOND SERIES and that the reading of the same be waived. Resolution Number 3074-A, Second Series is a resolution Authorizing Execution of 2008 Youth Intervention Program Grant Agreement (No. 2008-YIP-00528) with the Minnesota Department of Public Safety. This

## REGULAR MEETING – MARCH 3, 2008

resolution provides for the proper city personnel to enter into an agreement with the Minnesota Department of Public Safety for the Youth Intervention Program 08 Grant and to continue to serve as the Community Plus Program's fiscal agent. All voted in favor of the motion.

Council Member Boedigheimer indicated that he was not in favor of the request of out-of-state travel being on the consent agenda. He was also concerned with these requests not indicating what this out-of-state travel would cost the City of Marshall. Glenn Olson, Interim City Administrator, indicated that the costs for Tim Tomasek to attend the Mid-States Organized Crime Information Center's annual training conference in Springfield Missouri and the costs for Jim Marshall to attend the TacSight SE35 Advanced Thermal Imager training session in Chicago, Illinois will be taken care of by the organization sponsoring the trainings. Boedigheimer moved, Sanow seconded, that out-of-state travel be approved for Tim Tomasek to attend the Mid-States Organized Crime Information Center's annual training conference in Springfield Missouri from April 15<sup>th</sup> through April 17<sup>th</sup>, 2008 and the costs for Jim Marshall to attend the TacSight SE35 Advanced Thermal Imager training session in Chicago, Illinois from March 24<sup>th</sup> through March 26<sup>th</sup>, 2008. All voted in favor of the motion.

Council Member Sanow questioned the payment of \$10,000 to USAquatics. Glenn Olson, Interim City Administrator indicated that this was approved in 2007 but not paid until now. Sanow moved, Doom seconded, that the following bills/project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 59694 through 59884. All voted in favor of the motion.

### **SWEARING IN OF AARON QUESENBERRY AS A POLICE OFFICER FOR THE CITY OF MARSHALL:**

At this time Thomas M. Meulebroeck, Financial Director/City Clerk, administered the Oath of Office to Aaron Quesenbery a newly hired Police Officer for the City of Marshall.

### **PROJECT Y31 / S.A.P. 139-131-02 WINDSTAR STREET FROM SCOTT STREET TO TH 59 - CONSIDER RESOLUTION RECEIVING REPORT AND ORDERING HEARING ON IMPROVEMENT:**

Glenn Olson, Director of Public Works/City Engineer, reviewed Project Y31 / S.A.P. 139-131-02 Windstar Street which includes the installation of Windstar Street from Scott Street to T.H. 59, a designated minor arterial street, connecting South Saratoga Street south of T.H. 23 to T.H. 59 creating a major street route opening development for future commercial and residential areas south of T.H. 23. Sanow moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3075, SECOND SERIES and that the reading of the same be waived. Resolution Number 3075, Second Series is a resolution Receiving the Feasibility Report and Calling for a Hearing on the Improvement to Windstar Street from Scott Street to T.H. 59. The public hearing will be held at 5:30 P.M. on March 17, 2008 in the Council Chambers. All voted in favor of the motion.

### **CONSIDER RESOLUTION ORDERING PREPARATION OF REPORTS ON IMPROVEMENTS – A. CUL DE SAC / CIRCLE PROJECTS – PROJECT Y04 ARBOR COURT; PROJECT Y05 VILLAGE DRIVE; PROJECT Y06 NUESE LANE; PROJECT Y35 MORNINGSIDE CIRCLE; PROJECT Y36 HORIZON CIRCLE; PROJECT Y37 SUNSET CIRCLE; PROJECT Y38 EMERALD COURT; B. PROJECT Y40 "C" STREET; C. PROJECT Y41 TIGER LAKE EXPANSION PROJECT:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the cul de sac / circle projects for Arbor Court Project Y04; Village Drive Project Y05; Nuese Lane Project Y06;

Morningside Circle Project Y35; Horizon Circle Project Y36; Sunset Circle Project Y37; Emerald Court Project Y38; and also the improvements to “C” Street Project Y40 and Tiger Lake Expansion Project Y41. Council Member Boedigheimer asked if the cul de sac / circle projects were a result of no storm sewers and it was indicated by Mr. Olson that this is the main reason for these projects. These areas also include partial curb and street replacement and asphalt overlay. Project Y05 Village Drive and Project Y06 Nuese Lane include partial watermain replacement. Project Y40 “C” Street includes watermain replacement; sanitary sewer replacement, storm sewer improvements and miscellaneous curb and street replacement and asphalt overlay from East Main Street to south of South Saratoga; Project Y41 Tiger Lake Expansion Project provides for the investigation and design of storm sewer detention facilities necessary for the new construction in the Tiger Lake area. There was a brief discussion on the assessment for the Tiger Lake Expansion Project Y41. It was indicated that some areas not assessed when this project was originally completed may be included with the expansion. Sanow moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3076, SECOND SERIES and that the reading of the same be waived. Resolution Number 3076, Second Series is a resolution Ordering Preparation of Reports on Improvements for Arbor Court Project Y04; Village Drive Project Y05; Nuese Lane Project Y06; Morningside Circle Project Y35; Horizon Circle Project Y36; Sunset Circle Project Y37; Emerald Court Project Y38; “C” Street Project Y40 and Tiger Lake Expansion Project Y41. All voted in favor of the motion.

**CONSIDER AUTHORIZATION TO ADVERTISE FOR BIDS FOR – A. POLICE DEPARTMENT VEHICLES; B. STREET DEPARTMENT STREET SWEEPER:**

Reynolds moved, Doom seconded, that the proper city personnel be authorized to advertise for bids for a mid-sized special services SUV vehicle and two police package cars, trading in or selling the vehicles they are replacing. Brian Gadd, Police Sergeant indicated that the 2005 Ford Expedition, which has 30,000 miles on it and would be going to the Fire Department and the Fire Department’s 1997 Ford Expedition, has 121,000 miles on it and is badly in need of replacement. Brian indicated that they would be trading in Squad #501, a 2005 Chevy Impala and Squad # 503, a 2005 Chevy Impala. Council Member Sanow asked why they were not trading in vehicles that had more miles on and were costing more money for maintenance. Brian indicated that Squad #402, 2004 Chevy Impala was traded in at the end of 2007 and they are waiting for delivery of the new vehicle and Squad #308, 2003 Chevy Impala was involved in an accident. All voted in favor of the motion.

Glenn Olson, Director of Public Works/City Engineer, indicated that the Council Equipment Review Committee, Dan Ritter, Larry Doom and Charlie Sanow, met with City staff members Glenn Olson, Tom Meulebroeck, Ron Meulebroeck and Roger Kulla concerning the purchase of a replacement street sweeper for the Street Department. The existing 2000 street sweeper is in need of extensive repairs amounting to over \$20,000 in parts and approximately \$2,400 in labor. Rather than make this repair, the Street Department requested to accelerate the replacement of the unit and try to finance the purchase with a trade-in and cash payments starting in 2009. The 2009 Surface Water Capital Improvement Fund includes \$150,000 for the replacement of our existing 2000 Elgin Street Sweeper. Various financing options were discussed with the supplier providing an attractive interest rate and payment schedule. Doom moved, Sanow seconded, the proper city personnel be authorized to purchase a replacement street sweeper from the Street Department utilizing the State’s Cooperative Purchasing Venture in an amount not to exceed \$150,000 with financing to come from the Surface Water Management Fund. Payments will be made utilizing the trade-in and 5 annual payments. All voted in favor of the motion.

**PROJECT Y08 EAST COLLEGE DRIVE/TREE STREET AREA WATERMAIN REPLACEMENT PROJECT – CONSIDER CHANGE ORDER NO. 2 (FINAL) AND ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION:**

Doom moved, Sanow seconded, the approval of Change Order No. 2 (Final) with GM Contracting, Inc., for a decrease in the amount of \$75,846.23 and the acknowledgement of the final payment in the amount of \$100,316.30 for the East College Drive / Tree Street Area Watermain Replacement Project Y08 from account number 496-62066-5570, with release of payment contingent upon receipt of all required closeout forms. The change order is a result of final measurements and quantities. All voted in favor of the motion.

**ISSUANCE OF CITY COUNCIL ORDER FOR THE REMOVAL OF HAZARDOUS BUILDINGS AT 304 SOUTH 1<sup>ST</sup> STREET:**

Dennis Simpson, City Attorney, indicated that he has received a narrative summary and photographs regarding the property located at 304 South 1<sup>st</sup> Street. Mr. Howe has also received several calls from neighbors in the area complaining of the condition of the property. A review of the legal records indicates that the former occupant is now deceased. There has been no probate proceeding to transfer ownership of that property to the heirs of the former owner. It appears that the property is now uninhabited and is presently uninhabitable. There are no utility services to the building at the present time. The front half of the first floor has no wall or ceiling finishes. The wood framing is exposed. Dale Howe, City Building Official, indicated that the buildings are a fire, health and safety hazard. He also indicated that the doors to the residence are often open. There is debris piled up on the outside of the property and inside the buildings. Boedigheimer moved, Hulsizer seconded, that the City Council issue the order compelling the property owners to either repair the property or to raze and remove the property located at 304 South 1<sup>st</sup> Street. All voted in favor of the motion.

**COUNCIL MEMBER COMMISSION BOARD AND LIAISON REPORTS:**

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

Byrnes            No report.

Boedigheimer   Airport Commission meeting was moved to Wednesday; PraireNet Consortium will meet on Wednesday.

Doom            No report.

Hulsizer        Human Rights Commission met but Jennie was unable to attend.

Reynolds       Hospital Board needed to reschedule because of the bus accident.

Sanow           No report.

**COUNCIL MEMBER INDIVIDUAL ITEMS:**

Other items brought forth by the Mayor and Council Members included: tires being rotated on all city vehicles; the status of the rip-rap project – Shane Waterman, Assistant City Attorney, will contact the contractor about completing this project.

**REVIEW OF PENDING AGENDA ITEMS:**

There will be a special city council meeting on Monday, March 10<sup>th</sup> at 5:00 p.m.

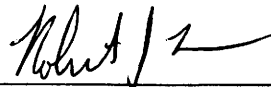
**MOTION TO GO INTO CLOSED SESSION PURSUANT TO MINNESOTA STATUTE SECTION 13D.05, SUB. 3(C.3):**

Sanow moved, Reynolds seconded, to go into closed session at 6:23 P.M. pursuant to Minnesota Statute 13D.05, Subd. 3(c.3). All voted in favor of the motion.

The City Council came out of closed session at 6:56 P.M.

Glenn addressed the relocating of offices within City Hall. The Administrators Office will be relocating from the second floor to the first floor and the Engineering and Building Inspection/Zoning Departments will be doing some remodeling of offices on the second floor which will all be done in the dollar confines of the adopted budgets for 2008.

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

  
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Mayor of the City of Marshall

ATTEST:

  
\_\_\_\_\_  
Financial Director/City Clerk

SPECIAL MEETING – MARCH 10, 2008

A special meeting of the Common Council of the City of Marshall was held on March 10, 2008 in the Minnesota Room of the Marshall Municipal Building. The meeting was called to order by Mayor Byrnes at 5:02 P.M. In addition to Byrnes the following members were present: Doom, Sanow, and Reynolds. Absent: Hulsizer, Boedigheimer and Ritter. Staff present included: Dennis Simpson, City Attorney; Glenn Olson, Interim City Administrator, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Finance Director/City Clerk; and Jane DeVries, Deputy City Clerk.

The purpose of this special meeting was to meet with Sharon Klumpp from Springsted Incorporated to review the job description and the profile for the City Administrator.

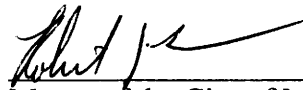
Sharon Klump reviewed the organizational structure of the City of Marshall and is recommending that the appointment of the fourth division head be made once the new Administrator is hired to allow for his input into the appointment. Sharon also reviewed the job description which included:

Summary of Position	Essential Duties and Responsibilities
Minimum Qualifications	Desirable Qualifications
Essential Knowledge, Skills & Abilities	Supervision Exercised
Supervision Received	Public Contacts
Physical Requirements & Equipment Used	Work Environment

It was the general consensus of the council that a few changes be made. These changes were to move 5 years experience in local government management from Minimum Qualifications to Desirable Qualifications and only require considerable experience in local government management as a Minimum Qualification. They also requested that the wording be changed to include more skills under Essential Knowledge, Skills and Abilities.

Ms. Klump reviewed the time line process and indicated that recruitment efforts will begin on March 11, 2008 by sending out direct mailings to prospective candidates and placing advertisements in the ICMA and League of Minnesota Cities websites. Ms. Klump indicated that two people have expressed an interest in this position. Ms. Klump will begin the screening process on April 8, 2008 and have the results to the City Council by May 1, 2008. On May 5, 2008 the finalists will be selected and invited to interview on May 16 – 17, 2008. Ms. Klump wanted the council to designate these dates as interview dates so she could inform candidates of those dates. The council needs to check these dates with the three council members who were absent from the meeting.

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

  
\_\_\_\_\_  
Mayor of the City of Marshall


ATTEST:

  
\_\_\_\_\_  
Financial Director/City Clerk

REGULAR MEETING – MARCH 17, 2008

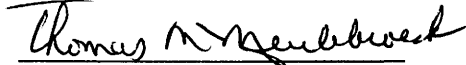
A regular meeting of the Common Council of the City of Marshall was scheduled for March 17, 2008 at 5:30 P.M. in the Council Chambers of the Marshall Municipal Building. In attendance at the meeting were Mayor Byrnes and Council Members Sanow and Reynolds. Absent were: Hulsizer, Doom, Boedigheimer and Ritter. Staff present were: Glenn Olson, Interim City Administrator, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Financial Director/City Clerk; and Dennis Simpson, City Attorney.

Due to a lack of a quorum Sanow moved, Reynolds seconded, the March 17, 2008 meeting be continued to March 25, 2008 at 5:30 P.M. in the Council Chambers of the Marshall Municipal Building. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk



MARCH 25, 2008  
CONTINUATION OF MARCH 17, 2008 MEETING

The continuation of the March 17, 2008 Council meeting was held on March 25, 2008 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: Dennis Simpson, City Attorney; Glenn Olson, Interim City Administrator, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Financial Director/City Clerk; Kim Jergenson, Engineer Technician; Cathy Lee, Administrative Assistant 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.

**APPROVAL OF THE MINUTES:**

Sanow moved, Reynolds seconded, that the minutes of the regular meeting held on March 3, 2008, the special meeting held on March 10, 2008 and the regular meeting held on March 17, 2008 be approved as presented and that the reading of the same be waived. All voted in favor of the motion.

**CONSENT AGENDA – A. ANNUAL RENEWAL OF PLUMBERS LICENSES; B. ANNUAL RENEWAL OF REFUSE HAULERS LICENSES; C. ANNUAL RENEWAL OF CONSUMPTION AND DISPLAY LICENSES; D. TRAFFIC SAFETY GRANT; 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 was removed from the agenda. Sanow moved, Reynolds seconded, that the following consent agenda items be approved:

The annual renewal of Plumbers Licenses for the period April 1, 2008 through March 31, 2009 at a fee of \$75.00 for the following individuals:

Scott Williams dba **Bisbee Plumbing & Heating**  
Robney Bruflat dba **Bruflat Plumbing & Heating**  
Joseph Brust dba **Brust Mechanical Contracting Co., LLC**  
Scott Christianson dba **Christianson Plumbing, Heating & AC Inc.**  
Neil Kroger – **Cottonwood Co-op Oil Company**  
Glenn Larson dba **Enviro Pump Plus Inc.**  
Edward Thooft dba **E. T. Heating and Cooling**  
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.**  
Mike Paulson dba **Mike's Plumbing & Heating**  
Scott Quist dba **Quist Plumbing & Heating, Inc.**  
Samuel Sahlstrom dba **Sahlstrom's Heating, Cooling & Refrigeration 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**  
David Wilking dba **Wilk's Plumbing, LLC**

MARCH 25, 2008  
CONTINUATION OF MARCH 17, 2008 MEETING

The renewal of Consumption and Display Licenses for the period April 1, 2008 through March 31, 2009 at a fee of \$125.00 for the following applicants:

Daily Grind and Prairie Event Center

The approval for the Marshall Police Department to receive a grant up to \$2,500 for overtime for officers to do education and enforcement from May 19, 2008 through June 1, 2008 on seatbelt and child safety seats.

The following bills/project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 59885 through 60043.

All voted in favor of the motion.

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

	Applicant	Location Address				Description of Work	Valuation
1.	Sussner Construction, Inc.	1310		Madrid	Street	Construct Partition	\$10,100
2.	Sussner Construction, Inc.	1420	East	College	Drive	Construct Partition	\$7,600
3.	Cinema Entertainment Corp.	230	West	Lyon	Street	Seating Installation	\$150,000
4.	Archer Daniels Midland Company	400	West	Erie	Road	Sulfur Burner Addition	\$831,000
5.	Darryl & Karen Ten Pas	402		Elizabeth	Street	Finish Basement	\$5,000
6.	Lozinski Rentals	104	East	Greeley	Street	Bathroom Remodel	\$1,000
7.	Matthew Bennett	304		Hudson	Avenue	Partial Basement Remodel	\$600
8.	Dean & Lisa Seefeld	1106		Bruce	Circle	Finish Garage	\$3,700
9.	Paxton Signs, c/o John Paxton	1220		Susan	Drive	Install Signs	\$4,500
10.	Ace Sign Displays, c/o Barry Thomas	1101	East	College	Drive	Install Signs	\$11,800
11.	Dulas Construction, Inc.	200		O'Connell	Street	Addition	\$596,000
12.	Bladholm Construction, Inc.	412	West	Main	Street	Interior Remodel	\$19,500
13.	Todd & Deb Blomme	506		Williams	Street	Reroof Dwelling	\$1,500
14.	Jones Sign	703	West	Fairview	Street	Install Signs	\$5,100
15.	Ron Schilling	200	East	College	Drive	Install Door	\$300

MARCH 25, 2008  
CONTINUATION OF MARCH 17, 2008 MEETING

16.	General Security Services Corp.	112 South 6th Street	Install Alarm System	\$2,600
17.	Alan Schuch	1204 East College Drive	Exterior Remodel	\$5,600

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. and Waste Management

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

**CONSIDER THE REQUEST OF NORTH RIVERVIEW PROPERTIES, LLC REQUEST FOR A MAP AMENDMENT (REZONE) TO PLACE 1104 THROUGH 1110 ESTHER CIRCLE IN AN R-4 HIGHER DENSITY MULTIPLE FAMILY RESIDENCE DISTRICT FROM AN R-1 ONE FAMILY RESIDENCE DISTRICT AND R-2 ONE TO FOUR FAMILY RESIDENCE DISTRICT – INTRODUCTION OF ORDINANCE AND CALL FOR PUBLIC HEARING:**

Glenn Olson, Interim City Administrator/Director of Public Works/City Engineer, briefly reviewed the request of North Riverview Properties, LLC to rezone 1104 – 1110 Esther Circle from an R-1 One Family Residence District and R-2 One to Four Family Residence District to an R-4 Higher Density Multiple Family Residence District. Doom moved, Reynolds seconded, the introduction of an ordinance to rezone 1104 – 1110 Esther Circle from an R-1 One Family Residence District and R-2 One to Four Family Residence District to an R-4 Higher Density Multiple Family Residence District and to call for a public hearing to be held at 5:30 P.M. on April 7, 2008. Council Member Hulsizer asked if this request was different than the first request. Mr. Olson indicated that the first request included 1101 – 1110 Esther Circle and this request is for 1104 – 1110 Esther Circle. There was also a concern if a rezoning could have a contingent place on it. Mr. Olson indicated that contingents cannot be placed on rezoning. The question was called at this time. All voted in favor of the motion.

**PROJECT X74 / S.A.P. 139-112-05 NORTH 3<sup>RD</sup> STREET RECONSTRUCTION AND BRIDGE REPLACEMENT PROJECT – A. CONSIDER CHANGE ORDER NO. 1 TO THE CONSULTING CONTRACT WITH ERICKSON ENGINEERING; B. CONSIDER CHANGE ORDER NO. 1 TO THE CONSTRUCTION CONTRACT WITH R & G CONSTRUCTION COMPANY:**

Doom moved, Ritter seconded, the approval of Change Order No. 1 with Erickson Engineering for North 3<sup>rd</sup> Street Reconstruction and Bridge Replacement Project X74 / S.A.P. 139-112-05 in the amount of \$22,771.65, which will be paid from account no. 103-62066-3312. This change order is for additional time for construction observation services for the retaining wall. There is no change in the contract time associated with this change order. All voted in favor of the motion.

Doom moved, Ritter seconded, the approval of Change Order No. 1 with R & G Construction Company for North 3<sup>rd</sup> Street Reconstruction and Bridge Replacement Project X74 / S.A.P. 139-112-05 in the amount of \$9,890.41, which will be paid from account no. 496-62066-5570. This change order is for an additional 400 L.F. of curb and gutter. There is no change in the contract time associated with this change order. All voted in favor of the motion.

**PROJECT Y14 NORTH 4<sup>TH</sup> STREET SIDEWALK IMPROVEMENT PROJECT –  
CONSIDER CHANGE ORDER NO. 2 WITH ROGGE EXCAVATING:**

Doom moved, Sanow seconded, the approval of Change Order No. 1 with Rogge Excavating for North 4<sup>th</sup> Street Sidewalk Improvement Project Y14 in the amount of \$10,320.70, which will be paid from account number 496-62066-5570. All of these costs will be reimbursed to the City by Marshall Municipal Utilities or Qwest for the repairs to trenches relating to utility installation. There is no change in the contract time associated with this change order. All voted in favor of the motion.

**PROJECT Y42 CLUB 59 ADDITION IMPROVEMENT 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 for Club 59 Addition Improvement Project Y42. This petition is for the installation of watermain, water services, sewer main and sewer services and incidental items serving the properties of the petitioners and adjacent areas. Ritter moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3077, SECOND SERIES and that the reading of the same be waived. Resolution Number 3077, Second Series is a resolution Declaring Adequacy of Petition and Ordering Preparation of Report on Improvement for Club 59 Addition Improvement Project Y42. All voted in favor of the motion.

**PROJECT Y43 WEST COLLEGE DRIVE IMPROVEMENT 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 for West College Drive Improvement Project Y43. This petition is for the installation of sanitary sewer main. Ritter moved, Doom seconded, the adoption of RESOLUTION NUMBER 3078, SECOND SERIES and that the reading of the same be waived. Resolution Number 3078, Second Series is a resolution Declaring Adequacy of Petition and Ordering Preparation of Report on Improvement for West College Drive Improvement Project Y43. All voted in favor of the motion.

**M.A.T. BUS GARAGE PROJECT – CONSIDER CHANGE ORDER NO. 0454-GC-  
THREE WITH BLADHOLM CONSTRUCTION, INC.:**

Ritter moved, Sanow seconded, the approval of Change Order No. 0454-GC-THREE with Bladholm Construction, Inc., for the M.A.T. Bus Garage Project in the amount of \$482.00, which will be paid from account no. 804-41923-5520. This change order is for a change in the base cabinets from 36" to 34". There is no change in the contract time associated with this change order. All voted in favor of the motion.

**CONSIDER PROPOSAL FROM BOLTON & MENK, INC., FOR THE NORTHWEST  
INDUSTRIAL PARK – UPPER JUDICIAL DITCH 6 WATERSHED AREA STUDY:**

Glenn Olson, Director of Public Works/City Engineer, indicated that the City of Marshall is in the process of the development of new industrial park areas on the northwest side of the existing industrial park west of T.H. 59. This area includes the DeRuyck property as well as the Sonstegard property. In order to proceed with development of this area, it is necessary to provide storm water runoff controls prior to the discharge of this runoff to the drainage facilities located north of the Industrial Park area. Bolton & Menk, Inc., has provided a proposal for the review of existing and proposed storm water runoff and detention facilities necessary for the

MARCH 25, 2008  
CONTINUATION OF MARCH 17, 2008 MEETING

continued industrial development in this area in an amount not to exceed \$18,400. Doom moved, Ritter seconded, that the proper city personnel be authorized to enter into an agreement with Bolton & Menk, Inc., for Professional Services for the Northwest Industrial Park Upper Judicial Ditch 6 Watershed Area Study for an amount not to exceed \$18,400, which will be paid from the Storm Water Utility Fund. This agreement was approved contingent upon review and approval by City Attorney Dennis Simpson. All voted in favor of the motion.

**CONSIDER PROPOSAL FROM BOLTON & MENK, INC., FOR THE TIGER LAKE WATERSHED DRAINAGE STUDY:**

Glenn Olson, Director of Public Works/City Engineer, indicated that the City of Marshall and private developers are in the process of the development of new residential and commercial areas in the Tiger Lake watershed. This is a very large area of the city that drains its storm water to Tiger Lake located just southeast of the Marshall Fire Station. Since the development of Tiger Lake, there has been significant residential and commercial construction in the areas previously classified either as agricultural or non-developed. Most recently, The Schwan Food Company has converted residential properties to a large commercial parking lot; Robert Carr is in the process of development of an office park on a previously undeveloped area; and the city is considering the development of a new library adjacent to Marshall Middle School on previously undeveloped property. In addition, there is residential development south of T.H. 23 in the areas of Carr Estates, Stonebridge Estates, University Park Addition, and Wilke-Miller-Buesing Additions, that also has a portion of their storm water system discharge to Tiger Lake. Bolton & Menk, Inc., has provided a proposal to review existing storm water system to provide recommendations for the expansion of Tiger Lake to accommodate the new runoff in an amount not to exceed \$14,500. Sanow moved, Doom seconded, that the proper city personnel be authorized to enter into an agreement with Bolton & Menk, Inc., for Professional Services for the Tiger Lake Watershed Drainage Study for an amount not to exceed \$14,500, which will be paid from the Surface Water Management Utility Fund. This agreement was approved contingent upon review and approval by City Attorney Dennis Simpson. All voted in favor of the motion.

**CONSIDER AUTHORIZATION TO REQUEST FOR PROPOSALS FOR PROFESSIONAL SERVICES FOR WASTEWATER USER CHARGE REVIEW:**

Glenn Olson, Director of Public Works/City Engineer, indicated that he met with Council Member Sanow, Finance Director/City Clerk Tom Meulebroeck; Wastewater Superintendent Bob VanMoer; and MMU General Manager Brad Roos; to discuss the City's wastewater user charges and current billing system. The City has relied on its Wastewater User Charge Review prepared by Rieke Carroll Muller Associates, Inc., in 1998 as a basis for our current method of wastewater rate development. Included in this report was the establishment of the rate charge entailing five steps:

1. Defining the amount to be recovered through the rate program; this could involve sums for retiring debt service, annual operation and maintenance costs, or capitalized depreciation.
2. Defining the quantity of flow and load being treated at the wastewater facility.
3. Defining the number of users from which revenues will be collected.
4. Allocating the cost of providing service into causative elements. (Causative elements are simply the factors that influence how costs of wastewater treatment are incurred.)
5. Calculating user charges based upon the above information.

A discussion was held concerning the method of billing, base charges and usage charges, and how these impact residential, commercial and industrial users. Designation of amounts of the budget allocated for capital replacement, operation and maintenance and bond payments were

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also discussed. Brad Roos indicated that the utility billing system could be adjusted to accommodate any City needs. Sanow moved, Ritter seconded, that the proper city personnel be authorized to request proposals for Professional Services for a Wastewater User Charge Review. Funding for this cost will come from the unallocated portion of the Wastewater Fund Reserve. All voted in favor of the motion.

**CONSIDER ENTERING INTO A GRANT AGREEMENT CONSTRUCTION GRANT FOR THE MARSHALL JUNIOR HIGH WITH THE STATE OF MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT (DEED):**

Glenn Olson, Interim City Administrator, reviewed the contract between the City of Marshall and the State of Minnesota Department of Employment and Economic Development (DEED). This is a Grant Agreement Construction Grant for the Marshall Junior High Project. At the July 30, 2007 Special City Council meeting, a resolution authorizing submittal of a redevelopment grant application to the Minnesota Department of Employment and Economic Development (DEED) for the Marshall Junior High Site was approved. At the October 15, 2007 City Council meeting a public hearing was conducted regarding the 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 grant is financed with state bond proceeds. This required that the City follow state bonding laws that our outlined in the grant agreement. Any expenditure financed with this grant money must be publicly owned land and for a public purpose. The State of Minnesota has allocated \$500,000 for the City of Marshall as a grant to assist in the improvement of land through the construction and site preparation for residential improvement in accordance with the provisions of the agreement. The City intends to work with Southwest Minnesota Housing Partnership in the development of affordable housing in the area previously used as the Marshall Junior High (Middle School). Council Member Sanow was concerned with approving the agreement if he could not be sure the city wouldn't be required to spend money on street lighting, sidewalks and other things it may not need. Ritter moved, Doom seconded, that the proper city personnel be authorized to enter into a Grant Agreement Construction for the Marshall Junior High Project with the State of Minnesota Department of Employment and Economic Development (DEED). This grant is in the amount of \$500,000. All voted in favor of the motion. The council requested that representatives from DEED attend a future Council Meeting and provide an update for them.

**S.P. 4205-35 (T.H. 19=014) – CONSIDER RESOLUTION AUTHORIZING EXECUTION OF MN/DOT COOPERATIVE CONSTRUCTION AGREEMENT NO. 9216-R AND AMENDMENTS:**

Doom moved, Hulsizer seconded, the adoption of RESOLUTION NUMBER 3079, SECOND SERIES and that the reading of the same be waived. Resolution Number 3079, Second Series is a resolution Authorizing Execution of Cooperative Construction Agreement and Amendments. This resolution provides for the proper city personnel to execute MN/DOT Cooperative Construction Agreement No. 9216-R and Amendments. This agreement includes the improvement of the frontage roads adjacent to T.H. 19, as well as the replacement of street lighting. Upon completion of the construction contract, MN/DOT will transfer the ownership and operation of the improved frontage road to the City and the City will assume all future maintenance of the frontage road and street lighting. Marshall Municipal Utilities will be responsible for all of the costs associated with the lighting portion of this agreement, and must provide all of the light poles, luminaries and connections for the lighting system to be installed under the construction contract. The State will provide the City (MMU) with a lump sum credit of \$24,750 as the State's full and complete share of the lighting units on T.H. 19. The estimated

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City (MMU) cost of the agreement is \$3,114.18, which will be adjusted after actual construction bids are received. All voted in favor of the motion.

**INTRODUCE ORDINANCE AND CALL FOR PUBLIC HEARING ON ANNEXATION BY ORDINANCE – ADM PROPERTY ADJACENT TO NORTH 7<sup>TH</sup> STREET:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the request to annex property owned by Archer Daniels Midland (ADM) and contains approximately 5.617 acres. Due to the fact that the property is located outside of the 1982 Orderly Annexation Area with the Fairview Township, it is recommended to annex the property under the “annexation by ordinance” provisions of the Minnesota Statutes. As such, in order to consider annexation of this parcel of property, the City must provide the landowner and all contiguous landowners thirty (30) days written notice by certified mail. This annexation area is the proposed site for the future expansion of Archer Daniels Midland’s rail operation and construction of an alternate roadway. Sanow moved, Reynolds seconded, the introduction of an ordinance and called for a public hearing on the Annexation by Ordinance for the ADM Property adjacent to North 7<sup>th</sup> Street. The public hearing will be held at 5:30 P.M. on May 5, 2008. 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 the following appointments be made to the Community Services Board:

Valentina (Tina) R. Quinones be appointed to a unexpired term ending February 28, 2010  
Marc Klaith be appointed to a 3-year term to expire on February 28, 2011  
Cindy McKittrick be reappointed to a 3-year term to expire on February 28, 2011  
Krista Bjella be appointed to a 3-year term to expire on February 28, 2011

**COUNCIL MEMBER COMMISSION BOARD AND LIAISON REPORTS:**

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

Byrnes	No report.
Doom	<u>Planning Commission</u> items were acted on earlier in the meeting.
Hulsizer	No report.
Reynolds	No report.
Ritter	No report.
Sanow	<u>Marshall Area Transit</u> provided an update on the building and bus route service.

**COUNCIL MEMBER INDIVIDUAL ITEMS:**

Other items brought forth by the Mayor and Council Members included: the parking issue at Parkview Apartments has been forwarded to Glenn Olson and the Vice Chair of the Public Housing Commission; a priority list of transportation issues should be sent to Representative Collin Peterson; and Mayor Byrnes indicated that Kathleen Ashe, Marshall Lyon County Library Board Chairperson, is asking about interim financing options for the library. It

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was indicated that both the City and County use Springsteds, Inc., and that this should be referred to them.

A Ways and Means Committee meeting was scheduled for Thursday, April 3, 2008 at 12 noon. A Legislative and Ordinance Committee meeting will be held at 4:30 P.M. on April 7<sup>th</sup> to clarify the job duties of the City Administrator.

City Attorney Dennis Simpson indicated that there needs to be a clarification on who has final authority in determining the employment and discharge of all city employees the Mayor or City Administrator. This was referred to the Legislative and Ordinance Committee.

Upon motion by Doom, seconded by Reynolds, the meeting was adjourned at 6:45 P.M. All voted in favor of the motion.

  
\_\_\_\_\_  
Mayor of the City of Marshall

ATTEST:

  
\_\_\_\_\_  
Finance Director/City Clerk



A special meeting of the Common Council of the City of Marshall was held on March 10, 2008 in the Minnesota Room of the Marshall Municipal Building. The meeting was called to order by Mayor Byrnes at 7:35 A.M. In addition to Byrnes the following members were present: Hulsizer, Doom, Sanow, and Ritter. Absent: Boedigheimer and Reynolds. Staff present included: Dennis Simpson, City Attorney; Rob Yant, Director of Public Safety and Thomas M. Meulebroeck, Finance Director/City Clerk.

The City of Marshall was in receipt of three (3) bids for two squad cars and one 4WD special service vehicle for the Public Safety Department. Two of the bids did not include bid security as was required in the bidding specifications. Dennis Simpson, City Attorney did address the bid security as had been approved by the City Council on July 16, 2007, which required a certified check, cashiers check or bank money draft to be submitted with the bids for vehicles and equipment. Based on the City Attorney's recommendation it was the consensus of the City Council to not waive the bid requirements for the bids submitted by Elk River Ford and Marshall Ford.

#### **AWARD OF BIDS – TWO SQUAD CARS FOR THE PUBLIC SAFETY DEPARTMENT:**

Bids were received, opened and read on March 26, 2008 for two (2) Police type squad car vehicles / selling of two (2) Police type vehicles. Bids received, opened and read were from:

BIDDER INFORMATION							
BIDDER NAME	OFFER TYPE	VEHICLE TYPE	VEHICLE YEAR	VEHICLE MAKE	VEHICLE MODEL	VEHICLE COLOR	VEHICLE PRICE
Elk River Ford Dodge Jeep 17219 Hwy. 10 NW P.O. Box 304 Elk River, MN 55330 800-441-2300 / FAX: 763-274- 3338		2 -08 Crown Victoria	2- 08 Crown Victoria	2- 08 Crown Victoria	08 Crown Victoria	08 Crown Victoria	2800.00 <u>2800.00</u> 5600.00
		44254.10 Trade 2800.00 Trade <u>2800.00</u> 38654.10	44254.10	44254.10 Trade <u>2800.00</u> 41454.10	22127.05 Trade <u>2800.00</u> 19327.05	22127.05	
Lockwood Motors, Inc. 1310 E. College Dr. Marshall, MN 56258 507-537-1526	Official check \$6,644	2 -2008 Chevy Impala	2 -2008 Chevy Impala	2 -2008 Chevy Impala	2008 Chevy Impala	2008 Chevy Impala	Trade only
		41840.00 Trade 3500.00 Trade <u>3500.00</u> 34840.00	41840.00	41840.00 Trade <u>3500.00</u> 38340.00	20920.00 Trade <u>3500.00</u> 17420.00	20920.00	

	Official check \$6,644	2 -2008 Charger	2 - 2008 Charger	2 -2008 Charger	2008 Charger	2008 Charger	
Lockwood Motors, Inc. 1310 E. College Dr. Marshall, MN 56258 507-537-1526		44800.00 Trade 3500.00 Trade <u>3500.00</u>  37800.00	44800.00	44800.00  Trade <u>3500.00</u>  41300.00	22400.00  Trade <u>3500.00</u>  18900.00	22400.00	Trade only
Marshall Ford 1102 West Main Street Marshall, MN 56258 507-537-0313		2 -08 Crown Victoria  44115.90 501 Trade 2600.00 503 Trade <u>3100.00</u>  38415.90	2 -08 Crown Victoria  44115.90	2 -08 Crown Victoria  44115.90 Trade 2600.00 Or Trade <u>3100.00</u> 41515.90 or 41015.90	08 Crown Victoria  22057.95 Trade <u>2600.00</u> Or Trade <u>3100.00</u> 19457.95 or 18957.95	08 Crown Victoria  22057.95	

The specifications allow for bidding as follows:

Base Proposal A: Furnish two (2) Police Type Squad Car Vehicles AND trade-in of existing vehicles.  
 Base Proposal B: Furnish two (2) Police Type Squad Car Vehicles with no trade-in.  
 Base Proposal C: Furnish two (2) Police Type Squad Car Vehicles AND trade-in of one existing vehicle.  
 Base Proposal D: Furnish one (1) Police Type Squad Car Vehicle AND trade-in of one existing vehicle.  
 Base Proposal E: Furnish one (1) Police Type Squad Car Vehicle with no trade-in.  
 Base Proposal F: Purchase two (2) trade-in existing vehicles only.

Ritter moved, Sanow 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 \$34,840.00 including trade-in of two 2005 Chevy Impala's. All voted in favor of the motion.

# AWARD OF BIDS – ONE 4WD SPECIAL SERVICE VEHICLE FOR THE PUBLIC SAFETY DEPARTMENT:

Bids were received, opened and read on March 26, 2008 for one (1) 4WD Special Service Vehicle / selling of one (1) 4WD SUV. Bids received, opened and read were from:

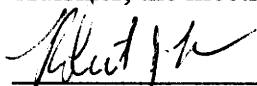
BIDDER							
Elk River Ford Dodge Jeep 17219 Hwy. 10 NW P.O. Box 304 Elk River, MN 55330 800-441-2300 / FAX: 763-274-3338		08 Expedition  25987.08 Trade <u>2200.00</u>  23787.08	08 Expedition  25987.08	<u>2200.00</u>			
Lockwood Motors, Inc. 1310 E. College Dr. Marshall, MN 56258 507-537-1526	Official check \$6,644	08 Chevy Tahoe  31600.00 Trade <u>2750.00</u>  28850.00	08 Chevy Tahoe  31600.00	Trade only			
Marshall Ford 1102 West Main Street Marshall, MN 56258 507-537-0313		08 Expedition  27187.92 Trade <u>2500.00</u>  24687.92	08 Expedition  27187.92				

The specifications allow for bidding as follows:

Base Proposal G: Furnish one (1) 4WD Special Service Vehicle AND trade-in of existing vehicles.  
Base Proposal H: Furnish one (1) 4WD Special Service Vehicle with no trade-in.  
Base Proposal I: Purchase one (1) trade-in existing vehicle only.

Sanow moved, Ritter seconded, that the bid for one 4WD Special Service for the Marshall Police Department be awarded to Lockwood Motors for a 2008 Chevy Tahoe in the amount of \$28,850.00 including trade-in. All voted in favor of the motion.

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



Mayor of the City of Marshall

ATTEST:

  
Financial Director/City Clerk

## REGULAR MEETING – APRIL 7, 2008

The regular meeting of the Common Council of the City of Marshall was held on April 7, 2008 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: Dennis Simpson, City Attorney; Glenn Olson, Interim City Administrator, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Financial Director/City Clerk; Harry Weilage, Director of Community Services; Kim Jergenson, Engineer Technician; Tom Polfliet, Park Maintenance Supervisor; Shane Waterman, Assistant City Engineer; Mark Hanson, EDA Director; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

### **APPROVAL OF THE AGENDA:**

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

### **APPROVAL OF THE MINUTES:**

Doom moved, Boedigheimer seconded, that the minutes of the special meeting held on March 25, 2008 and the special meeting held on April 3, 2008 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 NORTH RIVERVIEW PROPERTIES, LLC FOR A MAP AMENDMENT (REZONE) TO PLACE 1104 THROUGH 1110 ESTHER CIRCLE IN AN R-4 HIGHER DENSITY MULTIPLE FAMILY RESIDENCE DISTRICT FROM AN R-1 ONE FAMILY RESIDENCE DISTRICT AND R-2 ONE TO FOUR FAMILY RESIDENCE DISTRICT. – PUBLIC HEARING AND ADOPTION OF ORDINANCE:**

This was the date and time set for a public hearing to consider the request of North Riverview Properties, LLC to rezone 1104 – 1110 Esther Circle from an R-1 One Family Residence District and R-2 One to Four Family Residence District to R-4 Higher Density Multiple Family Residence District. The property is currently vacant and is located on the east side of Esther Circle north of Darlene Drive. Glenn Olson, Director of Public Works/City Engineer, indicated that a conditional use permit would be required for a daycare facility and office facility, but a Head Start facility could be built in an R-1 district.

Duane Aden spoke on behalf of the developers of this area. He indicated that the intent of this request is to provide for the Western Community Action Facility. Mr. Aden indicated that there would be less than a 5% increase in traffic from the WCA employees and that drainage in this area was adequately provided for during the development of the area. Mr. Aden indicated that the covenants are a contract between the owners of the property and the City does not get involved. The covenants can be changed by a majority of the property owners. The Head Start Facility is an acceptable land use in this area and not part of the issue. Duane indicated that Robert Porter the Director of Community Development for Western Community Action has looked at several other locations and that this is there preferred location. Comments at the public hearing included:

REGULAR MEETING – APRIL 7, 2008

Council Member Sanow did not think that this type of facility would decrease the property values of the surrounding property.

Keith VanOverbeke, 807 North Bruce Street, indicated that they have only been given positive information about this project and not any negative information.

Kris Carrow, 515 Harriett Drive, spoke on behalf of her neighbors who live in the area of Esther Circle. She indicated that when they purchased their property they were under the impression that this would be a residential area. There is a concern about the increase in traffic and asked if an alternative location would be better for Western Community Action.

Rick Purrington, 504 Harriett Drive, was concerned with spot zoning in this area and was against this rezoning request.

Kristin Anderson, 513 Harriett Drive, indicated that she moved to this area because the developer provided affordable lots.

Andrew Schotzko, 522 Harriett Drive, indicated that the Planning Commission voted against this rezoning request and that the Council should do the same.

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

Council Member Sanow does not believe that this rezoning will have a negative impact of the area; he does not believe that the traffic will be an issue and he is concerned with what is best for the community.

Doom moved, Sanow seconded, to approve the request of North Riverview Properties to rezone to rezone 1104 – 1110 Esther Circle from an R-1 One Family Residence District and R-2 One to Four Family Residence District to R-4 Higher Density Multiple Family Residence District be approved. Voting in favor of the motion were: Doom and Sanow. Voting no were: Hulsizer, Byrnes and Ritter. Boedigheimer abstained. The motion failed.

**PUBLIC HEARING Y31 / 139-131-02 WINDSTAR STREET FROM SCOTT STREET TO TH 59: A. PUBLIC HEARING ON IMPROVEMENT; B. RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS:**

This was the date and time set for a public hearing on Windstar Street Construction Project Y31/ S.A.P. 139-131-02. Glenn Olson, Director of Public Works/City Engineer, indicated that this project includes sanitary sewer, watermain, storm sewer and street improvements on Windstar Street from Scott Street to T.H. 59. There were no questions or concerns, therefore Ritter moved, Doom seconded, that the public hearing be closed. All voted in favor of the motion.

Sanow moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3080, SECOND SERIES and that the reading of the same be waived. Resolution Number 3080, Second Series is a resolution Ordering the Improvement and Preparation of Plans for Windstar

REGULAR MEETING – APRIL 7, 2008

Street Construction Project Y31 / S.A.P. 139-131-02. This project includes storm sewer, storm sewer ponding, sanitary sewer, watermain and street construction. Also included in this project is the construction of watermain from Windstar Street at T.H. 59 northerly to Canoga Park Drive on the westerly side of T.H. 59. All voted in favor of the motion.

**CONSENT AGENDA – A. RENEWAL OF PLUMBERS LICENSES FOR MINNWEST PLUMBING & HEATING, INC., AND JENNIGES PLUMBING & HEATING, INC.; B. RENEWAL OF CONSUMPTION AND DISPLAY LICENSE FOR SOUTHWEST MINNESOTA STATE UNIVERSITY; C. APPROVAL OF SUMMARY OF ORDINANCE NUMBER 590, SECOND SERIES; D. BILLS/PROJECT PAYMENTS; E. BUILDING PERMITS:**

Per the request of Council Member Ritter item c, which is the approval of Summary of Ordinance Number 590, Second Series was removed from the agenda.

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

The renewal of Plumbers Licenses for the period April 8, 2008 through March 31, 2009 at a fee of \$75.00 for:

Ricky Myhre dba Minnwest Plumbing & Heating, Inc.

John Jenniges dba Jenniges Plumbing & Heating, Inc.

The renewal of Consumption and Display License for the period April 8, 2008 through March 31, 2009 at a fee of \$125.00 for Southwest Minnesota State University.

The following bills/project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 60044 through 60283.

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.
Address	Location	Address	Description of Work	Valuation	Address	Location	Address
Bruce Clark	1401	Nwakama Street	Solar Energy System	\$238,000	Bruce Clark	1401	Nwakama Street
Bruce Clark	1401	Nwakama Street	Solar Energy System	\$238,000	Kris Santjer	402	Berlin Circle
Kris Santjer	402	Berlin Circle	Finish Basement	\$7,000	Mike Buysse Construction	410	South 4th Street
Mike Buysse Construction	410	South 4th Street	Bathroom Remodel	\$2,000	Tony & Dusty Halverson	600	Kossuth Ave.
Tony & Dusty Halverson	600	Kossuth Ave.	Interior Remodel	\$3,000	Craig Dale	1418	Birch Street
Craig Dale	1418	Birch Street	Partition Wall	\$2,800	Bakke's Home Repair & Construction	108	Parkview Drive
Bakke's Home Repair & Construction	108	Parkview Drive	Bathroom Remodel	\$10,000	Vlaminck Construction	900	North 4th Street
Vlaminck Construction	900	North 4th Street	Reside Dwelling and Deck	\$9,000			

**REGULAR MEETING – APRIL 7, 2008**

9.	Micheal Lee	311	South	O'Connell	Street	Interior Remodel	\$2,000
10.	Thomas L. Handeland and Susan E Hatletvedt	715		Scott	Street	Finish Dwelling	\$55,000
11.	Archer Daniels Midland Company	400	West	Erie	Road	Fire Pump Building	\$240,000
12.	Vlaminck Construction	214	West	College	Drive	Replace Doors	\$1,900
13.	Richard Louwagie Construction	102	North	1st	Street	Interior Remodel	\$1,500
14.	Perry DePover	1319		Parkside	Drive	Garage Addition	\$2,500
15.	Doom & Cuypers, Inc.	706		Brian	Street	Reside and Reroof Dwelling	\$24,000
16.	Gregory D. and Pamela M. Large	1205		Prospect	Road	Interior Remodel	\$1,000
17.	Geske Home Improvement Co.	1006		Cheryl	Avenue	Install Window	\$3,000
18.	Greig-Gregerson Management LLC	317		Rainbow	Drive	Reside Dwelling, Interior Remodel	\$4,500
19.	Geske Home Improvement Co.	500		Village	Drive	Reside School Building	\$50,000
20.	Steven Malherek	102	West	Main	Street	Install Exterior Door	\$1,000
21.	Dennis Lozinski Construction	801	South	2nd	Street	Replace garage header	\$1,600

Council Member Ritter questioned the elimination of wind towers. The ordinance places limitations on wind generators which are then prohibited within the City of Marshall. Ritter moved, Sanow seconded, the approval of SUMMARY OF ORDINANCE NO. 590, SECOND SERIES, which provides for the publication of the summary of Ordinance No. 590, Second Series. All voted in favor of the motion.

**CONSIDER THE REQUEST FROM NORTH RIVERVIEW PROPERTIES, LLC FOR A CONDITIONAL USE PERMIT FOR BUSINESS OFFICES USE AT 1104 – 1100 ESTHER CIRCLE:**

The request of North Riverview Properties, LLC for a map amendment (rezone) to place 1104 through 1110 Esther Circle in an R-4 higher density multiple family residence district from an R-1 one family residence district and R-2 one to four family residence district was denied therefore the request for a conditional use permit was removed from the agenda.

**RESOLUTION FOR PREPAYMENT AND REDEMPTION OF LAW ENFORCEMENT CENTER LEASE REVENUE BONDS SERIES 1998A:**

Sanow moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3081, SECOND SERIES and that the reading of the same be waived. Resolution Number 3081, Second Series is a resolution Providing for the Prepayment and Redemption of Law Enforcement Center Lease Revenue Bonds, Series 1998A (Lyon County, Minnesota Unlimited Tax Lease Obligations) and Authorizing Certain Actions to be Taken by the City of Marshall, Minnesota with Respect to said Prepayment and Redemption. All voted in favor of the motion.

**2007 ANNUAL FINANCIAL REPORT FOR NORTH AMBULANCE – DAM DESMET, MANAGER:**

Dan DeSmet, Manager of the North Ambulance System, was in attendance at the meeting to present the 2007 annual financial report to the City Council for the North Ambulance operations.

**PRESENTATION BY RICK GOODEMAN FOR THE MARSHALL JUNIOR HIGH SITE RECONSTRUCTION – A. EXPLANATION OF GRANT AGREEMENT CONSTRUCTION GRANT; B. PROJECT BOUNDARIES; C. PROPOSED LAND CONVEYANCE; D. PROPOSED PROJECT CONCEPTS:**

Lisa Graphenteen, Southwest Minnesota Housing Partnership, and Rick Goodeman, Executive Director of the Southwest Minnesota Housing Partnership, were in attendance at the meeting to provide information on the Marshall Junior High Site Reconstruction. Lisa reviewed the demo and infrastructure plans for this area. Rick provided the legal description of the Project Area and Public Area of the Proposed Jr. High Redevelopment Project. He provided a brief overview of the previously approved \$500,000 Grant Agreement Construction Grant, the conveyance of land for a public parking lot and two possible concept plans for the redevelopment project. Council Member asked if the \$500,000 Grant was contingent upon the City spending \$2,000,000 for this project. Rick will check on the flexibility of these costs. This property will become taxable property upon the completion of the project. Glenn Olson, Director of Public Works/City Engineer, indicated that someone from DEED will attend a future council meeting and provide an update for them. Rick also indicated that they will be conducting a housing study. Council Member Ritter asked if SW MN Housing Partnership would consider selling this property to the City of Marshall.

**MARSHALL AQUATIC CENTER POOL RENOVATION – A. RECOMMENDATION FOR POOL IMPROVEMENTS; B. PROFESSIONAL SERVICES AGREEMENT AMENDMENT – USA AQUATICS:**

Harry Weilage, Director of Community Services, reviewed the proposed upgrade to the Marshall Aquatic Center. The main concern on the improvement project is the floor to the main pool. The floor is over 40 years old and in serious need of replacement. He indicated that they are faced with a short timeline for the project to be bid and constructed before the 2008 swimming season. They have asked USAquatics to prioritize the project so we do not impact the 2008 swimming season. Mr. Weilage indicated that in discussions with the Marshall Community Services (MCS) Board, it is not only a matter of maintaining the \$5 million Aquatic Center but also meeting the needs of the growing youth population. Cindy McKittrick, MCS Board member, indicated that using the birth data from the Marshall Avera Regional Medical Center, they have averaged over 400+ births per year, and with the continued growth of amateur tournaments, the MCS Advisory Board's Recreation sub-committee's recommending the additions to the Marshall Aquatic Center. Those additions include the wet deck expansion to the wading pool area and the flume slide addition to expand the market to include more of the teen population. Ms. McKittrick indicated that they received good feedback from the customers as to what they would like to see these features added to the Aquatic Center.



## REGULAR MEETING – APRIL 7, 2008

Bids were received on March 25, 2008 for the Marshall Aquatic Center – Pool Renovation. Bids received were from:

	Badger Swim Pools	Pool Construction, Inc.
Base Bid	\$ 490,600.00	\$ 200,000.00
Alternate 1 - Diamond Brite Pool Finish	55,400.00	60,000.00
Alternate 2 – Splash Pad, Play Features & Maintenance/Pump Building	731,000.00	580,000.00
Alternate 3 – Flume Slide	291,000.00	260,000.00
Alternate 4 - Splash Pad, Play Features & reduced size Maintenance/Pump Bldg	684,000.00	540,000.00

The total of the low bid from Pool Construction, Inc., of Egan, Minnesota is \$1,100,000. With contingencies, inspections and miscellaneous costs, the total cost of the project is expected to be \$1,218,000. Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that based on discussions with Springsted Incorporated the recommendation is to finance \$618,000 through the General Fund and \$600,000 will be financed with GO Equipment Certificates. Council Member Boedigheimer was not sure that there was \$600,000 worth of equipment and requested a physical listing of all equipment to be verified before any bonding. Council Member Boedigheimer was not in favor of borrowing any money for this project. Ritter moved, Sanow seconded, to award the Base Bid in the amount of \$200,000 and Alternate Number 1 for Diamond Brite Pool Finish in the amount of \$60,000. Council Member Doom was in favor of including Alternate 2 for the Splash Pad, Play Features and Maintenance/Pump Building in the amount of \$580,000. Council Member Sanow was concerned with what the total cost of this would be. Mayor Byrnes was in favor of Alternate 2. Ritter called the question. Voting in favor of the motion were: Hulsizer, Sanow, Boedigheimer and Ritter. Voting no were: Doom and Byrnes.

The Professional Services Agreement Amendment with USAquatics was not acted on at this time.

### **SOUTH 8<sup>TH</sup> STREET DRAINAGE PROJECT – PAT FOLEY:**

Dennis Simpson, City Attorney, indicated that Pat Foley, owner of EcoWater Systems located at 801 West Main Street, previously discussed his property drainage issue with the Council in July, 2007. As of this date the issue has not been resolved. Dennis indicated that improvements were made to both the building and lot where EcoWater Systems is located at 801 West Main Street. The improvements included a significant amount of blacktop surface at the rear of the property. This area is a loading dock for the business. This resurfacing has resulted in a significant ponding of water near the loading dock. This area is at the bottom of the hill. There is no catch basin on the Foley property nor is there a way to alleviate the accumulation of water and take that surface water away. There is a catch basin west of the property, and Mr. Foley has indicated that he does have permission from the adjacent owner to install a tile system so as to allow the surface water to drain into that adjacent catch basin. Mr. Foley does not believe that he should be solely responsible for the payment of the costs incurred for the installation of the system necessary to alleviate surface water ponding. The adjacent or up hill property owners believe that they have adequate drainage and that they are not financially

responsible for any costs incurred to alleviate the water ponding problem occurring at 801 West Main Street.

Mr. Foley was in attendance at the meeting and is asking for financial help from the city for a project to drain water from his property. Council Member Boedigheimer suggested that Mr. Foley request a bid from a private developer because this maybe cheaper than for the city to be involved. Glenn Olson, Director of Public Works/City Engineer, indicated that this could be done through a Development Contract. Mr. Foley asked why the city could not use money from the Surface Water Management Fee Fund to pay for this project since he already pays into this fund. Mr. Olson indicated that he city could use some of this money to pay for the project. It was indicated that if the city cannot assess the costs of this project to drain water to those neighboring properties because if those properties sued it would cost the city more in legal costs than they'd collect in assessments. Council Member Sanow indicated that the city would contribute their share based on the property owned by the City. After considerable discussion between Mr. Foley and the City Council, Mayor Byrnes indicated that the issue would progress no farther and suggested that this be referred to the Public Improvement Committee.

**APPLICATION OF TEMPORARY ON-SALE LIQUOR LICENSE FOR MARSHALL CHAMBER OF COMMERCE:**

Ritter moved, Doom seconded, the approval of a Temporary On-Sale Intoxicating Liquor License for the Marshall Area Chamber of Commerce to be used on April 28, 2008 at 104 West Redwood Street. There was a brief discussion insurance requirements. Mike Dulas, Chamber President indicated that in the past they were not aware that they needed a license. Doom called the question. All voted in favor of the motion.

**CONSIDER RESOLUTION RECEIVING REPORT AND ORDER PUBLIC HEARING ON IMPROVEMENT ON 2008 STREET RECONSTRUCTION PROJECTS - ARBOR COURT IMPROVEMENT PROJECT Y04; VILLAGE DRIVE IMPROVEMENT PROJECT Y05; NUESE LANE IMPROVEMENT PROJECT Y06; MORNINGSIDE CIRCLE IMPROVEMENT PROJECT Y35; HORIZON CIRCLE IMPROVEMENT PROJECT Y36; SUNSET CIRCLE IMPROVEMENT PROJECT Y37; AND EMERALD COURT IMPROVEMENT PROJECT Y38:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the cul de sac / circle projects for Arbor Court Project Y04; Village Drive Project Y05; Nuese Lane Project Y06; Morningside Circle Project Y35; Horizon Circle Project Y36; Sunset Circle Project Y37; and Emerald Court Project Y38. These projects include subsurface drainage installation, partial curb and gutter, street replacement and asphalt overlay. Project Y05 Village Drive and Project Y06 Nuese Lane include partial watermain replacement.

Sanow moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3082, SECOND SERIES and that the reading of the same be waived. Resolution Number 3082, Second Series is a resolution Receiving Feasibility Report and Calling for Hearing on Improvement for Arbor Court Project Y04; Village Drive Project Y05; Nuese Lane Project Y06; Morningside Circle Project Y35; Horizon Circle Project Y36; Sunset Circle Project Y37; and Emerald Court Project Y38. The public hearing will be held at 5:30 P.M. on April 21, 2008. All voted in favor of the motion.

**PROJECT Y32 (139-131-03) WINDSTAR STREET FROM T.H. 59 TO CLARICE AVENUE; (139-132-01) CLARICE AVENUE FROM WINDSTAR STREET TO SUSAN DRIVE – CONSIDER CHANGE ORDER NO. 1 WITH I & S GROUP:**

Doom moved, Sanow seconded, the approval of Change Order No. 1 with I and S Group for Project Y32 (139-131-03) Windstar Street from T.H. 59 to Clarice Avenue (139-132-01) Clarice Avenue from Windstar Street to Susan Drive with I & S Group, in the amount of \$13,800. This change order is for T.H. modifications between Windstar Street and Boyer Drive and is to be paid from account number 103-62066-3312. There is no change in the contract time associated with this change order. All voted in favor of the motion.

**PROJECT Y44 LEGION FIELD ROAD IMPROVEMENT – CONSIDER RESOLUTION ORDERING PREPARATION OF REPORT ON IMPROVEMENT:**

Glenn Olson, Director of Public Works/City Engineer, reviewed Legion Field Road Improvement Project Y44 which is the replacement of the water and sanitary mains and services, the installation of a 5-ft. wide sidewalk, sections of new curb and gutter and pavement reconstruction. The proposed project will reconstruct Legion Field Road and described utilities from Kendall Street to West Main Street (T.H. 68). The watermain and sanitary sewer utilities along this portion of Legion Field Road are in poor condition. Currently portions of Legion Field Road do not have curb and gutter or sidewalks. This project proposes to include the construction of sidewalks and remaining curb and gutter segments. Boedigheimer moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3083, SECOND SERIES and that the reading of the same be waived. Resolution Number 3083, Second Series is a resolution Ordering Preparation of Report on Improvement for Legion Field Road Improvement Project Y44. All voted in favor of the motion.

**PROJECT Y45 SOUTHVUEW DRIVE IMPROVEMENT PROJECT – CONSIDER RESOLUTION ORDERING PREPARATION OF REPORT ON IMPROVEMENT:**

Glenn Olson, Director of Public Works/City Engineer, reviewed Southview Drive Improvement Project Y45 which is the replacement of the watermain and sanitary sewer main and pavement construction. The proposed project will reconstruct Southview Drive and described utilities from Country Club Drive to South 4<sup>th</sup> Street. Currently the existing watermain and sanitary sewer utilities along this portion of Southview Drive are in poor condition and should be replaced. The extent to which the proposed utility work will destroy the existing pavement is substantial and will warrant the total reconstruction of the street. Minor storm sewer will also be necessary during reconstruction of the street. Boedigheimer moved, Doom seconded, the adoption of RESOLUTION NUMBER 3084, SECOND SERIES and that the reading of the same be waived. Resolution Number 3084, Second Series is a resolution Ordering Preparation of Report on Improvement for Southview Drive Improvement Project Y45. All voted in favor of the motion.

**PROJECT JOO (40137) PARKWAY ADDITION II IMPROVEMENT – CONSIDER CHANGE ORDER NO. 3:**

Boedigheimer moved, Doom seconded, the approval of Change Order No. 3 with Bolton & Menk, Inc., for the Parkway Addition II Improvement Project JOO (40137), which results in an

increase in contract sum in the amount of \$6,600. There is no change in contract time associated with this change order. All voted in favor of the motion.

**INTRODUCE ORDINANCE AND CALL FOR PUBLIC HEARING ON ANNEXATION BY ORDINANCE – A. SONSTEGARD AREA PROPERTY (SEC. 32, T112N, R41W); B. AIRPORT AREA PROPERTY (SEC. 1, T111N, R42W, AND SEC. 36, T111N, R41W AND SEC. 31, T112N, R41W); C. MMU ELECTRICAL SUBSTATION SITE (SEC. 17, T111N, R41W):**

Ritter moved, Doom seconded, the introduction of an ordinance and call for a public hearing for the annexation of two tracts of land containing approximately 64.64 acres. One tract is owned by Anna Sonstegard and contains approximately 64.266 acres and the other tract is owned by Tri-State Petroleum and contains approximately 2.37 acres. Due to the fact that the land is deemed to be urban or suburban in character or about to be and the land is completely surrounded by land within the municipal limits annexation of this property is done by ordinance under the provisions of the Minnesota Statutes. As such, in order to consider annexation of this parcel of property, the City must provide the landowner and all contiguous landowners thirty (30) days written notice by certified mail of the City's intent to annex. The public hearing will be held on May 19, 2008 at 5:30 P.M. All voted in favor of the motion.

**PROJECT X74 / S.A.P. 139-112-05 NORTH 3<sup>RD</sup> STREET RECONSTRUCTION AND BRIDGE REPLACEMENT – CONSIDER CHANGE ORDER NO. 2 TO THE CONSTRUCTION CONTRACT WITH R & G CONSTRUCTION CO:**

Doom moved, Sanow seconded, the approval of Change Order No. 2 with R & G Construction Co., which results in a net contract increase of \$10,802.50. This change order allows for a reduction in aggregate base and an increase in aggregate foundation. There is no change in contract time associated with this change. The \$10,802.50 will be paid from account number 496-62066-5570. All voted in favor of the motion.

**PROJECT Y26 HERITAGE PLACE IMPROVEMENT PROJECT (JACQUELINE'S ADDITION) – CONSIDER RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS:**

Ritter moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3085, SECOND SERIES and that the reading of the same be waived. Resolution Number 3085, Second Series is a resolution Approving Plans and Specifications and Ordering Advertisement for Bids for Heritage Place Improvement Project Y26 (Jacqueline's Addition). This project provides for the installation of paved surface, curb and gutter, and sidewalks. All voted in favor of the motion.

**INTRODUCTION OF ORDINANCES FROM THE APRIL 7, 2008 LEGISLATIVE AND ORDINANCE COMMITTEE MEETING – A. ANIMAL ORDINANCE; B. DUTIES OF CITY ADMINISTRATOR:**

Boedigheimer moved, Hulsizer seconded, the introduction of an ordinance and call for a public hearing for a new animal ordinance. The proposed ordinance provides for the requirement on leash or control of domesticated animals; required cats, as well as dogs, to be properly vaccinated and tags verifying vaccination must be worn by both cats and dogs; property owners be required to maintain their own property in a sanitary condition and clean up and

## REGULAR MEETING – APRIL 7, 2008

dispose of animal waste in a reasonable fashion so as to protect the public health, safety and general welfare; and a section on dangerous dogs. The public hearing will be held on April 21, 2008 at 5:30 P.M. All voted in favor of the motion.

Boedigheimer moved, Hulsizer seconded, the introduction of an ordinance and call for a public hearing on the duties of the City Administrator. The proposed ordinance provides that that the duties of the City Administrator in the Personnel Policy reflect the duties of the City Administrator in the City Code. The public hearing will be held on April 21, 2008 at 5:30 P.M. All voted in favor of the motion.

### **SPECIAL ASSESSMENT DEFERRAL FOR PROPERTY OWNER AT 407 NORTH 3<sup>RD</sup> STREET:**

Boedigheimer moved, Doom seconded, the approval of the deferral of a special assessment in the amount of \$2,834.15 for Christopher Kent Marcuson at 407 North 3<sup>rd</sup> Street. This deferral will accrue interest and will be recorded at the Lyon County Records Office. All voted in favor of the motion.

### **CONSIDER AMENDMENT TO THE TRANSIT BUILDING AGREEMENT:**

Sanow moved, Ritter seconded, the approval of the Amendment to the Transit Building Agreement. This amendment provides for additional funding in the amount of \$32,000 for additional asphalt paving, the installation of three light poles and fixtures and signage. The additional expenditure of \$32,000 shall be paid 80% by the State of Minnesota pursuant to amendment to MN/DOT Transportation Capital Grant and the remaining 20% shall be paid by Western Community Action, Inc. There is no cost to the City of Marshall. All voted in favor of the motion.

### **DECLARATION OF SURPLUS PROPERTY – VEHICLES:**

Rob Yant, Director of Public Safety, is requesting authorization to have ten vehicles be declared surplus property and be auctioned using the State's On-Line auction process. Council Member Boedigheimer asked if this is better than when the City would have the auction. Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that there are many different factors to consider and it is difficult to determine which way is best. Council Member Ritter asked if the vehicles have to be auctioned or if they can they get more for them at Becker Iron & Metal. Doom moved, Ritter seconded, 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. Rob was directed to check with Becker Iron & Metal on the amount they could get for these vehicles and use that as the minimum bid requirement. All voted in favor of the motion.

### **COUNCIL MEMBER COMMISSION BOARD AND 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 and the Regional Development Commission met last week.

REGULAR MEETING – APRIL 7, 2008

Boedigheimer No report.

Doom            Marshall Community Services Advisory Board discussed the pool improvements and the bike trail; Planning Commission will be meeting this week.

Hulsizer       No report.

Ritter          No report.

Sanow          No report.

**COUNCIL MEMBER INDIVIDUAL ITEMS:**

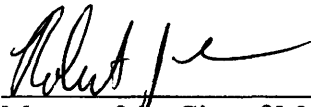
Other items brought forth by the Mayor and Council Members included: Byrnes indicated that in order for a non-committee member to be able to be a voting member of that committee they need to be appointed as an interim member; Studio One is looking at relocating to the new Schwan's Building on Main Street; Council Member Sanow indicated that maybe they should consider the property at the corner of 3<sup>rd</sup> Street and Main Street – this would probably be cheaper; there are three barricades on DeSchepper Street.

**REVIEW OF PENDING AGENDA ITEMS:**

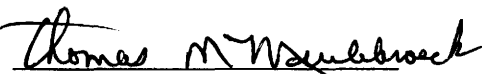
It was the general consensus of the council that the additional detail on the list of pending agenda items is greatly appreciated.

Glenn Olson, Director of Public Works/City Engineer, indicated that there is a parking issue at the High Rise and he is trying to resolve it.

Upon motion by Doom, seconded, by Hulsizer, the meeting was adjourned at 8:45 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  
APRIL 21, 2008

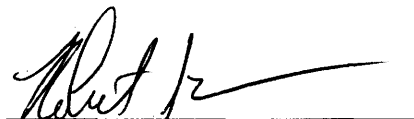
A Joint City Council/WMMC dba AVERA Marshall Regional Medical Center Board of Directors meeting of the City of Marshall was held on April 21, 2008 in the Education Rooms (3<sup>rd</sup> Floor) of the AVERA Marshall Regional Medical Center. The meeting was called to order at 4:02 P.M. by Mayor Byrnes. In attendance from Avera Marshall Regional Medical Center were: Mary Maertens, President CEO; Curt Hohman, Sr. V.P. of Management Facilities; Dr. David Erickson, Sr. V.P. of Medical Affairs; Dr. Steve Meister, Board member; Cliff Carmody, Board member; Art Olson, Board member; Bill Cole, Board member; and Joe Cool, Board Member. Hospital staff present included: Irene Wolf, Mary Boulton, Michelle Malmquist, Bonnie Bamhardt, Dodie DeRynck, Chris Gilb, Sharon Williams, and Dr. Jane Willett. In addition to Byrnes the City Council Members present were: Hulsizer, Doom, Sanow, Reynolds, Boedigheimer and Ritter. Absent: None. Staff present included: Jane DeVries, Deputy City Clerk.

Mary Maertens, President CEO, provided a power point presentation on Avera Marshall Regional Medical Center. She reviewed the Market Dynamics and Implications, Reviewed the Significant Accomplishments and the FY '09 Key Strategies and Projects. She also reviewed their Mission Statement and Vision Statement.

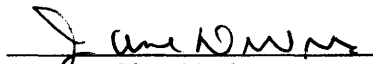
Mayor Byrnes thanked Mary for the presentation.

Art Olson, Board member indicated that the city must at least consider leasing or selling Avera Marshall Regional Medical Center, the hospital, nursing home and related facilities, to the Avera Health System of Sioux Falls, South Dakota. Mayor Byrnes indicated that if they are to continue to be a regional provider it may be more appropriate under an ownership with another entity and not be a city, government-owned facility.

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:

  
\_\_\_\_\_  
Deputy City Clerk

## REGULAR MEETING – APRIL 21, 2008

The regular meeting of the Common Council of the City of Marshall was held on April 21, 2008 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order at 5:30 P.M. by Mayor Byrnes. In addition to Byrnes the following members were in attendance: Hulsizer, Doom, Sanow, Reynolds, Boedigheimer and Ritter. Absent: none. Staff present included: Dennis Simpson, City Attorney; Glenn Olson, Interim City Administrator, Director of Public Safety/City Engineer; Thomas M. Meulebroeck, Financial Director/City Clerk; Mark Hanson, EDA Director; 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 addition of the Summary Ordinance for item no. 2, which is the public hearing and adoption of animal ordinance.

### **APPROVAL OF THE MINUTES:**

Doom moved, Sanow seconded, that the minutes of the regular meeting held on April 7, 2008 be approved as presented and that the reading of the same be waived. All voted in favor of the motion.

### **PUBLIC HEARING AND ADOPTION OF ANIMAL ORDINANCE:**

This was the date and time set for a public hearing on the Animal Ordinance. The proposed ordinance provides for the requirement on leash or control of domesticated animals; required cats, as well as dogs, to be properly vaccinated and tags verifying vaccination must be worn by both cats and dogs; property owners be required to maintain their own property in a sanitary condition and clean up and dispose of animal waste in a reasonable fashion so as to protect the public health, safety and general welfare; and a section on dangerous dogs.

Nancy Hennen Blomme, 312 Walnut Street, indicated that they have had some problems with dogs in their neighborhood. She also had several suggestions which included: increasing the bond to \$300,000; require dangerous dogs to be spayed or neutered; require renters to disclose that they have a dangerous dog; and once an animal is declared dangerous it should be on a register.

Karen Uecker, CSO Officer, was in attendance at the meeting and indicated that the enforcement of the ordinance would be part of the court process.

Ms. Blomme was also concerned about restraints. Dennis Simpson, City Attorney, indicated that there is no leash law. Ms. Blomme suggested that dogs be muzzled.

Mayor Byrnes questioned why cats are to be added to the ordinance and was informed that this is what the committee requested.

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

Council Member Boedigheimer indicated that he would like to see this ordinance passed and suggested that Ms. Blomme's comments be reviewed by the Legislative and Ordinance Committee at a later date. Mr. Simpson indicated that the state is considering legislation to



## REGULAR MEETING – APRIL 21, 2008

require spay and neutering and to have a higher insurance bond than the \$50,000 and this ordinance would need to be reviewed if any of these items pass the State Legislature.

Sanow moved, Boedigheimer seconded, the adoption of ORDINANCE NUMBER 591, SECOND SERIES and that the reading of the same be waived. Ordinance Number 591, Second Series is an ordinance Amending Chapter 14 of the City Code Relating to Animals. This ordinance was adopted with some minor changes which included adding cats and requiring dogs to be muzzled under Section 14-71, Potentially Dangerous and Dangerous Animals. All voted in favor of the motion.

Sanow moved, Hulsizer seconded, the adoption of the Summary Ordinance Number 591, Second Series which will be published. All voted in favor of the motion.

### **PUBLIC HEARING AND ADOPTION OF ORDINANCE FOR DUTIES OF ADMINISTRATOR:**

This was the date and time set for a public hearing on the personnel administration change as recommended by the Legislative and Ordinance Committee. Dennis Simpson, City Attorney indicated that the ordinance change reflects the job duties as presently existing within the personnel policy. The ordinance change also reflects the existing policy and procedure as overseen by the City Administrator. Reynolds moved, Ritter seconded, that the public hearing be closed. All voted in favor of the motion.

Doom moved, Reynolds seconded, the adoption of ORDINANCE NUMBER 592, SECOND SERIES and that the reading of the same be waived. Ordinance Number 592, Second Series is an ordinance Amending Section 2-75 of the City Code Relating to Personnel Administration. The ordinance change reflects the job duties as presently existing within the personnel policy. The ordinance change also reflects the existing policy and procedure as overseen by the City Administrator. All voted in favor of the motion, except Boedigheimer who voted no.

### **PUBLIC HEARING ON IMPROVEMENT AND CONSIDER RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS – ARBOR COURT IMPROVEMENT PROJECT Y04; MORNINGSIDE CIRCLE IMPROVEMENT PROJECT Y35; HORIZON CIRCLE IMPROVEMENT PROJECT Y36; SUNSET CIRCLE IMPROVEMENT PROJECT Y37; EMERALD COURT IMPROVEMENT PROJECT Y38; NUESE LANE IMPROVEMENT PROJECT Y06; VILLAGE DRIVE IMPROVEMENT PROJECT Y05:**

This was the date and time set for a public hearing on Arbor Court Improvement Project Y04; Morningside Circle Improvement Project Y35; Horizon Circle Improvement Project Y36; Sunset Circle Improvement Project Y37; Emerald Court Improvement Project Y38; Nuese Lane Improvement Project Y06; Village Drive Improvement Project Y05. Glenn Olson, Director of Public Works/City Engineer, reviewed this project and indicated that they held an informational meeting for the property owners that will be affected by these projects. Sanow moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion.

Sanow moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3086, SECOND SERIES and that the reading of the same be waived. Resolution Number 3086, Second Series is a resolution Ordering Improvements and Preparation of Plans for Arbor Court Improvement Project Y04; Morningside Circle Improvement Project Y35; Horizon Circle Improvement Project Y36; Sunset Circle Improvement Project Y37; Emerald Court

REGULAR MEETING – APRIL 21, 2008

Improvement Project Y38; Nuese Lane Improvement Project Y06; Village Drive Improvement Project Y05. All voted in favor of the motion.

**APPROVAL OF CONSENT AGENDA – A. NEW PLUMBERS LICENSE FOR TROY OLSEN DBA B & D PLUMBING & HEATING, INC.; B. TEMPORARY ON-SALE LIQUOR LICENSE FOR SMSU MUSTANG BOOSTER CLUB FOR JUNE 8, 2008 AT SMSU CONFERENCE CENTER; C. TEMPORARY ON-SALE BEER LICENSE FOR MARSHALL SOFTBALL ASSOCIATION FROM MAY 5, 2008 TO NOVEMBER 5, 2008; D. RENEWAL OF PLUMBERS LICENSE FOR JEFFEREY ROGUSKE DBA LAKE COUNTRY MECHANICAL, INC., AND TONY MCCHESNEY DBA MCCHESNEY MECHANICAL, INC.; E. BILLS/PROJECT PAYMENTS; F. BUILDING PERMITS:**

Per the request of Council Member Sanow item e, which is the approval of bills/project payments was removed from the consent agenda.

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

The approval of a Plumbers License for Troy Olsen dba B & D Plumbing & Heating, Inc., at a fee of \$75.00. This license will expire on March 31, 2009.

The approval of a Temporary On-Sale Liquor License for Southwest Minnesota State University Mustang Booster Club to be used at Southwest Minnesota State University Conference Center on June 8, 2008 at a fee of \$30.00.

The approval of a Temporary On-Sale Beer License for Marshall Softball Association to be used at the Marshall Softball Complex from May 5, 2008 to November 5, 2008 at a fee of \$300.00.

The renewal of Plumbers Licenses to expire on March 31, 2009 at a fee of \$75.00 for:  
Jefferey Roguske dba Lake Country Mechanical, Inc.  
Tony McChesney dba McChesney Mechanical, Inc.

All voted in favor of the motion.

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

Application	Location/Address				Description of Work	Amount
1.	Laleman Construction	224	Athens	Ave	Garage Addition	\$10,822
2.	Ruth Monson	800	South	1st Street	Reroof Dwelling	\$5,200
3.	JAN #2 LP	1004	Paris	Road	Dwelling	\$112,000
4.	James D & Mary Jo Mortland	1308	Horizon	Drive	Reside Dwelling, Replace Windows	\$30,000
5.	Gil M. Sook	1306	Westwood	Drive	Install Window	\$300
6.	James Lozinski Construction	603	Deschepper	Street	Reroof Dwelling	\$7,000
7.	Lyon County	546	Fairgrounds	Road	Reroof Barn	\$20,000
8.	Michael G. Lee	313	South	O'Connell Street	Office Building	\$185,000

## REGULAR MEETING – APRIL 21, 2008

9.	WMS Sandwiches Inc	1101	East	College Drive	Finish Mercantile Space	\$80,600
10.	Patrick Blomme	428	North	7th Street	Reroof Dwelling	\$1,000
11.	Rick Slagel Construction Inc	311	South	O'Connell Street	Reroof Office Building	\$12,000
12.	Swanson Home Specialists	1102		Eastwood Avenue	Reroof Dwelling	\$6,500
13.	REM-Southwest Services, Inc.	1201		Alan Avenue	Replace Windows	\$500
14.	Space Development Co. of Marshall	1104	West	Main Street	Warehouse	\$130,000
15.	The Country Stop	1206	East	College Drive	Temporary Structure	\$0

Council Member Sanow questioned the payment to USAquatics in the amount of \$147,322.75. He indicated that this is very high. Glenn Olson, Interim City Administrator, Director of Public Works/City Engineer, indicated that the amount in their contract included work for all phases of the project, even those that are not being done. Rick Schaefer from USAquatics was in attendance at the meeting and indicated that according to the contract with the City of Marshall their fee would be 8% of the estimated construction costs. Sanow was also concerned with who owns the plans. Mr. Schaefer indicated that USAquatics own the plans but the city has the ability to use them. Council Member Boedigheimer indicated that the city did agree to pay 8% of the company's estimate of the project.

Council Member Boedigheimer questioned the payment of \$1,500 to Kustom Signals not being budgeted for. Mayor Byrnes indicated that this was part of the grant that the city received. Hulsizer moved, Reynolds seconded, that the following bills/project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 60284 through 60434. All voted in favor of the motion.

### **MARSHALL AREA CHAMBER OF COMMERCE TRANSPORTATION COMMITTEE REPORT – STEVE STRAUTZ:**

Steve Strautz, Chair of the Marshall Area Chamber of Commerce Transportation Committee, indicated that on April 7-9<sup>th</sup> members of the MACC Transportation Committee went to Washington DC to meet with legislative representatives. Mr. Strautz briefly reviewed the main points of discussions with each representative and indicated that they were pleased with the reception that they received from all of the contacts. He also indicated that they were encouraged to become "regionalized" and to pursue the TH23 corridor concept.

### **MARSHALL AQUATIC CENTER POOL CONSTRUCTION OBSERVATION AND ADMINISTRATIVE SERVICES DISCUSSION – RICK SCHAFFER, USAQUATICS:**

Rick Schaffer from USAquatics was in attendance at the meeting to review the construction observation and administrative services for the Marshall Aquatic Center Pool. He indicated that the contract they are proposing is in the amount of \$14,300 and would allow them to be involved enough to make sure that the City gets what they have designed. Doom moved, Reynolds seconded, that the proper city personnel be authorized to enter into a contract with USAquatics in the amount of \$14,300. This contract amends the agreement dated February 5, 2008. All voted in favor of the motion, except Boedigheimer and Sanow who voted no.

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

**AWARD OF WASTEWATER USER CHARGE REVIEW STUDY:**

Glenn Olson, Director of Public Works/City Engineer, indicated that they requested proposals for professional engineering services for a review of the Wastewater Treatment Facility's User Charge Structure. The last review of wastewater user rates was done in 1998 by RCM Associates Inc. The purpose of a user charge review is to assure that the Wastewater Facility cost recovery structure is equitable among users, and to maintain cost recovery for the healthy financial operation of the facility. Proposals were received from:

Bolton & Menk Inc. – hourly not to exceed \$7,400

Advanced Engineering & Environmental Services - \$19,200 Basic Scope or \$32,200 Expanded Scope with more progress meetings and more comprehensive documentation.

Bolton & Menk has done several projects for the city and are very familiar with the Marshall Wastewater Facility. Bolton & Menk has vast experience in municipal and industrial wastewater user charge structure reviews. Sanow moved, Reynolds seconded, that the proper city personnel be authorized to enter into an agreement with Bolton & Menk Inc., for a Wastewater User Charge Review for the Wastewater Treatment Facility on an hourly basis, not to exceed \$7,400. Funding for this project will come from the Wastewater Fund 602-90581-3312. All voted in favor of the motion.

**WWTF SCADA PROJECT – CONSIDER CHANGE ORDER NO. 1:**

Bob VanMoer, Wastewater Superintendent, indicated that Automatic Systems Company has installed the SCADA System that was approved by the City Council on August 20, 2007 and it is working great. Much of the reason that this system was installed was so that they could work towards the ability to monitor the treatment plant and not be staffed 24 hours a day. The original proposal would bring the City close to accomplishing this. In order to achieve this, there is a need to address some control issues of the Trickling Filter Pump Station and some other minor programming and reporting that wasn't included in the original estimates. The cost to complete programming at this time would be approximately \$9,350, including sales tax. Reynolds moved, Doom seconded, the approval of the increase in the contract with Automatic Systems Company to complete the SCADA System at a cost of approximately \$9,350, including sales tax. The funds would come from the additional bond revenues. All voted in favor of the motion.

**PROJECT X75 – WWTF EQUALIZATION BASIN PROJECT – CONSIDER ENTERING INTO AN AGREEMENT WITH BONESTROO FOR ENGINEERING SERVICES FOR OBSERVATION OF LINER REPAIR:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the agreement between the City of Marshall and Bonestroo, Inc., for professional services for trying to resolve the warranty issues with the equalization basin liner installed under previous contract. These additional services may be necessary for the inspection of repairs to the liner installed last year at the Wastewater Treatment Plant which is unserviceable due to multiple failures of the seams and liner. There is no way to estimate the approximate costs of these services and is therefore recommended to be done on an hourly basis, plus reimbursable expenses. The City Attorney will be consulted as to appropriate measures to be taken during this contract period as it relates to the warranty work. It is the intent to include these costs for services as a charge against the warranty provisions of the contract with R & G Construction Company. Doom moved, Ritter seconded, that the proper city personnel be authorized to enter into an agreement with Bonestroo, Inc., for professional services for actions necessary under the warranty provisions of the Equalization Basin Liner installation contract contingent upon review and approval by the City Attorney. These services will be at a hourly basis, plus

reimbursable expenses. All voted in favor of the motion, except Boedigheimer and Sanow who voted no.

**CONSIDER THE REQUEST OF THE CITY OF MARSHALL FOR A  
CONDITIONAL USE PERMIT TO CONSTRUCT A FOOTBRIDGE IN A  
FLOODWAY DISTRICT OF THE FLOODPLAIN AT LIBERTY PARK – 100 WEST  
MARSHALL STREET:**

The City of Marshall is proposing the construction of a footbridge across the Redwood River in Liberty Park near the band shell. The Marshall Floodplain Management Code (City Code, Chapter 38) regulates construction within the floodplain. The proposed footbridge is within the designated Floodway District on the Marshall Floodplain Map, that is, the Flood Insurance Rate Map (FIRM) provided by the Federal Emergency Management Act (FEMA). A letter was sent to the Minnesota Department of Natural Resources with technical information regarding the bridge. Per the recommendation of the Planning Commission Ritter moved, Reynolds seconded, the approval of the request of the City of Marshall for a Conditional Use Permit to construct a footbridge across the Redwood River at Liberty Park near the band shell with the following condition: Construction comply with any restrictions required by the Minnesota Department of Natural Resources. All voted in favor of the motion.

**REVIEW OF MODIFIED TIF PLANS FOR APPROVAL OF REDEVELOPMENT  
FOR PROJECTS #1 AND #2 – CALL FOR A PUBLIC HEARING:**

Mark Hanson, EDA Director, reviewed the modified TIF Plans for Redevelopment Project Area 1 and 2. The modified TIF Plan will include the parcel of property currently owned by Anna Sonstegard consisting of 64.266 acres. The updated plan will allow the city to expend TIF dollars within the boundaries of this property. The city is currently in the process of annexing and will potentially expend TIF dollars to acquire the property from the current owner.

Sanow moved, Doom seconded, the adoption of RESOLUTION NUMBER 3087 SECOND SERIES and that the reading of the same be waived. Resolution Number 3087, Second Series is a resolution Proposing 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 Housing and Redevelopment Authority in and for the City of Marshall and Requesting the City to Call for a Public Hearing. The public hearing will be held on June 2, 2008 at 5:30 P.M. All voted in favor of the motion.

**PROJECT Y32 (139-131-03) WINDSTAR STREET FROM T.H. 59 TO CLARICE  
AVENUE / (139-132-01) CLARICE AVENUE FROM WINDSTAR STREET TO  
SUSAN DRIVE – CONSIDER RESOLUTION RECEIVING REPORT AND ORDER  
PUBLIC HEARING ON IMPROVEMENT:**

Glenn Olson, Director of Public Works/City Engineer, reviewed Project Y32 (139-131-03) Windstar Street from T.H. 59 to Clarice Avenue / (139-132-01) Clarice Avenue from Windstar Street to Susan Drive. Proposed improvements include grading, aggregate base, bituminous base, bituminous surfacing, storm sewer, sanitary sewer and watermain.

Doom moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3088, SECOND SERIES and that the reading of the same be waived. Resolution Number 3088, Second Series is a resolution Receiving Feasibility Report and Calling for Hearing on Improvement for Project Y32 (139-131-03) Windstar Street from T.H. 59 to Clarice Avenue

/ (139-132-01) Clarice Avenue from Windstar Street to Susan Drive. The public hearing will be held at 5:30 P.M. on May 5, 2008. All voted in favor of the motion.

**PROJECT Y33 (139-132-02) CLARICE AVENUE FROM SUSAN TO T.H. 23 – CONSIDER RESOLUTION RECEIVING REPORT AND ORDER PUBLIC HEARING ON IMPROVEMENT:**

Glenn Olson, Director of Public Works/City Engineer reviewed Project Y33 (139-132-02) Clarice Avenue from Susan to T.H. 23. Proposed improvements include grading, aggregate base, bituminous base, bituminous surfacing, storm sewer, sanitary sewer and watermain.

Sanow moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3089, SECOND SERIES and that the reading of the same be waived. Resolution Number 3089, Second Series is a resolution Receiving Feasibility Report and Calling for Hearing on Improvement for Project Y33 (139-132-02) Clarice Avenue from Susan to T.H. 23. The public hearing will be held at 5:30 P.M. on May 5, 2008. All voted in favor of the motion.

**PROJECT Y40 “C” STREET IMPROVEMENT PROJECT – CONSIDER RESOLUTION RECEIVING REPORT AND ORDER PUBLIC HEARING ON IMPROVEMENT:**

Glenn Olson, Director of Public Works/City Engineer, reviewed Project Y40 “C” Street from East Main Street south to South Saratoga Street. Proposed improvements include watermain replacement, sanitary sewer replacement, storm sewer improvements and miscellaneous curb and street replacement and asphalt overlay.

Reynolds moved, Doom seconded, the adoption of RESOLUTION NUMBER 3090, SECOND SERIES and that the reading of the same be waived. Resolution Number 3090, Second Series is a resolution Receiving Feasibility Report and Calling for Hearing on Improvement for Project Y40 “C” Street from East Main Street south to South Saratoga Street. The public hearing will be held at 5:30 P.M. on May 5, 2008. All voted in favor of the motion.

**PROJECT Y44 LEGION FIELD ROAD IMPROVEMENT PROJECT – CONSIDER RESOLUTION RECEIVING REPORT AND ORDER PUBLIC HEARING ON IMPROVEMENT:**

Glenn Olson, Director of Public Works/City Engineer, reviewed Project Y44 Legion Field Road from Kendall Street to West Main Street (T.H. 68). Proposed improvements include the reconstruction of the existing street, sanitary sewer replacement, watermain replacement and miscellaneous items.

Doom moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3091, SECOND SERIES and that the reading of the same be waived. Resolution Number 3091, Second Series is a resolution Receiving Feasibility Report and Calling for Hearing on Improvement for Project Y44 Legion Field Road from Kendall Street to West Main Street (T.H. 68). The public hearing will be held at 5:30 P.M. on May 5, 2008. All voted in favor of the motion.

**PROJECT Y45 SOUTHVIEW DRIVE IMPROVEMENT PROJECT – CONSIDER RESOLUTION RECEIVING REPORT AND ORDER PUBLIC HEARING ON IMPROVEMENT:**

Glenn Olson, Director of Public Works/City Engineer, reviewed Project Y45 Southview Drive from Country Club Drive to South 4<sup>th</sup> Street. Proposed improvements include the reconstruction of the existing street, sanitary sewer replacement, watermain replacement and miscellaneous items.

Doom moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3092, SECOND SERIES and that the reading of the same be waived. Resolution Number 3092, Second Series is a resolution Receiving Feasibility Report and Calling for Hearing on Improvement for Project Y45 Southview Drive from Country Club Drive to South 4<sup>th</sup> Street. The public hearing will be held at 5:30 P.M. on May 5, 2008. All voted in favor of the motion.

**PROJECT Y47 DESCHEPPER STREET IMPROVEMENT PROJECT – CONSIDER RESOLUTION ORDERING PREPARATION OF REPORT ON IMPROVEMENT:**

Glenn Olson, Director of Public Works/City Engineer, reviewed Project Y47 Deschepper Street Improvement Project. This project provides for the installation of subsurface drainage to assist in the collection and removal of underground water and residential sump pump discharges.

Boedigheimer moved, Reynolds seconded, the adoption of RESOLUTION 3093, SECOND SERIES and that the reading of the same be waived. Resolution Number 3093, Second Series is a resolution Ordering Preparation of Report on Improvement for Deschepper Street Project Y74. This project provides for the installation of subsurface drainage to assist in the collection and removal of underground water and residential sump pump discharges. All voted in favor of the motion.

**AUTHORIZATION TO DISPOSE OF SURPLUS ITEMS EITHER BY AUCTION OR OTHER MEANS:**

Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that previously the City Council has authorized the City to hold a public auction on the third Thursday in May and October to dispose of surplus property. This auction is tentatively scheduled for Thursday, May 22, 2008. Normally the city has several vehicles from the Police Department, but they are currently utilizing the on-line service provided through the State of Minnesota to sell the vehicles. In the past there have also been a number of bicycles at the auction but now they are donating the bicycles to the Department of Corrections Bikes for Kids Program. After reviewing the list of items that the various departments submitted as surplus and after reviewing the costs involved to hold an auction it is anticipated that the proceeds from the sale of these items would not exceed the cost, therefore the recommendation is to declare the property as surplus property, to not hold an auction to dispose of the property and that other alternatives be considered to dispose of the property. Sanot moved, Ritter seconded, that the proper city personnel be authorized to dispose of surplus City property by means other than a public auciton. All voted in favor of the motion.

**REQUEST FOR STREET CLOSURE FROM LYON COUNTY HISTORICAL SOCIETY  
A. BUS MUSEUM (BUSEum) WWII BUS EXHIBIT MAY 6, 2008; B. THURSDAYS ON  
THIRD FROM JUNE 6, 2008 TO SEPTEMBER 4, 2008:**

Ellayne Conyers from the Lyon County Historical Society was in attendance at the meeting and is requesting street closure for the following events:

REGULAR MEETING – APRIL 21, 2008

1. Bus Museum (BUSeum) World War II Exhibit on Tuesday May 6, 2008
2. “Thursdays on Third” from June 6, 2008 to September 4, 2008 from 5:00 p.m. to 9:00 p.m. The evening will consist of Farmer’s Market, entertainment, sales and activities. The request is for closure of North 3<sup>rd</sup> Street from West Main Street to West Lyon Street on Thursday evenings.

Sanow moved, Ritter seconded, the approval of the request for Street Closure for Bus Museum (BUSeum) World War II Exhibit on Tuesday May 6, 2008 and for “Thursdays on Third” from June 6, 2008 to September 4, 2008 from 5:00 p.m. to 9:00 with the condition that proper MUTCD traffic control devices are in place for the events. All voted in favor of the motion.

**COUNCIL MEMBER COMMISSION BOARD AND 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 met last Monday; Police Commission has been reactivated.

Doom        Planning Commission items were acted on earlier in the meeting.

Hulsizer     Library Board questioned whether or not the city, as landlord, is responsible for paying to repair the garage door.

Reynolds    Hospital Board held a joint meeting with the City Council earlier today; Utilities Commission met last week and reviewed their annual audit.

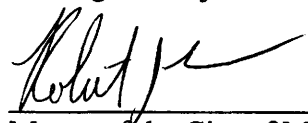
Ritter        Housing Commission met last week and they resolved the parking issue at Parkview Apartments.

Sanow        Cable Commission is requesting that the duties of the Commission be clarified – this will be added to the council retreat for discussion.

**COUNCIL MEMBER INDIVIDUAL ITEMS:**

Other items brought forth by the Mayor and Council Members included: a concern with the area behind the Gambler and discussed the possibility of an ordinance to keep minors out of bars after the kitchen closes; the Public Improvement/Transportation Committee needs to discuss speed limit signs past the trailer court and the renaming of the parking lots. The City Council will meet on May 5, 2008 at 4:00 P.M. to review the applications for the City Administrator position and interviews have been set for May 13<sup>th</sup> and 14<sup>th</sup>.

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

  
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Mayor of the City of Marshall

ATTEST:

  
\_\_\_\_\_  
Financial Director/City Clerk



SPECIAL MEETING – APRIL 22, 2008

A special meeting of the Common Council was held on April 22, 2008 in the Minnesota Room of the Marshall Municipal Building. The meeting was called to order at 5:25 P.M. by Mayor Byrnes. In addition to Byrnes the following members were present: Doom, Sanow, Reynolds, Boedigheimer and Ritter. Absent: Hulsizer. Staff present included: Thomas M. Meulebroeck, Financial Director/City Clerk.

**APPROVAL OF BOARD APPOINTMENTS FOR HOUSING COMMISSION AND UTILITIES COMMISSION:**

Per the recommendation of Mayor Byrnes, Reynolds moved, Boedigheimer seconded, that Robert E. Porter be appointed to the Housing Commission for an unexpired term to expire on May 31, 2012. All voted in favor of the motion.

Per the recommendation of Mayor Byrnes, Doom moved, Reynolds seconded, that Suzanne DeBrule be appointed to the Library Board for an unexpired term to expire on December 31, 2008. All voted in favor of the motion.

Per the recommendation of Mayor Byrnes, Ritter moved, Reynolds seconded, that Brian Broman be appointed to the Utilities Commission for an unexpired term to expire on May 31, 2012. Voting in favor of the motion were: Ritter, Reynolds and Byrnes. Voting no were: Doom, Sanow and Boedigheimer. The motion failed.

City staff was directed to re-advertise the unexpired term to expire on May 31, 2010 for the Planning Commission and the unexpired term to expire May 31, 2011 for the Utilities Commission.

Upon motion by Sanow, 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

LOCAL BOARD OF APPEAL AND EQUALIZATION  
APRIL 22, 2008

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

Council Members Absent: Hulsizer

Staff Present: C Snyder, D Huber, G Olson, T Meulebroeck

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

The 2008 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 introduced the staff that were present and outlined the purpose of the meeting which was to review the January 2, 2008 valuations, not taxes. The meeting was then turned over to Appraiser Snyder.

Snyder reviewed the information given the Board prior to the meeting. There were no questions from the board at the conclusion of the presentation. The members of the audience were asked to state their name, address, property address, and their concern.

Steve Strautz had no concerns or questions at this time.

Joe Hoff – North Star Mutual – 202 Jewett Street - was concerned with the value that had increased 15% this year. He has had an increase of 40% since 2005. Hoff questioned the variety of sales and the quantity. Byrnes questioned how many sales constituted the minimum threshold. Champine indicated six sales were considered to be a minimum. If six sales were not available, the State Board of Equalization would go back five years and look at the history. Strautz questioned if there was a distinction between building size as the cost per square foot is higher in a smaller building than a larger building. Ritter questioned if the communication tower was taxable. Snyder stated no.

Lawrence Tholen – 705 Viking Drive – had visited with a local realtor who informed him his home was overpriced by \$15,000. His house was built in 1991. Snyder indicated she would meet with Mr. Tholen and review sales and his home within a week.

Kris Shover – Marshall Bowl – 1417 East College Drive – was concerned about property values going up constantly. There is a vacant building next door to them which has not sold in two years. Snyder indicated she would review the property and meet with Ms. Shover within a week.

Cyril Schroeder – Hardee's - 1402 East College Drive – indicated the Hardee's building had a \$68,500 increase on their building. Schroeder questioned where the figures had come from. The building can't be used for anything else and is valued way too high. Similar buildings in other towns have sold for \$380,000 to \$450,000. Schroeder indicated it will cost \$1,000,000 to convert the building to something else. Snyder

LOCAL BOARD OF APPEAL AND EQUALIZATION  
APRIL 22, 2008

indicated she would review the building information and meet with Mr. Schroeder within a week.

Ray Fox – True Value Home Center – 500 North Highway 59 – was there as a concerned citizen. His property had increased by 15% in the last year. Attending the meeting was an act of frustration and thought it was a waste of time. Displeasure of a 15% increase because the state says we have to. Fox indicated this is just a circle with nobody at fault. Doing just what we are supposed to do.

Schroeder indicated he saw no reason for an increase. 15% on commercial/industrial is not realistic. He will defy anyone to get \$3/4 million for the building. Where does it all stop passing the buck.

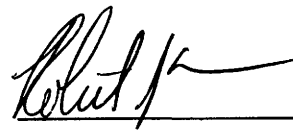
Snyder indicated the sales ratio does not include any fast foods or bowling alleys. We can't pick and choose and raise only what has sold.

Schroeder stated it was not realistic to convert the Hardee's building to another use. If you convert you will never get your money out of it.

Byrnes indicated the next step in the process is the County Board of Appeal and Equalization on June 16, 2008. If you are not satisfied with their answer, the next step is tax court. Commercial properties may proceed directly to tax court without appearing at the Local or County Boards of Appeal and Equalization.

A summary report regarding all concerned property owners will be received by the reconvened Local Board of Appeal and Equalization on Monday, May 5, 2008.

There being no further comments or questions, Mayor Byrnes recessed the 2008 Local Board of Appeal and Equalization at 6:20 p.m. The 2008 Local Board of Review and Equalization will reconvene on Monday, May 5, 2008. MOTION BY REYNOLDS, SECONDED BY SANOW, to recess the meeting to May 5, 2008. ALL VOTED IN FAVOR OF THE MOTION.



Mayor Robert Byrnes

Attest:



Assessment Technician

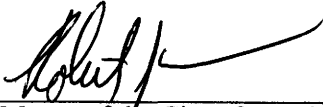
SPECIAL MEETING – MAY 5, 2008

A special meeting of the Common Council was held on May 5, 2008 in the Minnesota Room of the Marshall Municipal Building. The meeting was called to order at 4:00.M. by Mayor Byrnes. In addition to Byrnes the following members were present: Hulsizer, Doom, Sanow, Reynolds, Boedigheimer and Ritter. Absent: None.

Ritter moved, Doom seconded, to go into closed session pursuant to Minnesota Statute 13.43 Subd.3 to review applications for the City Administrator position. All voted in favor of the motion.

The Council came out of closed session.

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

LOCAL BOARD OF APPEAL AND EQUALIZATION  
MAY 5, 2008

The continuation of the Local Board of Appeal and Equalization was called to order at 5:15 P.M. by Mayor Byrnes in the Council Chambers of the Marshall Municipal Building. In addition to Byrnes the following members were present: Hulsizer, Sanow, Doom, Reynolds, Boedigheimer and Ritter. Absent: None. Staff present included: Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Finance Director/City Clerk; Jane DeVries, Deputy City Clerk; Carole Snyder, Appraiser; and Doris Huber, Assessment Technician.

Reynolds moved, Doom seconded, that the minutes of the Local Board of Appeal and Equalization held on April 22, 2008 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

Carole Snyder, Appraiser, indicated that because of changes in the law each recommendation needs to be acted on individually.

The following property owners appeared at the 2008 Local Board of Appeal and Equalization or contacted the office prior to it. We have been informed by Stephanie Nyhus of the Minnesota Department of Revenue that each property owner's appeal must be voted on separately. Each property owner will be notified by mail of the recommendations approved by the Local Board of Appeal and Equalization and their right to appear at the County Board of Appeal and Equalization. The recommendations are as follows:

1. Steve Sanders  
27-599-051-0 and 27-599-001-1  
515 North 7<sup>th</sup> Street

**Concern:** Mr. Sanders of MDI contacted the office because of the 15% increase in value from \$272,000 to \$312,800. It has a 15,000 s.f. warehouse, and a 2,072 s.f. office. It is presently rented. His concern was not being able to pass the increase in taxes to the renter. Market rents for similar warehouses were obtained which support the assessor's market value. Parcel 27-599-051-1 has warehouse space which they use for their own storage. He did not question the value of this property.

**Recommendation:** No change

Sanow moved, Doom seconded, the recommendation be approved. All voted in favor of the motion.

2. Steve Sanders – MDI 27-535-002-0 211 North 11<sup>th</sup> Street

**Concern:** This property also increased 15% from \$1,205,000 to \$1,385,800. Mr. Sanders was concerned about the increase in the assessed market value and the taxes. The cost to construct a similar warehouse was obtained and analyzed to determine the proper depreciation. The income approach using market rent also support the value.

**Recommendation:** No change

Sanow moved, Ritter seconded, the recommendation be approved. All voted in favor of the motion.

LOCAL BOARD OF APPEAL AND EQUALIZATION  
MAY 5, 2008

3. Diane Schmitt 27-837-056-0 1304 Horizon Drive  
**Concern:** Mrs. Schmitt contacted the office regarding the value of her home which has an assessed market value of \$185,100 for 2007 and 2008. She collected information on sales and neighboring homes to compare to her home. She was contacted to discuss the property, but declined at that time.

**Recommendation:** No change

Sanow moved, Reynolds seconded, the recommendation be approved. All voted in favor of the motion.

4. Ron Mosch 27-528-022-0 1409 Carlson Street  
**Concern:** Mr. Mosch called regarding the \$4,000 increase in his value when he felt the value of houses was decreasing. The assessed market value of his property for 2007 and 2008 was \$93,400 and \$88,900 for 2006. His home was inspected and determined to be assessed the same as other homes in the area.

**Recommendation:** No change

Doom moved, Boedigheimer seconded, the recommendation be approved. All voted in favor of the motion.

5. Thomas Handeland 27-600-127-0 308 Rainbow Drive  
**Concern:** Mr. Handeland purchased the home January of 2008 from a mortgage company for \$57,500. The 2008 assessed market value was \$97,500. The home had been vacant for some time and had deteriorated because of damage to it and neglect. Mr. Handeland had made some repairs and cleaned so he could rent the property. The home is an early 70's mobile home on a wood foundation and has a wood basement floor. The quality and condition of the home is less than previously estimated, making a reduction necessary.

**Recommendation:** Lower value to \$68,900

Boedigheimer moved, Ritter seconded, the recommendation be approved. All voted in favor of the motion.

6. Michael Martin - Stewart & Carlson 27-383-007-0 and 27-383-008-0 700 Huron Road  
**Concern:** Mr. Martin contacted the office concerning the increase in value of 15% to his property to \$303,900 and \$20,900. He was given a copy of recent sales of commercial/industrial property and compared these to his. They show a possible sale price of his property greater than the assessor's market value. Using an income approach with market rent also supports the value.

**Recommendation:** No change

Reynolds moved, Sanow seconded, the recommendation be approved. All voted in favor of the motion.

LOCAL BOARD OF APPEAL AND EQUALIZATION  
MAY 5, 2008

7. Michael Martin 27-541-005-0 302 South Whitney Street

**Concern:** Mr. Martin also questioned the value of his home which had increased in value from \$203,200 to \$219,700. His home was inspected and then compared to others which had sold in his neighborhood. The sales indicated his 2008 assessed market value was accurate.

**Recommendation:** No change

Reynolds moved, Sanow seconded, the recommendation be approved. All voted in favor of the motion.

8. I B P, Inc. 27-621-010-0 300 E Erie Road

**Concern:** Robert of I B P, Inc. called inquiring about the increase in value to the property. After explaining that most commercial/industrial properties were increased 15%, he was satisfied their property was assessed fairly.

**Recommendation:** No change

Ritter moved, Reynolds seconded, the recommendation be approved. All voted in favor of the motion.

9. Tammy Schotzko 27-631-001-0 522 Harriett Drive

**Concern:** Mrs. Schotzko called because the value of her new home increased from \$172,200 to \$179,600 for 2008. She was informed the landscaping had not been completed at the time of the 2007 assessment and was added in 2008.

**Recommendation:** No change

Ritter moved, Reynolds seconded, the recommendation be approved. All voted in favor of the motion.

10. Randy Parde 27-598-005-0 1207-1209 East College Drive

**Concern:** Mr. Parde called concerning the increase in value to his property to \$268,800 for 2008. It is a commercial building of 5,900 s.f. and a 1,020 s.f. apartment on the upper level. He was informed other commercial/industrial property around him was also increased and he had no other concerns.

**Recommendation:** No change

Ritter moved, Reynolds seconded, the recommendation be approved. All voted in favor of the motion.

11. Gordon Edwards 27-535-003-0 201 North 11<sup>th</sup> Street

**Concern:** Mr. Edwards was concerned about the increase in value to his property. Every year the assessed market value of his property has increased from \$129,800 in 2007 to \$149,300 for 2008. He was shown sales, one of which was across the street, which supported his assessed market value.

**Recommendation:** No change

Sanow moved, Reynolds seconded, the recommendation be approved. All voted in favor of the motion.

LOCAL BOARD OF APPEAL AND EQUALIZATION  
MAY 5, 2008

12. Lewayne Carlson 27-541-003-0 210 South Whitney Street  
**Concern:** Mr. Carlson's house increased from \$132,700 to \$137,800. Homes in his neighborhood were increased about 3% for the 2008 assessment. Several small changes were noted when inspected this past summer. He was concerned that homes are not selling now and also stated his rent will probably increase for the business space he leases from Mr. Parde. He was informed of the October 1, 2006 to September 30, 2007 sales ratio year we are required to study for the 2008 assessment and if home sales decrease after that, it will show in the 2009 assessment.

**Recommendation:** No change

Reynolds moved, Doom seconded, the recommendation be approved. All voted in favor of the motion.

13. Linda Brungardt 27-144-029-0 510 Jaguar Court  
**Concern:** Mrs. Brungardt called because her home had increased from \$573,100 to \$591,900 for the 2008 assessment. The homes in Carr Estates had been increased 4% overall. The Brungardt home was built in 2005 and repeated requests for an interior inspection had been denied. Mrs. Brungardt agreed to have her home inspected. The inspection indicated some changes in the square footage of the upper level and other differences which had been estimated previously and resulted in a decrease in value.

**Recommendation:** Lower the value to \$555,000

Boedigheimer moved, Sanow seconded, the recommendation be approved. All voted in favor of the motion.

14. Thomas Belcher 27-113-014-0 415 North 3<sup>rd</sup> Street  
**Concern:** Mr. Belcher was concerned about the increase in value from \$125,500 to \$152,100 for 2008. The home had been inspected in June with many improvements noted. Mr. Belcher had purchased the home in February 2007 for \$171,000.

**Recommendation:** No change

Reynolds moved, Ritter seconded, the recommendation be approved. All voted in favor of the motion.

15. Chad Wyffels 27-598-009-0 1309 East College Drive  
**Concern:** Mr. Wyffels questioned the increase in value to his property and how it would affect the taxes. He was shown sales and the ratios over the previous years, which resulted in the necessary increase. His property was increased from \$779,000 to \$980,500 for the 2008 assessment. He was also informed of land sales on East College Drive which support the value of his property.

**Recommendation:** No change

Ritter moved, Reynolds seconded, the recommendation be approved. All voted in favor of the motion.



LOCAL BOARD OF APPEAL AND EQUALIZATION  
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16. James Doom 27-446-007-0 200 North Bruce Street

**Concern:** Mr. Doom owns a tri-plex which has increased in value every year since he purchased it in 2003 for \$143,000. He was concerned about the increases in taxes and did not feel he could recoup that in rents. His property was compared to other rental property sales, one of which was located next to his. This tri-plex sold for \$170,000. The assessed market value of Doom's tri-plex is \$159,500.

**Recommendation:** No change

Sanow moved, Ritter seconded, the recommendation be approved. All voted in favor of the motion, except Doom who abstained.

17. Dan Blowers 27-925-016-0 604 Lawrence Street

**Concern:** Mr. Blowers called regarding the increase in value to his home and the change in classification to non homestead. The increase was a neighborhood increase of 3% to split entry homes. The home is for sale and Mr. Blowers is renting in the cities.

**Recommendation:** No change

Ritter moved, Reynolds seconded, the recommendation be approved. All voted in favor of the motion.

18. Ray Fox 27-599-095-0 500 North Highway 59

**Concern:** Mr. Fox appeared at the Local Board of Appeal and Equalization because of the increase in value of the True Value property to \$1,474,500, a 15% increase. He was concerned about the large increase in taxes which can't always be passed on to the customers. Mrs. Snyder met with Mr. Fox to discuss his concerns. The recent sales were discussed and the directives we have to follow from the Department of Revenue. As an assessor, we cannot determine taxes only the assessed market value.

**Recommendation:** No change

Doom moved, Reynolds seconded, the recommendation be approved. All voted in favor of the motion.

19. Charles Wilgenbusch 27-572-026-0 206 Donita Avenue

**Concern:** Mr. Wilgenbusch contacted the office because of the 3% increase in value of his house to \$168,400. He had listed his home for sale in March of 2007 for \$179,000, but it is not for sale at this time. An inspection of the home indicated some changes in the interior of the home which resulted in a decrease in value.

**Recommendation:** Lower value to \$161,300

Boedigheimer moved, Ritter seconded, the recommendation be approved. All voted in favor of the motion.

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20. Scott Stattleman 27-604-114-0 505 East Main Street

**Concern:** Mr. Stattleman purchased the home in January of 2007 for \$27,750 and remodeled the interior. The value increased from \$27,100 to \$46,500, which he felt was more than his cost to remodel. The interior remodeling consisted of a new kitchen and bath, insulating and finishing all walls and ceilings, installing new floor coverings, doors and trim, and updating the plumbing and wiring and heat. He was informed that remodeling may increase the value of a home more or less than the construction cost. Since he had done most of the work, that also resulted in lower remodeling costs. The home was compared to three others which sold recently. They indicated a value of his home from \$47,900 to \$53,100.

**Recommendation:** No change

Ritter moved, Sanow seconded, the recommendation be approved. All voted in favor of the motion.

21. North Star Mutual Insurance 27-598-050-4 202 Jewett Street

**Concern:** Mr. Huff appeared at the Local Board of Appeal and Equalization concerned about increases to the office building which they purchased in August 2005 for \$375,000. The 2007 value was \$362,700 and went to \$417,100 for the 2008 assessment. Mrs. Snyder met with Mr. Al Anderson of North Star Mutual Insurance to inspect the property and acquire rental information for the leased areas. Recent office sales support the assessed market value of their property.

**Recommendation:** No change

Ritter moved, Doom seconded, the recommendation be approved. All voted in favor of the motion.

22. Tracy Mickelson 27-710-044-0 227 Athens Avenue

**Concern:** Ms. Mickelson called concerned about the increase in taxes on her property. The value for 2007 and 2008 was \$159,500. She purchased the home in June of 2006 for \$159,665. The previous owner had taken out a permit to finish the lower level in 2005, but had done very little by January 1, 2006. Ms. Michelson had been contacted by door hanger, letter, and phone requesting to see the basement, and without a response, the value was estimated. A current inspection indicates the lower level was not completed and the assessed market value should be lowered to reflect that.

**Recommendation:** Lower the value to \$140,200

Boedigheimer moved, Ritter seconded, the recommendation be approved. All voted in favor of the motion.

23. Dorothy Carver 27-925-020-0 510 Lawrence Street

**Concern:** Mrs. Carver came to the office concerned about the increase in value in her split-entry home from \$165,000 to \$169,800. She was shown homes similar to hers which had sold in the time period we had to use for the 2008 assessment. They indicated a possible sale price of her home from \$176,500 to \$177,800.

**Recommendation:** No change

Sanow moved, Doom seconded, the recommendation be approved. All voted in favor of the motion.

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24. Robert Lockwood 27-598-038-0 1310 East College Drive  
**Concern:** Mr. Lockwood called because of the increase in value of his property to \$1,001,500. His concern was if other properties around his were also increased. He was sent copies of the sales used for the 2008 assessment and the sales ratios for the past eight years. He was informed that most other commercial/industrial property in the city was increased by 15%.

**Recommendation:** No change

Ritter moved, Sanow seconded, the recommendation be approved. All voted in favor of the motion.

25. Larry Lamote 27-256-019-0 713 North 5<sup>th</sup> Street  
**Concern:** Mr. Lamote purchased the lot and began building a new home in 2006. In 2007 he also added a deck and garage. He was contacted by door hanger, phone, and letter to inspect the interior of the home with no response. The interior of the home was estimated to be complete. Mr. Lamote contacted the office after receiving the 2008 assessor's estimated market value notice of \$156,900, and the interior was inspected. There were some areas still not completed which resulted in a reduction in value.

**Recommendation:** Lower the value to \$141,200

Doom moved, Reynolds seconded, the recommendation be approved. All voted in favor of the motion.

26. Floyd from Schott High Reliability LLC 27-383-012-0 604 West Erie Road  
**Concern:** This gentleman called because of the 15% increase in his property. He was informed of the overall increase to commercial/industrial property and how this was determined by recent sales. The value of his property for 2008 is \$827,800.

**Recommendation:** No change

Doom moved, Reynolds seconded, the recommendation be approved. All voted in favor of the motion.

27. Cindy Mitchell 27-113-004-0 302 W Marshall Street  
**Concern:** Mrs. Mitchell was concerned about the increase in value of her home from \$87,200 to \$94,900 for the 2008 assessment. Her home was compared to other older two story homes which sold. They indicated a possible sale price of her home of \$100,800 to \$114,700.

**Recommendation:** No change

Sanow moved, Reynolds seconded, the recommendation be approved. All voted in favor of the motion.

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28. Richard Doom 27-440-019-0 108 F Street

**Concern:** Mr. Doom contacted the office concerning the value of a rental home. He had heard the home at 104 F Street had recently sold for a lower price. The value of his home is \$112,800 for the 2007 and 2008 assessments. The home at 104 F Street sold February of 2008 for \$84,500 and is much smaller than Mr. Doom's house. His home was inspected and because of some changes since the last inspection, a slight decrease was noted.

**Recommendation:** Lower value to \$110,300

Sanow moved, Reynolds seconded, the recommendation be approved. All voted in favor of the motion, except Doom who abstained.

29. Kevin Knight 27-600-095-1 110 South 10<sup>th</sup> Street

**Concern:** Mr. Knight was concerned about the increase in his property of 15% to \$151,500. He purchased the property in April of 2006 for \$250,000, which included a martial arts business. Mrs. Snyder met with Mr. Knight and informed him other similar properties were increased the same.

**Recommendation:** No change

Reynolds moved, Sanow seconded, the recommendation be approved. All voted in favor of the motion.

30. David & Debra Hoganson 27-598-011-0 and 27-598-011-1 1307 East College Drive

**Concern:** The Hoganson's were concerned about the increase in the assessed market value for their property. They will not be able to pass the increase in taxes onto the renters in the building because they have five year leases. The property with the building increased 15% to \$546,500. The bare lot to the rear had no increase and has a value of \$50,200. They were shown recent sales of commercial/industrial property and the sales ratio from the past five years. They were also informed of recent land sales in their area. Sales of other properties indicated their property value is accurate.

**Recommendation:** No change

Reynolds moved, Doom seconded, the recommendation be approved. All voted in favor of the motion.

31. Ross & Tanya Larson 27-757-087-0 412 North 4<sup>th</sup> Street

**Concern:** Ross Larson called the assessor's office regarding the value of his home which had increased from \$141,900 in 2007 to \$145,300 in 2008. Older two story homes in the area were increased slightly (2%) for the 2008 assessment. The home is presently rented after having been listed for sale from 2006 to part of 2007. The home was inspected and compared to other two story homes which recently sold in the area. After adjusting for differences, they indicate a lower value.

**Recommendation:** Lower the value to \$141,100

Reynolds moved, Doom seconded, the recommendation be approved. All voted in favor of the motion..

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32. Doug Mosch 27-626-007-0 900 North Highway 59  
Mosch Properties 27-626-007-1 800 North Highway 59  
Four Seasons Companies 27-157-002-0 and 27-157-002-1 800-804 West College Drive  
West College Storage Center 27-157-002-2 804 West College Drive

**Concern:** Mr. Mosch came to the office concerned about several of his properties. He questioned whether other similar properties were also increased the same percent. Mrs. Snyder gave him information on the recent sales of commercial/industrial property and the sales ratio history from previous years. He inspected record cards from other properties.

Mr. Mosch's properties are storage warehouses, mini-storage and office space. They were compared to the sales and also what probable rents would be. The analysis supports the present assessed market value.

**Recommendation:** No change

Reynolds moved, Doom seconded, the recommendation be approved. All voted in favor of the motion.

33. Alvin Evers 27-708-035-0 605 Arbor Court

**Concern:** Mr. Evers appeared at the Local Board of Appeal and Equalization questioning the value of his home because he felt homes should be going down in value. The assessed market value of his home was \$226,500 for the 2007 and 2008 assessments. Mrs. Snyder inspected the home and compared it to recent sales of similar homes. There have been some changes in the property which indicate a lower value. Also the basement has a water problem which makes it unusable.

**Recommendation:** Lower the value to \$213,000

Sanow moved, Reynolds seconded, the recommendation be approved. All voted in favor of the motion.

34. Cyril Schroeder 27-527-005-0 1402 East College Drive

**Concern:** Mr. Schroeder appeared at Local Board of Appeal and Equalization questioning the value of the Hardees property which had increased 15% to \$525,400. Mrs. Snyder met with Lionel Bolden, and discussed the recent commercial/industrial sales and land sales in the area. The value was increased the same as other property along East College Drive.

**Recommendation:** No change

Reynolds moved, Doom seconded, the recommendation be approved. All voted in favor of the motion, except Boedigheimer who abstained.

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35. Lawerence Tholen 27-929-014-0 705 Viking Drive

**Concern:** Mr. Tholen appeared at the Local Board of Appeal and Equalization questioning the value of his home because he felt homes are decreasing in value. The assessed market value of his home was \$269,100 for the 2007 and 2008 assessment. Mrs. Snyder met with the Tholens' to inform them about recent sales of homes similar to theirs and also the time period required to value property for the 2008 assessment. Sales indicated a possible sale price of their home at about \$276,500.

**Recommendation:** No change

Reynolds moved, Sanow seconded, the recommendation be approved. All voted in favor of the motion, except Ritter who abstained.

36. Kris Shover (Marshall Bowl) 27-249-004-0 1417 East College Drive

**Concern:** Mrs. Shover was concerned about the increase in her property while there was a vacant property next door which had been for sale for sometime. Mrs. Snyder met with her and discussed commercial/industrial sales, land sales in the area, and the ratio study for recent years. Having a property next to you which is vacant does not lower your value. There may be special circumstances why it has not sold

**Recommendation:** No change

Reynolds moved, Boedigheimer seconded, the recommendation be approved. All voted in favor of the motion.

The following constitutes clerical cleanup for the 2008 assessment. These changes may be approved as a group.

Parcel 27-496-018-0 – John & Heather Longseth – 108 South High Street  
Should be 201-1 (residential single family homestead) as of 1-2-08

Parcel 27-600-138-1 – Hermilo Sandoval – 702 West College Drive  
Should be 201-0 (residential non homestead) as of 1-2-08

Parcel 27-812-057-0 – Karen Jagear – 700 E Southview Drive  
Should be 201-1 (homestead single family) as of 1-2-08

Parcel 27-484-009-0 – Ryan Burns – 416 Legion Field Road  
Should be 201-1 (homestead single family) as of 1-2-08

Parcel 27-289-001-0 – Justin Thompson – 306 South 6<sup>th</sup> Street  
Should be 201-1 (homestead single family) as of 1-2-08

Parcel 27-652-001-0 – Gary Becker – 136 E Street  
Should be 201-1 (single family homestead) as of 1-2-08

Parcel 27-113-003-0 – Miriam Guillen – 304 West Marshall Street  
Should be 201-1 (Single family homestead) as of 1-2-08

Parcel 27-110-023-0 – Thomas Bump – 108 East Redwood Street  
Should be a 201-0 (non homestead) as of 1-2-08

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Parcel 27-933-013-0 – Mark Jansen – 107 E Thomas Avenue  
Should be a 201-0 (non homestead) as of 1-2-08

Parcel 27-630-027-0 – Sandy Iverson – 509 Harriett Drive  
Should be a 201-0 (non homestead) as of 1-2-08

Parcel 27-757-20-0 – Timothy Alger – 606 North 5<sup>th</sup> Street  
Should be a 201-0 (non homestead) as of 1-2-08

Parcel 27-604-036-0 – Douglas Sovel – 304 South 1<sup>st</sup> Street  
Should have a 2008 Value of:

Land:	8,600
Building:	<u>22,800</u>
Total:	31,400

Sanow moved, Reynolds seconded, that all clerical cleanup as recommended be approved. All voted in favor of the motion.

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

  
\_\_\_\_\_  
Mayor of the City of Marshall

ATTEST:

  
\_\_\_\_\_  
Financial Director/City Clerk

## REGULAR MEETING – MAY 5, 2008

The regular meeting of the Common Council of the City of Marshall ~~was~~ held on May 5, 2008 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: Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Financial Director/City Clerk; Kim Jergenson, Engineer Technician; Shane Waterman, Assistant City Engineer; Tom Polfliet, Parks Superintendent; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

### **APPROVAL OF THE AGENDA:**

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

### **APPROVAL OF THE MINUTES:**

Sanow moved, Reynolds seconded, that the minutes of the Joint City Council – Avera Marshall Regional Medical Center meeting held on April 21, 2008, the minutes of the regular meeting held on April 21, 2008; and the minutes of the special meeting held on April 22, 2008 be approved as presented and that the reading of the same be waived. All voted in favor of the motion.

### **PUBLIC HEARING – “C” STREET IMPROVEMENT PROJECT Y40 - A. PUBLIC HEARING ON IMPROVEMENT; B. CONSIDER RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS:**

This was the date and time set for the public hearing on “C” Street Improvement Project Y40. Glenn Olson, Director of Public Works/City Engineer, reviewed this project. This project covers the proposed reconstruction of the existing street, sanitary sewer replacement/extension, watermain extension, and miscellaneous items from East Main Street to the north property line of the Marshall Middle School (proposed Library site). The proposed improvements include the widening of the street as needed between East Main and Saratoga Streets. Marilyn Groff, 109 “C” Street, was concerned about the location of the sidewalks being right by the curb after the street is widened. It was indicated that Ms. Groff will lose 3 large trees in her yard. Reynolds moved, Sanow seconded, that the public hearing be closed. All voted in favor of the motion.

Sanow moved, Doom seconded, the adoption of RESOLUTION NUMBER 3094 SECOND SERIES and that the reading of the same be waived. Resolution Number 3094, Second Series is a resolution Ordering the Improvement and Preparation of Plans. This resolution provides for the improvements for the “C” Street Improvement Project Y40. All voted in favor of the motion.

### **PUBLIC HEARING – LEGION FIELD IMPROVEMENT PROJECT Y44 – A. PUBLIC HEARING ON IMPROVEMENT; B. CONSIDER RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS AND SPECIFICATIONS:**

This was the date and time set for the public hearing on Legion Field Improvement Project Y44. Glenn Olson, Director of Public Works/City Engineer, reviewed this project. The project covers the proposed reconstruction of the existing street, sanitary sewer replacement, watermain replacement, and miscellaneous items from Kendall Street to West Main Street (T.H. 68). The proposed improvements include the installation of sidewalk along the west side of Legion Field Road and the installation of curb and gutter along the east side of the street as



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

Reynolds moved, Hulsizer seconded, the adoption of RESOLUTION NUMBER 3095, SECOND SERIES and that the reading of the same be waived. Resolution Number 3095, Second Series is a resolution Ordering the Improvement and Preparation of Plans. This resolution provides for the improvement to Legion Field Road Project Y44. All voted in favor of the motion.

### **PUBLIC HEARING – SOUTHVIEW DRIVE IMPROVEMENT PROJECT Y45 – A. PUBLIC HEARING ON IMPROVEMENT; B. CONSIDER RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS:**

This was the date and time set for the public hearing on Southview Drive Improvement Project Y45. Glenn Olson, Director of Public Works/City Engineer, reviewed this project. The project covers the proposed reconstruction of the existing street, sanitary sewer replacement, watermain replacement, and miscellaneous items from Country Club Drive to South 4<sup>th</sup> street. The proposed improvements include minor storm sewer replacement on a portion of Southview Drive. Sanow moved, Ritter seconded, that the public hearing be closed. All voted in favor of the motion.

Doom moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3096, SECOND SERIES and that the reading of the same be waived. Resolution Number 3096, Second Series is a resolution Ordering the Improvement and Preparation of Plans for the improvements to Southview Drive Improvement Project Y45. All voted in favor of the motion.

### **PUBLIC HEARING – WINDSTAR STREET AND CLARICE AVENUE PROJECT Y32 AND CLARICE AVENUE PROJECT Y33 – A. PUBLIC HEARING; B. CONSIDER RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS:**

This was the date and time set for the public hearing on Windstar Street from T.H. 59 to Clarice Avenue (139-131-03) / Clarice Avenue from Windstar Street to Susan Drive (139-132-01) Project Y32 and Clarice Avenue from Susan Drive to T.H. 23 (139-132-02) Project Y33. Glenn Olson, Director of Public Works/City Engineer reviewed these projects. These projects provide for street construction including grading aggregate base, bituminous base, and bituminous surfacing. Utilities to be installed include storm sewer, sanitary sewer and watermain. Joe Verkinderen, was concerned with the water overflow from the pond. Mr. Olson indicated that this pond is connected to other ponds and eventually ends up in the ditch system. This pond is designed for a 100 year flood. Reynolds moved, Doom seconded, that the public hearing be closed. All voted in favor of the motion.

Doom moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3097, SECOND SERIES and that the reading of the same be waived. Resolution Number 3097, Second Series is a resolution Ordering the Improvement and Preparation of Plans for the improvements to Windstar Street from T.H. 59 to Clarice Avenue (139-131-03) / Clarice Avenue from Windstar Street to Susan Drive (139-132-01) Project Y32 and Clarice Avenue from Susan Drive to T.H. 23 (139-132-02) Project Y33. All voted in favor of the motion.

### **PUBLIC HEARING - ANNEXATION BY ORDINANCE – ADM PROPERTY ADJACENT TO NORTH 7<sup>TH</sup> STREET AND ADOPTION OF ORDINANCE:**

This was the date and time set for a public hearing on the annexation of a piece of property to the City of Marshall in accordance with Minnesota Statutes, Section 414.033, Subd.

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2(3), permitting annexation by ordinance. The property is owned by Archer Daniels Midland and contains approximately 5.617 acres that they have voluntarily requested be annexed into the Marshall City limits. Reynolds moved, Ritter seconded, that the public hearing be closed. All voted in favor of the motion.

Reynolds moved, Doom seconded, the adoption of ORDINANCE NUMBER 593, SECOND SERIES and that the reading of the same be waived. Ordinance Number 593, Second Series is an Ordinance of the City of Marshall, Annexing Land Located in the Town of Fairview, 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 of 5.617 acres of land that is owned by Archer Daniels Midland. All voted in favor of the motion.

### **CONSIDER AWARD OF PROPOSALS FOR LIBERTY PARK PROJECT – A. WALK BRIDGE; B. GAZEBO:**

Proposals have been received for a Truss Bridge Structure; Special Railing for the Truss Bridge Structure; Two Bridge Abutment Structures for the Truss Bridge Structure and Crane Services for the installation of the Truss Bridge Structure. The low bids for this project were as follows:

Truss Bridge Structure, Contech Bridge Solutions, Inc., Alexandria, MN \$31,843.50

Special Railing for the Truss Bridge Structure, Marshall Machine Shop, Inc.,  
Marshall, MN \$14,910.00

Two Bridge Abutment Structures for the Truss Bridge Structure, Chuck Hess Concrete & Masonry, Inc., Marshall, MN \$11,500.00

Crane Services for the installation of the Truss Bridge Structure, CEEC, Inc., Wabasso, MN \$3,000.00

Ritter moved, Sanow seconded, that the proposal for a Truss Bridge Structure; Special Railing for the Truss Bridge structure; Two Bridge Abutment Structures for the Truss Bridge Structure and Crane Services for the installation of the Truss Bridge Structure be awarded to the low bidders for the Walk Bridge in the amount of \$61,253.50 which will be funded from the Community Services Capital Outlay Budget which has been carried over from 2007. All voted in favor of the motion.

Three proposals were received for the Liberty Park Gazebo Project. The Marshall Community Services Advisory Board is recommending the proposal from Flanigan Sales Inc., from St. Paul, Minnesota in the amount of \$22,582.26. The Marshall Community Services Advisory Board chose the design that was most appropriate for the Liberty Park area. It is intended that funding for the project will come from the Park Donation Fund, as will the additional costs of labor, cement, electrical work and the building permit. Council Member Boedigheimer asked if this was the low bid. Tom Polfliet, Park Superintendent, indicated that there were lower bids but that this proposal was the best design. He also indicated that this will be paid for with donated money earmarked for the Parks. Ritter moved, Sanow seconded, that the proposal for the Liberty Park Gazebo be awarded to Flanigan Sales, Inc., St. Paul, Minnesota in the amount of \$22,582.26 and that this will be paid from the Park Donation Fund. All voted in favor of the motion, except Boedigheimer who voted no. Shane Waterman, Assistant City Engineer, indicated that construction would begin in May or June, once the DNR Permit has been received.

**AWARD OF BIDS – MAIN STREET PROJECT Y03 AND NORTH 3<sup>RD</sup> STREET SIDEWALK PROJECT Y13 – SUPPLEMENTAL TREE PLANTINGS:**

During the summer of 2007, the Marshall Greenspace Committee met to review the proposed tree species specified by Mn/DOT for installation in the planters along the Main Street Reconstruction Project. Mn/DOT proposed to plant Prairie Spire Ash trees in all of the Type 7 planters on the project. The Greenspace Committee discussed the option of installing a variety of trees along the project. Subsequently, the Greenspace Committee requested that two-thirds (22 trees) of the Prairie Spire Ash trees be substituted with alternate varieties. The alternate species of trees selected were Ginko (male) and Armstrong Maple. The City of Marshall requested a change order from Mn/DOT to eliminate 22 Prairie Spire Ash trees and replace them with 11 Ginko and 11 Armstrong Maple trees on the project. When the quotes for the alternate tree varieties were received by Mn/DOT, the prices were extremely high. The City of Marshall decided to decline the installation of the alternate tree species on the project. The City requested the Mn/DOT change order should eliminate 22 Prairie Spire Ash trees and the City would solicit prices for the alternate trees on its own. In addition to the Main Street Reconstruction Project, the City of Marshall authorized the North 3<sup>rd</sup> Street Sidewalk Improvement Project. A portion of the scope of the project was to incorporate the amenity theme from the Main Street Project. Therefore, City staff included tree/shrub planters on the North 3<sup>rd</sup> Street Sidewalk Project. However, the tree and shrub varieties were not included in the project because the construction was scheduled to extend late into the fall. Another project developed from the Main Street Reconstruction Project which included the construction of a bus stop and courtyard area in front of the Municipal Building. The courtyard improvements will include colored concrete and planters consistent with the Main Street amenity theme. Subsequently, City staff prepared a Supplemental Tree Planting Project to complete the three projects. In April 2008, proposals were received for the proposed supplemental tree, shrub and flower plantings advertised and solicited from local vendors. Two proposals were received: Greenwood Nursery, Marshall, Minnesota in the amount of \$19,690.00 and Bofferding Flower Shop & Nursery, Marshall, Minnesota in the amount of \$33,915.00. Ritter moved, Reynolds seconded, that the bid be awarded to Greenwood Nursery, Marshall, Minnesota in the amount of \$19,690.00 for the Supplemental Tree Planting Project. All voted in favor of the motion.

**APPROVAL OF CONSENT AGENDA – A. DECLARATION OF SURPLUS PROPERTY – BICYCLES; B. SPECIAL VEHICLE LICENSE FOR THOMAS PICKERING; C. TRANSIENT MERCHANT LICENSE FOR THE COUNTRY STOP (TO BE USED AT DAIRY QUEEN); D. TEMPORARY ON-SALE BEER LICENSE FOR MARSHALL BASEBALL ASSOCIATION FOR MAY 15, 2008 TO SEPTEMBER 15, 2008; E. BILLS/PROJECT PAYMENTS; F. BUILDING PERMITS:**

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

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 approval of a Special Vehicle License be approved for Thomas Pickering to expire on December 31, 2008 at a fee of \$30.00

The approval of a Transient Merchant License for the Country Stop, Inc., to be used at the Dairy Queen parking lot on East College Drive at a fee of \$300. This license will expire on December 31, 2008

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The approval of a Temporary On-Sale Beer License for Marshall Baseball Association to be used at Legion Field from May 15, 2008 to September 15, 2008 at a fee of \$200.00.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 60435 through 60609.

All voted in favor of the motion.

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

	Applicant	Location Address				Description of Work	Amount
1.	Robert Carr	1107		Birch	Street	Dwelling	\$150,000
2.	Lee & Shana Allex	1108		Washington	Ave.	Interior Remodel	\$2,500
3.	David P. Regnier	100	South	10th	Street	Reside West Side & Stairway	\$1,500
4.	Melinda McDowell	614	West	Thomas	Avenue	Basement Remodel	\$8,000
5.	Lester R. Lenz	417	North	7th	Street	Install Exterior Door and Stairs	\$1,300
6.	Archer Daniels Midland Company	400	West	Erie	Road	Motor Control Addition	\$811,600
7.	Jorge Lacroix	406		Lawrence	Street	Patio and Door	\$2,300
8.	True Value Home Center	711		Marguerite	Avenue	Addition and Storage Building	\$55,000
9.	Sussner Construction, Inc.	701	North	7th	Street	Repair Overhead Door Post	\$3,400
10.	REM - Southwest Services, Inc.	206		Carrow	Circle	Install header	\$500
11.	REM - Southwest Services, Inc.	1003	North	4th	Street	Replace Windows, Canopy	\$1,800
12.	Dennis Lozinski	625		Soucy	Drive	Reroof	\$2,000
13.	Dennis Lozinski Construction	200		Deschepper	Court	Reroof	\$6,000
14.	Chad Rykhus Construction	401	West	College	Drive	Reroof Dwelling, Install window	\$3,000
15.	Mike Buysse Construction	601	North	4th	Street	Reroof Dwelling	\$4,500
16.	Cynthia Brown	212		Legion Field	Road	Deck	\$1,500
17.	REM-Southwest Services, Inc.	403	West	Thomas	Avenue	Replace Windows	\$1,500
18.	Randall & Valerie Kor	311	East	Lyon	Street	Reroof, Reside, Replace Windows & Doors	\$10,000
19.	Murray P. Sullivan	201		Hamden	Street	Reroof	\$26,000
20.	Scott Stattelman	411	North	5th	Street	Reroof	\$2,500
21.	Scott Stattelman	505	East	Main	Street	Reroof, Reside	\$4,500
22.	Daniel L. & Kimberly A. Fixen	411	North	4th.	Street	Reroof	\$3,500
23.	Leo C. Bass	1302		Parkside	Drive	Reroof	\$4,000
24.	Bakke's Home Repair & Construction	200		Sunrise	Lane	Remodel Bathroom	\$3,500

Mayor Byrnes called for a 5-minute recess at 6:25 P.M.

## REGULAR MEETING – MAY 5, 2008

### **CONSIDER APPLICATIONS FOR CITY ADMINISTRATOR POSITION:**

At this time the City Council named the six finalists for the position of City Administrator. The finalists are: Brian Beeman, Melrose city administrator; Douglas Gerber, Beloit, Kansas city administrator; Scott Hulizenga, project controls manager for the city of Kansas City, Missouri; Ben Martig, Blue Earth city administrator; Ronald Moorse, former Orono city administrator; and Robert Wolfington, Benson city administrator.

### **CALL FOR PUBLIC HEARING ON REQUEST TO MOVE DWELLINGS INTO A RESIDENTIAL DISTRICT – A. 604 HERITAGE PLACE; B. 610 HERITAGE PLACE:**

Glenn Olson, Director of Public Works/City Engineer; reviewed the request of Ron Schilling, Alluvus, LLC to move a dwelling into the City from 1629 County Line Avenue, Woodstock, Minnesota to 604 Heritage Place and to move a dwelling from 1329 201<sup>st</sup> Street, Currie, Minnesota to 610 Heritage Place. These dwellings have been examined by the Building Official and found to be in reasonable condition to move and in reasonable compliance with the MN State Building Code. Reynolds moved, Sanow seconded, that a public hearing be held at 5:30 P.M. on May 19, 2008 to consider this request. All voted in favor of the motion.

### **CONSIDER REVISIONS TO RESOLUTION APPROVING SPECIFIC FEES TO BE CHARGED BY THE CITY OF MARSHALL (CAT LICENSING AND DANGEROUS ANIMAL FEE):**

Ritter moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3098, SECOND SERIES and that the reading of the same be waived. Resolution Number 3098, Second Series is a resolution Approving the Specific Fees to be Charged by the City of Marshall. This resolution provides for the fee for Licensing Cats and the fee for a Dangerous Animal. All voted in favor of the motion.

### **CONSIDER RESOLUTION RECEIVING REPORT AND ORDER PUBLIC IMPROVEMENT FOR DESCHEPPER STREET IMPROVEMENT PROJECT Y47:**

Sanow moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3099, SECOND SERIES and that the reading of the same be waived. Resolution Number 3099, Second Series is a resolution Receiving the Feasibility Report and Calling for a Public Hearing on the Improvement for DeSchepper Street Improvement Project Y47. The public hearing will be held at 5:30 P.M. on May 19, 2008. All voted in favor of the motion.

### **CONSIDER RESOLUTION RECEIVING REPORT AND ORDER PUBLIC HEARING ON IMPROVEMENT FOR CLUB 59 ADDITION IMPROVEMENT PROJECT Y42:**

Doom moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3100, SECOND SERIES and that the reading of the same be waived. Resolution Number 3100, Second Series is a resolution Receiving the Feasibility Report and Calling for a Public Hearing on the Improvement for Club 59 Addition Improvement Project Y42. The public hearing will be held at 5:30 P.M. on May 19, 2008. All voted in favor of the motion.

### **COUNCIL MEMBER COMMISSION BOARD AND LIAISON REPORTS:**

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

Byrnes            EDA will meet next week; Regional Development Commission meets on Thursday.

Boedigheimer Airport Commission – the Airport Symposium was held last week.

REGULAR MEETING – MAY 5, 2008

Doom No report.

Hulsizer Human Rights Commission met last Monday and discussed printing brochures and had a question on their budget.

Reynolds No report.

Ritter No report.

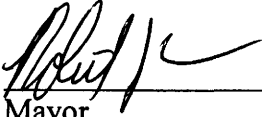
Sanow No report.

**COUNCIL MEMBER INDIVIDUAL ITEMS:**

Other items brought forth by the Mayor and Council Members included: they need to set a time to hold interviews for board and commission applicants. This will be held on May 28<sup>th</sup> and 29<sup>th</sup>.

Glenn Olson, Interim City Administrator, indicated that he has some items that need to be brought forth to the Personnel Committee.

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

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Financial Director/City Clerk

## SPECIAL MEETING – MAY 13, 2008

A special city council meeting was held on May 13, 2008 to interview the applicants for the City Administrator position. The meeting began at the Adult Community Center at 7:30 A.M. with a continental breakfast where Sharon Klump, Springsted's Inc., introduced the candidates and their spouses. The Mayor, City Council members and City staff introduced themselves and their position with the City. In attendance at this meeting was Mayor Byrnes and the following Council members: Hulsizer, Sanow, Reynolds, Boedigheimer and Ritter. Doom was absent.

Following the breakfast the candidates and their spouses along with some of the Council members and City staff toured the City of Marshall and had an opportunity to have an inside view at some of the locations.

Interviews began at 10:00 A.M. with each candidate being interviewed by the City Council in the Minnesota Room in the Marshall Municipal Building, the Division Directors in the Marshall Municipal Building Council Chambers and with Community Leaders in the Marshall Chamber of Commerce Board Room.

Mayor Robert Byrnes and Council Members Hulsizer, Doom, Sanow, Reynolds, Boedigheimer and Ritter were in attendance at the following interviews:

10:00 A.M. with Brian Beeman

11:15 A.M. with Scott Huizenga

1:00 P.M. with Ben Martig

2:15 P.M. with Rob Wolfington

Mayor Byrnes and Council Members Hulsizer, Doom, Sanow, Reynolds, Boedigheimer and Ritter met at 3:30 P.M. in the Minnesota Room of the Municipal Building along with City staff Glenn Olson, Interim City Administrator, Director of Public Works/City Engineer and Thomas M. Meulebroeck, Financial Director; Sharon Klump from Springsted's Inc., and Ray Kruger from the Marshall Independent.

The purpose of this meeting was to address the interview of the four applicants, Brian Beeman, Scott Huizenga, Ben Martig and Rob Wolfington for the City Administrator position. Mayor Byrnes indicated that each of the members of the Community Leaders group had ranked each candidate and that the Division Head group had chosen who their top candidate was.

Glenn Olson, as Interim City Administrator, Director of Public Works/City Engineer, and as spokes person for the Division Head group, did indicate that Ben Martig was the strongest recommendation of this group.

Based on the ranking of the Community Leader group Ben Martig was their recommendation.

Mayor Byrnes took this opportunity to hear the recommendations of each council member. It was unanimous amongst the Mayor and City Council members to recommend Ben Martig for the City Administrator position. Sharon Klump, Springsted's Inc., addressed the

SPECIAL MEETING – MAY 13, 2008

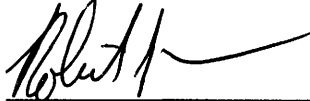
process that had been used for the interviews and was pleased that there was a majority recommendation.

Ritter moved, Reynolds seconded, that an offer be made to Ben Martig as the City Administrator for the City of Marshall. All voted in favor of the motion.

The City Council reviewed the various city benefits to be included in the proposed contract with Ben Martig.

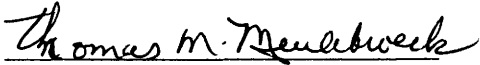
Sanow moved, Ritter seconded, that Sharon Klump, Springsted's Inc., be authorized to enter into negotiations on behalf of the City of Marshall with Ben Martig to enter into an agreement for the City Administrator for the City of Marshall consistent with the direction of the various benefits defined by the City Council. All voted in favor of the motion.

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



Mayor

Attest:



Financial Director/City Clerk



## REGULAR MEETING – MAY 19, 2008

The regular meeting of the Common Council of the City of Marshall was held on May 19, 2008 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: Dennis Simpson, City Attorney; Glenn Olson, Interim City Administrator, Director of Public Works/City Engineer; Harry Weilage, Director of Community Services; 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 with item number 8, which is to consider the employment agreement for a City Administrator being held after item number 17, which is the determination to go into closed session pursuant to Minnesota Statute 13D.03; and the determination to go into closed session pursuant to Minnesota Statute 13D.05 being held after the consideration of item number 8.

### **APPROVAL OF THE MINUTES:**

Doom moved, Sanow seconded, that the minutes of the special meeting held on May 5, 2008, the minutes of the regular meeting held on May 5, 2008 and the minutes of the special meeting held on May 13, 2008 be approved as presented and that the reading of the same be waived. All voted in favor of the motion.

### **PUBLIC HEARING ON REQUEST TO MOVE DWELLINGS INTO A RESIDENTIAL DISTRICT – A. 604 HERITAGE PLACE; B. 610 HERITAGE PLACE:**

This was the date and time set for a public hearing on the request to move dwellings into a residential district – 604 Heritage Place from 1629 County Line Avenue, Woodstock, Minnesota and 610 Heritage Place from 1329 201<sup>st</sup> Street, Currie, Minnesota. 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:

John Thooft, 414 North 7<sup>th</sup> Street, indicated that there is a problem with dust in the area. Mr. Olson indicated that it is the responsibility of the owner to keep the dust under control. He also indicated that the improvements under the city project should start around July 1<sup>st</sup>.

Kay Nauman, 608 Soucy Drive, was concerned with Mr. Schilling moving in more houses. She indicated that there are several issues that have not been completed with the homes that are currently located in this addition. She provided a DVD of pictures that were taken on May 18<sup>th</sup> and 19<sup>th</sup> which show some of her concerns. Her concerns consists of: a garage just sitting in the addition; shingles missing on some houses; shingles do not match; a chimney not completed; several boards along the bottom of garages that rotten; homes needing paint; piles of dirt and clay that have been sitting all winter; blocks being used to hold up a ramp; and garbage blowing around.

Mr. Schilling, Alluvus LLC, took this opportunity to respond to Ms. Nauman's concerns. Mr. Schilling indicated that the garage that is sitting there will be placed at 610 Heritage Place; there is grass coming up around the houses and they are all occupied.

## REGULAR MEETING – MAY 19, 2008

Council Member Ritter indicated that Building Official Dale Howe is to do the final inspection and issue the Certificate of Occupancy.

Mr. Schilling also indicated that the chimney in question has been abandoned; the block holding up the ramp is filled and has rebar making it very stable; and the sill plats along the garages are not decaying. He indicated that when they replaced shingles they matched them as close as they could.

John Thooft asked if there was a time table for getting things completed.

Mr. Olson indicated that building permits are valid as long as work is being done.

Council Member Boedigheimer asked if the on site construction affects the issuance of the Certificate of Occupancy and was informed that it does not. He also asked Mr. Schilling if he had a problem with an end date to complete everything. Mr. Schilling indicated that he did not.

Mr. Schilling indicated that the garage that is sitting in the addition will be sided as soon as it is placed in the proper location.

Rita Smidt, 113 Ranch, indicated with the silt area is falling down. Mr. Olson indicated that this should be replaced or removed. Mr. Schilling will inform the contractor to take care of this.

JoAnn Gould, 412 North 7<sup>th</sup> Street, was also concerned about the dust. Mr. Olson indicated that she needs to contact Mr. Schilling to take care of.

Kay Nauman was concerned that it has been a year since houses were moved into this area and felt that it is time for the work to be completed by Mr. Schilling.

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

Doom moved, Hulsizer seconded, that Mr. Schilling be allowed to move dwellings into 604 Heritage Place from 1629 County Line Avenue, Woodstock, Minnesota and 610 Heritage Place from 1329 201<sup>st</sup> Street, Currie, Minnesota with the condition that the current houses be brought up to city code with the approval of the building official; the dust issue be resolved and the garbage in the area be taken care of. Council Member Sanow asked for a clarification on the City Code requirement – is the life safety issues or cosmetic issues. Mr. Olson indicated that the building permits are valid as long as work is being done on the houses. Council Member Boedigheimer indicated that there are cosmetic issues. Doom moved, Hulsizer seconded, that the motion be amended to provide for all items with the current houses be completed by July 1, 2008 and that all items on the two new homes being brought be complete by October 1, 2008. Council Member Boedigheimer asked about the final fill and lawn seeding. Mr. Olson indicated that the lawns need to be seeded 14 days after the final fill is in place. Sanow called for the question. All voted in favor of the motion, except Ritter who voted no.

**PUBLIC HEARING ON IMPROVEMENT AND CONSIDER RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS AND SPECIFICATIONS FOR DESCHEPPER STREET IMPROVEMENT PROJECT Y47:**

This was the date and time set for a public hearing on DeSchepper Street Improvement Project Y47. Glenn Olson, Director of Public Works/City Engineer, indicated that this project includes the proposed reconstruction of the repavement, granular base, granular sub-grade with drainage, partial curb and gutter replacement and miscellaneous items on DeSchepper Street from James Street to Southview Drive. Jason Peterson, 611 DeSchepper, indicated that the road is only 15 years old and asked if there was an exception to the assessment policy in regard to the splitting of the costs. He indicated that the city should pay more because the road did not last very long. Mr. Olson indicated that this hearing is for the improvement and that there will be a hearing at a later date to discuss the assessments. Thomas VanOverbeke, owner of the vacant lot was concerned with the cost of the project. Sanow moved, Jennie seconded, that the public hearing be closed. All voted in favor of the motion.

Sanow moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3101, SECOND SERIES and that the reading of the same be waived. Resolution Number 3101, Second Series is a resolution Ordering Improvements and Preparation of Plans for DeSchepper Street Improvement Project Y47 from James Street to Southview Drive. All voted in favor of the motion.

Kay Dalke asked about the road being patched. Mr. Olson indicated that they would keep the road patched until the project starts.

**PUBLIC HEARING ON IMPROVEMENT AND CONSIDER RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS AND SPECIFICATIONS FOR CLUB 59 ADDITION IMPROVEMENT PROJECT Y42:**

This was the date and time set for a public hearing on Club 59 Addition Improvement Project Y42. Glenn Olson, Director of Public Works/City Engineer, indicated that this project includes the proposed construction of sanitary sewer mains, sewer services, watermain, water service lines and miscellaneous items within the Club 59 Addition along Floyd Wild Drive. A portion of the water and sewer service lines will be installed as part of the Windstar Street Improvements Project. Sanow moved, Hulsizer seconded, that the public hearing be closed. All voted in favor of the motion.

Sanow moved, Ritter seconded, the adoption of Resolution Number 3102, Second Series and that the reading of the same be waived. Resolution Number 3102, Second Series is a resolution Ordering Improvements and Preparation of Plans for Club 59 Addition Improvement Project Y42 which includes sanitary sewer mains, sewer services, watermain, water service lines and miscellaneous items within the Club 59 Addition along Floyd Wild Drive. All voted in favor of the motion.

**PUBLIC HEARING AND ADOPTION OF ORDINANCE FOR ANNEXATION OF MMU ELECTRICAL SUBSTATION SITE:**

This was the date and time set for a public hearing on the Annexation of land located in the Town of Lake Marshall, Lyon County, Minnesota (MMU Electrical Substation Site) to the City of Marshall. This ordinance would provide for the annexation of a piece of property to the City of Marshall in accordance with Minnesota Statutes, Section 414.033, Subd. 2(3), permitting annexation by ordinance. The property is now owned by the City of Marshall (Marshall Municipal Utilities) and contains approximately 10.15 acres. Due to the fact that the property is

## REGULAR MEETING – MAY 19, 2008

owned by the City of Marshall and contiguous to the City limits, and the owner has requested annexation, staff is recommending annexation of the property under the “annexation by ordinance” provisions of the Minnesota Statutes. The City did provide 30 days written notice by certified mail to all contiguous landowners of the intent to annex as is required by Minnesota Statutes. Sanow moved, Doom seconded, that the public hearing be closed. All voted in favor of the motion.

Doom moved, Ritter seconded, the adoption of ORDINANCE NUMBER 594, SECOND SERIES and that the reading of the same be waived. Ordinance Number 594, 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 of property owned by the City of Marshall (MMU Electrical Substation Site) and contains approximately 10.15 acres. All voted in favor of the motion.

### **PUBLIC HEARING AND ADOPTION OF ORDINANCE FOR ANNEXATION OF SONSTEGARD/TRI-STATE PETROLEUM AREA:**

This was the date and time set for a public hearing on the Annexation of land located in the Town of Fairview, Lyon County, Minnesota (Section 32, T112N, R41W Sonstegard Area Property / Tri State Petroleum Area Property) to the City of Marshall. This ordinance would provide for the annexation of a piece of property to the City of Marshall in accordance with Minnesota Statutes, Section 414.033, Subd. 2(3), permitting annexation by ordinance. There are two tracts in this annexation area for a total of approximately 66.64 acres. One tract is owned by Anna Sonstegard and contains approximately 64.266 acres. The other tract is owned by Tri-State Petroleum and contains approximately 2.37 acres. Due to the fact that the land is deemed to be urban or suburban in character or about to be so and the land is completely surrounded by land within the municipal limits, staff is recommending annexation of the property under the “annexation by ordinance” provisions of the Minnesota Statutes. The City did provide 30 days written notice by certified mail to all contiguous landowners of the intent to annex as is required by Minnesota Statutes. Doom moved, Ritter seconded, that the public hearing be closed. All voted in favor of the motion.

Ritter moved, Sanow seconded, the adoption of ORDINANCE NUMBER 595, SECOND SERIES and that the reading of the same be waived. Ordinance Number 595, Second Series is an Ordinance of the City of Marshall Annexing Land Located in the Town of Fairview, 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 of the property owned by Anna Sonstegard and Tri-State Petroleum and contains approximately 66.64 acres. All voted in favor of the motion.

**CONSENT AGENDA – A. RESOLUTION DESIGNATING POLLING LOCATIONS, AUTHORIZING APPOINTMENT OF ELECTION JUDGES AND SETTING THEIR RATE OF PAY FOR THE PRIMARY ELECTION SEPTEMBER 9, 2008 AND FOR THE GENERAL ELECTION NOVEMBER 4, 2008; B. TRANSIENT MERCHANTS LICENSE FOR TNT FIREWORKS TO BE USED IN THE WAL-MART PARKING LOT; C. APPLICATION FOR DISPLAY OF FIREWORKS/PYROTECHNIC SPECIAL EVENTS FOR JULY 4, 2008; D. BILLS/PROJECT PAYMENTS; E. BUILDING PERMITS:**

## REGULAR MEETING – MAY 19, 2008

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

RESOLUTION NUMBER 3103, SECOND SERIES and that the reading of the same be waived. Resolution Number 3103, Second Series is a resolution Designating the Polling Locations, Authorizing the Appointment of Election Judges and Setting their Rate of Pay for the Primary Election on September 9, 2008 and the General Election on November 4, 2008.

The approval of a Transient Merchant License for TNT Fireworks for the sale of fireworks in the Wal-Mart parking lot at a fee of \$300. This license will expire on December 31, 2008.

The approval of an application for Community Services to buy fireworks for display purposes on July 4, 2008 at Independence Park. Community Services will be making arrangements with the Marshall Volunteer Fire Department for the fireworks display.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 60610 through 60778.

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.	Bladholm Construction, Inc.	400	West	Erie	Road	Maintenance Shop Addition	\$280,000
2.	James Lozinski Construction	303		Elaine	Avenue	Reroof, Repair Railing	\$6,000
3.	Chad L. Rykhus	204	North	Whitney	Street	Reside, Replace Windows	\$5,000
4.	Chad Rykhus Construction	621	West	Thomas	Avenue	Reroof	\$4,000
5.	French Construction	227	North	Hill	Street	Reside	\$19,700
6.	Joshua R. Sternke	1303		Fairview	Street	Deck	\$5,000
7.	Glenn J. Olson, PE	344	West	Main	Street	Remodel Offices	\$11,300
8.	Robert A. and Patricia Cole	613		Southview	Drive	Gazebo	\$7,300
9.	Alluvus, LLC.	207	North	5th	Street	Move-out Garage	\$0
10.	Alluvus, LLC	610		Heritage	Place	Move-in Garage	\$2,500
11.	Babcock Construction	807		Hackberry	Drive	Reside Dwelling	\$8,000
12.	Michael J. Wiener	113		George	Street	Interior Remodel basement, Install Windows	\$10,000
13.	Dennis Lozinski	508	East	Main	Street	Reroof	\$4,000
14.	Beermann Johnson Contractors LLC	509		Hudson	Avenue	Reroof, Reside, Replace Windows	\$19,900
15.	Douglas Nawrocki	108	South	Hill	Street	Reroof	\$2,000
16.	Geske Home Improvement Co.	623		Soucy	Drive	Replace Door	\$500
17.	Bladholm Construction, Inc.	300	South	Bruce	Street	Office and Support Services Remodeling	\$217,800
18.	Jeffrey M. Bragg	616	West	Lyon	Street	Garage, Deck	\$10,800
19.	James Lozinski Construction	804		Nuese	Lane	Reroof	\$5,600

Mayor Byrnes called for a 5-minute recess.

**MARSHALL AQUATIC CENTER POOL RENOVATION PROJECT – CONSIDER CHANGE ORDER NO. 1:**

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order No. 1 with Pool Construction, Inc., for the Marshall Aquatic Center Renovation Project in the amount of \$3,833.50. This change order provides for the following:

- |   |                 |
|---|-----------------|
| 1. Addition of accent striping tile             | \$ 1,548.50     |
| 2. Addition of wading pool edge tile            | 1,045.00        |
| 3. Removal of suction chamber from diving well  | (1,260.00)      |
| 4. Addition of removal of wall ledge on footing | <u>2,500.00</u> |
|   | \$ 3,833.50     |

Ritter moved, Sanow seconded, the approval of Change Order No. 1 with Pool Construction, Inc., for the Marshall Aquatic Center Renovation Project in the amount of \$3,833.50. This is to be funded from account number 426-70176-5530. All voted in favor of the motion.

USAquatics have indicated that the main drains in the diving pool are cast iron and upon their inspection they discovered a severe amount of scale deposit. It is likely that the main drain piping (also cast iron) has a significant amount of scale deposit as well and may become clogged. In addition, due to pending state and federal legislation regarding main drain suction and entrapment, it is likely that the main drains will need to be replaced in the near future, therefore they are recommending that the main drains and associated piping be replaced at this time. Sanow moved, Ritter seconded, the approval of replacing the main drains and associated piping up to a cost of \$20,000.00. All voted in favor of the motion.

**REQUEST TO MOVE DWELLING INTO A RESIDENTIAL DISTRICT AT 606 HERITAGE PLACE – CALL FOR A PUBLIC HEARING:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of Ron Schilling, Alluvus, LLC to move a dwelling into the City from 1500 South 1<sup>st</sup> Street, Willmar, Minnesota to 606 Heritage Place. This dwelling has been examined by the Building Official and found to be in reasonable condition to move and in reasonable compliance with the MN State Building Code. Sanow moved, Ritter seconded, that a public hearing be held at 5:30 P.M. on June 2, 2008 to consider this request. All voted in favor of the motion.

**ADM INDUSTRIAL PARK – INTRODUCTION OF PRELIMINARY PLAT AND CALL FOR PUBLIC HEARING:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the preliminary plat of ADM Industrial Park in Marshall, Minnesota. As the area has not been previously platted, the proposed plat will provide the area needed by ADM to develop this property for additional railroad siding and relocation of North 7<sup>th</sup> Street to 300<sup>th</sup> Street. The reason for the subdivision is to meet the requirements of the Subdivision Ordinance. Boedigheimer moved, Ritter seconded, the introduction of the Preliminary Plat for ADM Industrial Park and call for a public hearing to be held at 5:30 P.M. on June 2, 2008. All voted in favor of the motion.

**ESTABLISHMENT OF THE AVERA MARSHALL MEDICAL CENTER BLUE RIBBON TASK FORCE:**

Mayor Byrnes indicated that to facilitate an orderly evaluation of the potential sale of the hospital and related facilities in the City of Marshall to an outside party, an ad hoc group is being formed through appointments being made. This task force will be charged with identifying issues that need consideration throughout a due diligence process in a potential ownership change. They will not be charged with finding or developing possible solutions to these issues –

## REGULAR MEETING – MAY 19, 2008

just identifying and articulating concerns that need to be addressed prior to any finalization of a sale. Byrnes indicated that Council Member Doom and Sanow have volunteered to be part of this Blue Ribbon Task Force.

### **CONSIDER AND ESTABLISH DATE FOR PRESENTATION OF THE CITIES 2007 AUDIT REPORT:**

Ritter moved, Doom seconded, that a Special City Council meeting be scheduled for June 23, 2008 at 5:30 P.M. for the review of the annual audit report with Abdo, Eick & Meyers. All voted in favor of the motion.

### **COUNCIL MEMBER COMMISSION BOARD AND 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            Planning Commission items were acted on earlier in the meeting; and he was unable to attend the Marshall Community Services meeting.

Hulsizer        Library Board met but she was not able to attend

Ritter           EDA met today; Housing Commission met last Monday.

Sanow           No report.

### **COUNCIL MEMBER INDIVIDUAL ITEMS:**

Other items brought forth by the Mayor and Council Members included: a letter from Greg Taylor in regard to skate boards being used on city streets; outlets are being installed in the large planters along Main Street; there are 3 applications for the City Assessor position, none of which meet minimum requirements. City staff will interview two of the applicants.

### **REVIEW OF PENDING AGENDA ITEMS:**

There were no questions on the pending agenda items.

At this time there was a brief discussion in regard to the current zoning of the property owned by Bill Ziegenhagen at the corner of East Main Street and Highway 59. It was indicated that if Mr. Ziegenhagen wishes to have any of this area rezoned he needs to make a request of the Planning Commission.

### **DETERMINATION BY CITY COUNCIL TO GO INTO CLOSED SESSIONS PURSUANT TO MINNESOTA STATUTE 13D.03:**

Sanow moved, Ritter seconded, to go into closed session at 7:42 P.M. pursuant to Minnesota Statute 13D.03. All voted in favor of the motion.

The City Council came out of closed session at 7:55 P.M.

REGULAR MEETING – MAY 19, 2008

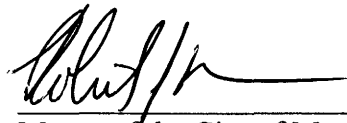
Ritter moved, Sanow seconded, that the proper city personnel be authorized to enter into an Employment Agreement with Ben Martig as City Administrator. Mr. Martig will begin employment with the City of Marshall on July 7, 2008. All voted in favor of the motion.

**DETERMINATION BY CITY COUNCIL TO GO INTO CLOSED SESSIONS  
PURSUANT TO MINNESOTA STATUTE 13D.05 SUBD. 3(B):**

Sanow moved, Doom seconded, to go into closed session at 8:04 P.M. pursuant to Minnesota Statute 13D.05, Subd. 3(b). All voted in favor of the motion.

The City Council came out of closed session at 8:23 P.M.

Upon motion by Doom, seconded by Sanow, the meeting was adjourned at 8:24 P.M. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk



## REGULAR MEETING – JUNE 2, 2008

The regular meeting of the Common Council of the City of Marshall was held on June 2, 2008 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: Dennis Simpson, City Attorney; Glenn Olson, Interim City Administrator, Director of Public Works/City Engineer; Shane Waterman, Assistant City Engineer; Mark Hanson, EDA Director; Jeff Wenker, Police Sergeant; 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:**

Sanow moved, Doom seconded, that the minutes of the regular meeting held on May 19, 2008 be approved as presented and that the reading of the same be waived. All voted in favor of the motion.

### **PUBLIC HEARING - ADM INDUSTRIAL PARK – PUBLIC HEARING ON PRELIMINARY PLAT AND CONSIDER APPROVAL OF PRELIMINARY PLAT:**

This was the date and time set for a public hearing on the preliminary plat for ADM Industrial Park. Glenn Olson, Director of Public Works/City Engineer, indicated that the proposed plat will provide the area needed by ADM to develop this property for additional railroad siding and relocation of North 7<sup>th</sup> Street to 300<sup>th</sup> Street. Sanow moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion. Reynolds moved, Sanow seconded, the approval of the Preliminary Plat for ADM Industrial Park contingent upon final location of all utilities on the final plat including approval of annexation into the City by the Minnesota Office of Administrative Hearings Municipal Boundary Adjustments Office. All voted in favor of the motion.

### **PUBLIC HEARING ON REQUEST TO MOVE DWELLING INTO A RESIDENTIAL DISTRICT AT 606 HERITAGE PLACE:**

This was the date and time set for a public hearing on the request to move a dwelling into a residential district – 606 Heritage Place from 1500 South 1<sup>st</sup> Street, Willmar, Minnesota. Glenn Olson, Director of Public Works/City Engineer, indicated that this dwelling has 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 Doom asked if the concerns from the last meeting have been addressed. Ron Schilling was in attendance at the meeting to provide an update.

Kay Nauman, 608 Soucy Drive, requested to see Mr. Schillings report. It was indicated that Mr. Schilling has until October 1, 2008 to complete everything on the homes that are currently being moved in to the location including the request that is being considered tonight and that all of the other items from the homes that were moved in earlier need to be completed by July 1, 2008.

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JoAnn Gould, 412 North 7<sup>th</sup> Street, indicated that she has walked through the area and here only concern is kids and the traffic in the area. She was told to talk to the Police Department about this.

Rom Schilling provided a brief update on the progress that has taken place in Jacqueline's Addition over the past two weeks.

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

Doom moved, Reynolds seconded, that Mr. Schilling be allowed to move a dwelling into 606 Heritage Place from 1500 South 1<sup>st</sup> Street, Willmar, Minnesota with the same requirements as the last two houses. These requirements include that the current houses be brought up to city code with the approval of the building official; the dust issue be resolved and the garbage in the area be taken care of, that all of the items with the current houses be completed by July 1, 2008 and that all items on this home and the last two new homes being brought be complete by October 1, 2008. All voted in favor of the motion, except Ritter who voted no.

### **ANNEXATION BY ORDINANCE – AIRPORT AREA PROPERTY – PUBLIC HEARING AND ADOPTION OF ORDINANCE:**

This was the date and time set for a public hearing on the annexation by ordinance for airport area property. Glenn Olson, Director of Public Works/City Engineer, indicated that the property is owned by the City of Marshall and contains approximately 134.605 acres and the City has 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, Lynd Township and Fairview Township, the City is recommending annexation of the property under the "annexation by ordinance" provisions of the Minnesota Statutes. The City did provide 30 days written notice by certified mail to all contiguous landowners of the intent to annex as is required by Minnesota Statutes. Don Senden, Supervisor for Grandview Township, indicated that the hearing notice he received talked about the development of this area. Mr. Olson indicated that the development is complete and that it had to do with the runway and lighting in Grandview Township. Sanow moved, Doom seconded, that the public hearing be closed. All voted in favor of the motion.

Doom moved, Sanow seconded, the adoption of ORDINANCE NUMBER 596, SECOND SERIES and that the reading of the same be waived. Ordinance Number 596, Second Series is an Ordinance of the City of Marshall Annexing Land Located in the Town of Grandview, Lyon County, Minnesota; Town of Lynd, Lyon County, Minnesota; Town of Fairview, 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 of approximately 134.605 acres. All voted in favor of the motion.

### **PROPOSED MODIFICATION OF THE MODIFIED TAX INCREMENT FINANCING PLAN FOR TAX INCREMENT FINANCING DISTRICTS WITHIN REDEVELOPMENT PROJECT NO. 1 AND REDEVELOPMENT PROJECT NO. 2 OF THE MARSHALL HOUSING AND REDEVELOPMENT AUTHORITY - A. PUBLIC HEARING; B. CONSIDER ADOPTION OF RESOLUTION:**

This was the date and time set for a public hearing on the Proposed Modification of the Modified Tax Increment Financing Plan for Tax Increment Financing Districts within

REGULAR MEETING – JUNE 2, 2008

Redevelopment Project No. 1 and Redevelopment Project No. 2 of the Marshall Housing and Redevelopment Authority. Mark Hanson, EDA Director, indicated that the modified TIF Plan will include the parcel of property currently owned by Anna Sonstegard consisting of a total acreage of 64.266. The updated plan will allow the city to expend TIF dollars within the boundaries of the above property. The city is currently in the process of annexing and will potentially expend TIF dollars to acquire the property from the current owner. Reynolds moved, Sanow seconded, that the public hearing be closed. All voted in favor of the motion.

Ritter moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3104, SECOND SERIES and that the reading of the same be waived. Resolution Number 3104, 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. All voted in favor of the motion.

**CONSENT AGENDA - A. PLUMBERS LICENSE FOR TRAVIS LORENZA DBA TRAV'S PLUMBING; B. SMSU HOMECOMING PARADE REQUEST – SEPTEMBER 27, 2008; C. JOINT POWERS WITH STATE OF MINNESOTA FOR COMMUNICATIONS; D. AUTHORIZATION OF OUT-OF-STATE TRAVEL FOR THE DIRECTOR OF PUBLIC SAFETY; E. EXECUTION OF DOCUMENTS TO FINANCE AN ELGIN STREET SWEEPER; F. BILLS/PROJECT PAYMENTS; G. BUILDING PERMITS:**

Per the request of Council Member Ritter item F, which is bills/project payments was removed from the agenda and per the request of Council Member Boedigheimer item B, which is SMSU Homecoming parade request was removed from the consent agenda.

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

A Plumbers License for Travis Lorenz dba Trav's Plumbing to expire on March 31, 2009 at a fee of \$75.00.

The approval of a Southwest Minnesota Regional Advisory Committee Joint Powers Agreement for Regional Radio Board.

Out of state travel for Rob Yant to attend the International Chief's of Police Association's Education and Technology Exposition in San Diego, California from November 8 – 12, 2008.

The adoption of RESOLUTION NUMBER 3105, SECOND SERIES and that the reading of the same be waived. Resolution Number 3105, Second Series is a resolution Authorizing the Execution of the Documents with 1<sup>st</sup> Source Bank for the Purchase of a 2008 Elgin Pelican Street Sweeper.

All voted in favor of the motion.

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

Applicant		Location Address			Description of Work	Valuation
1.	Mike Buysse Construction	1100-1106	Travis	Road	Reroof	\$10,000
2.	Roger Koster	702	Viking	Drive	Reroof	\$5,000

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3.	Joseph R. Goblirsch	314	East	Main	Street	Deck	\$4,000
4.	Richard Louwagie	402	South	Hill	Street	Reroof	\$3,000
5.	Christ Evangelical Lutheran Church	206	West	Marshall	Street	Partial Reroof	\$2,000
6.	Geraldine Carrow	809		Nuese	Lane	Awning, Steps	\$5,000
7.	Service Master	410	North	7th	Street	Interior Remodel	\$3,500
8.	Rick Slagel Construction Inc	105		A	Street	Deck	\$2,000
9.	Kesteloot Construction, Inc.	1203	East	Lyon	Street	Reroof	\$7,500
10.	Keith D. Arends	302		Lawerence	Street	Install Window	\$600
11.	Bill Chukuske Handyman Services	400		Sunrise	Lane	Reside	\$6,500
12.	Mike Slagel Construction	507		Washington	Avenue	Replace Windows, Doors	\$2,500
13.	Mike Slagel Construction	616		Soucy	Drive	Replace Window	\$1,000
14.	Norma Streich	108		Maple	Street	Reroof Dwelling	\$3,600
15.	Norma Streich	108		Maple	Street	Reroof Garage	\$400
16.	Stephan M. Vos-Feuerhelm	104		F	Street	Install Windows, Doors, Reside	\$4,800
17.	Pat Welvaert Masonry	505	West	Main	Street	Install Step	\$1,400
18.	Northwestern Farm Management	301	South	O'Connell	Street	Install Sign	\$5,800
19.	Micheal J. Swalboski	602	West	Southview	Drive	Exterior Remodel	\$12,900
20.	Timothy J. Clausen	207	North	5th	Street	Garage	\$31,800
21.	Robert L. Heitman	1103		Travis	Road	Deck, Install Door	\$2,300
22.	Steven F. and Sharon K. Schell	314	East	Lyon	Street	Reroof	\$3,500
23.	Jamie Luckhardt	708		Marguerite	Avenue	Install Window	\$500
24.	LSI Industries, Inc.	1406	East	College	Drive	Install Signs	\$16,700

Glenn Olson, Director of Public Works/City Engineer, reviewed the request for street closure for the SMSU Homecoming Day Parade on Saturday, September 27, 2008. Doom moved, Sanow seconded, that authorization be granted for street closure from 9:00 A.M. to 12:00 noon for the SMSU Homecoming Day Parade on Saturday, September 27, 2008. The parade route begins at Jewett Street, goes down East Lyon Street to Main Street, then East on Main Street ending at 5<sup>th</sup> and 6<sup>th</sup> Street. All voted in favor of the motion.

Council Member Ritter questioned a payment being made to an employee for installing cement on his own time and asked if the city requires a certificate of insurance and work comp insurance. Finance Director/City Clerk Thomas Meulebroeck indicated that this is not being done. Ritter questioned why an employee cannot do a project for the city on city time rather than on their own time. Glenn Olson, Director of Public Works/City Engineer, indicated that sometimes there is a problem with coordinating a department's schedule. Ritter indicated that the city needs to require insurance to protect the city. Council Member Boedigheimer indicated that city employees need to work as independent contractors when not working as a city employee. Glenn and Tom were requested to check on city employees working as independent contractors and insurance requirements. Reynolds moved, Hulsizer seconded, that the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 60779 through 60962. All voted in favor of the motion.

**APPROVAL OF FUNDING TO PURCHASE AND INSTALL THE MERIT SIGN:**

The MERIT Commission is requesting a sign for the MERIT Center. Dave Marks, retired Marshall Fire Chief, has worked with businesses and Marshall Municipal Utilities to put together a package that would provide a visible, durable sign. There is \$7,000 in the current City budget for the installation of a sign. MMU is willing to provide and install two steel poles on which the sign would be built. The total cost of this sign would be approximately \$6,153.65 which includes the sign, electrical, sales tax and the sign permit application. Glenn Olson, Director of Public Safety/City Engineer, asked about sales tax on the labor. Thomas Meulebroeck, Finance Director/City Clerk, indicated that there would not be sales tax if the sign is attached to the building but that there is sales tax if it is installed on 2 poles. Ritter moved, Boedigheimer seconded, the approval for the purchase and installation of a sign at the MERIT Center in the amount of \$6,153.65. All voted in favor of the motion.

**LIBERTY PARK GAZEBO PROJECT – CONSIDER AWARD OF PROPOSAL FOR CONCRETE FOUNDATION AND CONSTRUCTION OF GAZEBO:**

Proposals were received, opened and read for the construction of the concrete foundation, platform and the labor to erect the gazebo structure to be located in Liberty Park. The gazebo structure was previously awarded at the May 5, 2008 Council meeting. The three proposals received, opened and read were from:

Chuck Hess Concrete & Masonry, Inc.  
Marshall, Minnesota  
\$10,500.00

Bladholm Construction, Inc.  
Marshall, Minnesota  
\$10,894.00

Hisken Construction Inc.,  
Marshall, Minnesota  
\$4,400

The proposal from Hisken Construction, Inc., was incomplete as it only included the concrete work and did not address the work required to erect the gazebo structure.

Council Member Boedigheimer asked what the Park Maintenance & Development Account was. Shane Waterman, Assistant City Engineer, indicated that when a new area is developed there is a 5% fee charged that goes into this account. Boedigheimer was also concerned that the City did not accept the low bidder for the gazebo. Mr. Waterman indicated that they used donation money for the material for the gazebo. Dennis Simpson, City Attorney, indicated that the city does not have to accept the low bidder but they need to accept the lowest responsible bid. Doom moved, Reynolds seconded, that the bid for the construction of the concrete foundation, platform and the labor to erect the gazebo structure for Liberty Park be awarded to Chuck Hess Concrete & Masonry, Inc., Marshall, Minnesota in the amount of \$10,500.00. All voted in favor of the motion except Boedigheimer and Sanow who voted no.

There was a brief update on the Liberty Park Bridge Project. Because of a sharp increase in the price of steel since the beginning of the year the price of steel has about doubled since the quotes for the Liberty Bridge Project were received. Marshall Machine Shop, Inc., has requested an additional \$3,318.25 which covers the increase cost of steel plus sales tax. The additional funds will come from the Shelter Account. Chuck Hess Concrete & Masonry, Inc., has requested an additional \$600 to cover the cost of the steel pilings and reinforcing steel in the bridge abutments. The additional funds will come from the Park Development Reserve within the General Fund. This brings the total cost of the bridge to \$61,923.50.

**UPDATE ON AFFORDABLE HOUSING – MEETING WITH SWMHP AND NORTHSTAR:**

Mark Hanson, EDA Director, provided an update on affordable housing in the city of Marshall. He indicated that they received bids for three spec homes in a price range from about

\$149,000 to \$156,000. He indicated that these homes will be Energy Star Certified. Council Member Sanow asked how that price matched with the cost to build the houses. Mark indicated that EDA has about \$2,300 extra on each house and in the past the EDA has had losses up to \$7,000. Sanow was concerned how this affects other developers who cannot afford to take this kind of loss. Mr. Hanson indicated that EDA's goal is to provide homes as affordable as they can. They are able to offer financing packages that the private sector cannot offer.

**PROJECT X12 (2001-004): SOUTH HILL STREET/EAST MARSHALL STREET RECONSTRUCTION PROJECT– CONSIDER CHANGE ORDER NO. 1 (FINAL) AND ACKNOWLEDGMENT OF FINAL PAYMENT APPLICATION:**

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order No. 1 (Final) with Bolton & Menk, Inc., which results in an increase in the professional services contract in the amount of \$31,808.98. This change order provides for additional work by the consultant for the design, shop drawing approval and installation observation services for the installation of a sluice gate at the connection of the storm sewer at the river to prevent backflow of the river into the storm sewer during high water levels in the river in the amount of \$3,000; for additional work to provide engineering observation services during the time period past the approved and adjusted completion date in the amount of \$29,371.00; a reduction of \$92.52 for unbilled amount for Phase I; and a reduction of \$469.50 for unbilled amount for Phase II. Reynolds moved, Sanow seconded, the approval of Change Order No. 1 (Final) in the amount of \$31,808.98 and acknowledgment of the final payment in the amount of \$30,401.50 for Bolton & Menk, Inc. This is to be paid from account number 492-62066-3312. All voted in favor of the motion.

**PROJECT X29 (2002-008): EAST AREA SANITARY INTERCEPTOR SEWER (LIFT STATION NO. 3) PROJECT – CONSIDER CHANGE ORDER NO. 1 (FINAL) AND ACKNOWLEDGMENT OF FINAL PAYMENT APPLICATION:**

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order No. 1 (Final) with Bolton & Menk, Inc., which results in an increase in the professional services contract in the amount of \$33,794.00. This change order provides for additional work by the consultant for continuous observation services required by MN/DOT for the T.H. 23 sewer main casing construction, additional observation services for the time extension to the project from July 7, 2006 to August 4, 2006 as previously approved by the City Council, plus additional observation services during a period after the allowed time extension for the project. Ritter moved, Sanow seconded, the approval of Change Order No. 1 (Final) in the amount of \$33,794 and acknowledgement of the final payment in the amount of \$36,318.00 for Bolton & Menk, Inc. This is to be paid from account number 492-62066-3312. All voted in favor of the motion.

**PROJECT Y26: HERITAGE PLACE IMPROVEMENT PROJECT (JACQUELINE'S ADDITION) – CONSIDER RESOLUTION AWARDED CONTRACT**

Bids were received, opened and read on May 7, 2008 for Heritage Place Improvement Project Y26. The bids received, opened and read were from:

D & G Excavating, Inc.	Duininck Bros. Inc.	R & G Construction, Inc.
Marshall, MN	Prinsburg, MN	Marshall, MN
\$142,294.95	\$169,975.95	\$133,802.80

Ritter moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3106, SECOND SERIES and that the reading of the same be waived. Resolution Number 3106, Second Series is a resolution Accepting Bid (Award Contract) for Heritage Place Improvement Project Y26. This contract was awarded to R & G Construction Company, Marshall, Minnesota in the amount of \$133,802.80. All voted in favor of the motion.

**PROJECT X67 S.P. 4201-66: RUNWAY 12/30 EXTENSION PROJECT PHASE I --  
ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION TO R&G  
CONSTRUCTION CO:**

Ritter moved, Reynolds seconded, the acknowledgement of the final payment application in the amount of \$135,139.78 to R & G Construction Company for the Runway 12/30 Extension Project Phase 1, Project X67 from account number 424-60364-5530, contingent upon receipt of all required closeout forms. All voted in favor of the motion.

**M.A.T. BUS GARAGE PROJECT – CONSIDER CHANGE ORDER NO. 0454-GC-FOUR  
WITH BLADHOLM CONSTRUCTION, INC:**

Glenn Olson, Director of Public Works/City Engineer, reviewed Changer Order No. 0454-GC-FOUR with Bladholm Construction, Inc., which results in a net increase in the amount of \$21,435.00. The contract increase results from the addition of asphalt paving being added back into the contract which was originally specified in the project and deleted in Change Order No. 0454-GC-ONE. Doom moved, Sanow seconded, the approval of Change Order No. 0454-GC-FOUR with Bladholm Construction, Inc., of Marshall, Minnesota in the amount of \$21,435.00. There is no increase in contract time associated with this change order. All voted in favor of the motion.

**CONSIDER AUTHORIZATION TO ADVERTISE FOR BIDS FOR 2008 OVERLAY  
AND SEALCOAT PROJECT:**

Glenn Olson, Director of Public Works/City Engineer, indicated that approximately \$200,000 has been included in the City Street Department's 2008 budget for overlay and street improvements and approximately \$50,000 has been included in the City Street Department's 2008 budget for sealcoating improvements. Actual overlays and sealcoating will be established after the bids are in and dollar amounts allocated to each project. Boedigheimer moved, Ritter seconded, that the proper city personnel be authorized to advertise for bids for 2008 Bituminous Resurfacing Project Y48 and 2008 Sealcoating Project Y49. All voted in favor of the motion.

**CULDESAC/CIRCLE PROJECTS – CONSIDER RESOLUTION APPROVING PLANS  
& SPECIFICATIONS AND AUTHORIZE ADVERTISEMENT FOR BIDS - PROJECT  
Y04: ARBOR COURT IMPROVEMENT PROJECT; PROJECT Y06: NUESE LANE  
IMPROVEMENT PROJECT; PROJECT Y35: MORNINGSIDE CIRCLE  
IMPROVEMENT PROJECT; PROJECT Y36: HORIZON CIRCLE IMPROVEMENT  
PROJECT; PROJECT Y37: SUNSET CIRCLE IMPROVEMENT PROJECT;  
PROJECT Y38: EMERALD COURT IMPROVEMENT PROJECT; PROJECT Y47:  
DESCHEPPER STREET IMPROVEMENT PROJECT:**

Doom moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3107, SECOND SERIES and that the reading of the same be waived. Resolution Number 3107, Second Series is a resolution Approving Plans and Specifications and Ordering Advertisement for Bids for Arbor Court Improvement Project Y04; Nuese Lane Improvement Project Y06; Morningside Circle Improvement Project Y35; Horizon Circle Improvement Project Y36; Sunset Circle Improvement Project Y37; Emerald Court Improvement Project Y38 and Deschepper Street Improvement Project Y47. The bids for these projects will be received at 10:00 A.M. on July 1, 2008. All voted in favor of the motion.

**PROJECT Y45: SOUTHVIEW DRIVE IMPROVEMENT PROJECT -- CONSIDER  
RESOLUTION APPROVING PLANS & SPECIFICATIONS AND AUTHORIZE  
ADVERTISEMENT FOR BIDS:**

Sanow moved, Doom seconded, the adoption of RESOLUTION NUMBER 3108, SECOND SERIES and that the reading of the same be waived. Resolution Number 3108, Second Series is a resolution Approving Plans and Specifications and Ordering Advertisement for Bids for Southview Drive Improvement Project Y45. Bids for this project will be received at 10:00 A.M. on July 1, 2008. All voted in favor of the motion.

## REGULAR MEETING – JUNE 2, 2008

### CONSIDER APPOINTMENTS TO BOARDS AND COMMISSIONS:

Per the recommendation of Mayor Byrnes, Doom 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 Cable Commission and the Senior Citizen Center Commission:

- Airport Commission – Rene Diebold for a term to expire on May 31, 2011
- Airport Commission – Dennis Zimmer for a term to expire on May 31, 2011
- EDA – Greg Bucher for a term to expire on May 31, 2014
- Hospital Board - Bill Cole for a term to expire on May 31, 2013
- Hospital Board - Roger Madison for a term to expire on May 31, 2013
- Human Rights Commission - Andrea Swenson for a term to expire on May 31, 2011
- Planning Commission - Michael Dulas for a term to expire on May 31, 2011
- Planning Commission - Steve Schell for a term to expire on May 31, 2011
- Sr. Citizen Center Commission - Mary Henderson for a term to expire on May 31, 2011
- Utilities Commission – Donald Edblom for a term to expire on May 31, 2013
- Utilities Commission - Alan Greig for a term to expire on May 31, 2012
- Police Civil Service Commission – Jonathan Butcher for a term to expire on May 31, 2011

### APPOINTMENT OF CITY AIRPORT JOINT ZONING BOARD MEMBERS:

Sanow moved, Doom seconded, the adoption of RESOLUTION NUMBER 3109, SECOND SERIES and that the reading of the same be waived. Resolution Number 3109, Second Series is a resolution Authorizing the Re-Appointment of Members to a Joint Airport Zoning Board. The members appointed to the Joint Airport Zoning Board are Gary Schmidt and Art Olson. 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            No report.

Boedigheimer Lyon County Enterprise Development met last Tuesday; Police Commission has established a new eligibility list.

Doom            No report.

Hulsizer        Human Rights Commission met last Monday.

Reynolds       No report.

Ritter           No report.

Sanow           No report.

### COUNCILMEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: Legion Field Road project is not complete; Doom indicated that the Senior Center received 2 quotes for a new floor and the Community Services Board awarded the bid. He also indicated that because of an oversight a local business was asked to submit a quote. Council Member Ritter was concerned that the City does not advertise for quotes and suggested that the Legislative and Ordinance Committee review the purchasing policy. Boedigheimer and Ritter indicated that the city should advertise for quotes and bids on all projects. They indicated that some departments favor certain



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businesses. Mayor Byrnes indicated that this be referred to the Ways and Means Committee and the council agreed.

There is also a concern with a ramp for roller bladders being set up on city streets; the rip rap project will begin after June 3<sup>rd</sup>; a concern about lawns not being mowed; and Mayor Byrnes suggested that the budget process begin soon.

**REVIEW OF PENDING AGENDA ITEMS:**


Council Member Hulsizer asked about the Industrial Park Development. The study is due in July. It was indicated that Glenn Olson and Council Member Sanow have met to discuss the status of 801 East College Drive.

Glenn Olson, Director of Public Works/City Engineer, indicated that it has been determined that the expansion joints in the pool floor will require fill; therefore a Change Order No. 3 will be coming from Pool Construction, Inc., in the amount of \$3,500 for time and material. Ritter moved, Doom seconded, the approval of Change Order No. 3 with Pool Construction, Inc., to clean out and epoxy existing horizontal and vertical construction joints in the lap pool and diving pool in the amount of \$3,500. All voted in favor of the motion.

Upon motion by Reynolds, seconded by Doom, the meeting was adjourned at 7:30 P.M. All voted in favor of the motion.

  
\_\_\_\_\_  
Mayor of the City of Marshall

ATTEST:

  
\_\_\_\_\_  
Financial Director/City Clerk

## REGULAR MEETING – JUNE 16, 2008

The regular meeting of the Common Council of the City of Marshall was held on June 16, 2008 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: Dennis Simpson, City Attorney; Rob Yant, Director of Public Safety; Sheila Dubs, Assistant City Administrator; Mark Hanson, EDA Director; Dale Howe, Building Official; Shane Waterman, Assistant City Engineer; Robert VanMoer, Wastewater Superintendent; Thomas M. Meulebroeck, Financial Director/City Clerk; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

### **APPROVAL OF THE AGENDA:**

It was the general consensus of the council that the agenda be approved with the deletion of item 3E, which is the consideration of an unpaid liquor license fee; the deletion of item 9, which is the review and approval of the Private Redevelopment Contract for the Marshall Junior High Project – this is an HRA item therefore an HRA meeting will be held immediately after the council meeting; and the addition of item 11A, which is to consider a special vehicle permit for AVERA Morningside Heights Care Center.

### **APPROVAL OF MINUTES:**

Sanow moved, Ritter seconded, that the minutes of the regular meeting held on June 2, 2008 be approved as presented and that the reading of the same be waived. All voted in favor of the motion.

### **AWARD OF BIDS - CONSIDER AUTHORIZATION TO PURCHASE A BUSINESS COPIER/PRINTER FOR POLICE DEPARTMENT:**

Rob Yant, Director of Public Safety, reviewed the proposals they received for a copier/printer for the Police Department. A & B Business, Inc., Best Business Products and Davis Typewriter were contacted for proposals. A & B's was not a single unit and what they were presenting was more expensive than what is budgeted for. The Police Department has tested the copiers from Best Business Products and Davis Typewriter and found that both units presented did the job and both would be within the budget amount. Proposals for a copier included:

Best Business Products  
Canon - \$6,825.00

Davis Typewriter  
Sharp - \$6,359.12

Rob is recommending the Canon copier from Best Business Products in the amount of \$6,825. He indicated that the Canon is faster copying for black & white, which is the majority of their copying. Canon is willing to adjust the maintenance agreement price per month depending on the volume of copies and the Canon copier supports VISTA operating system. Council Member Ritter asked if the Sharp copier/printer could have VISTA operating support added and it was indicated that this could be done. Ritter moved, Sanow seconded, that the Police Department be authorized to purchase a copier/printer/scanner from Davis Typewriter in the amount of \$6,359.12. All voted in favor of the motion.

**CONSENT AGENDA - A. CONSIDER AUTHORIZATION TO APPLY FOR FEDERALLY FUNDED EQUIPMENT FOR PUBLIC SAFETY THROUGH THE CEDAP PROGRAM; B. CONSIDER AUTHORIZATION TO APPLY FOR TERRORISM GRANT FOR CHEMICAL ASSESSMENT TEAM (C.A.T.); C. CONSIDER AUTHORIZATION TO APPLY FOR AMH/TRIBAL GRANT AWARDS FOR CRISIS INTERVENTION TRAINING (CIT); D. CONSIDER AUTHORIZATION TO ENTER INTO USER AGREEMENT WITH THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY FOR THE COMPREHENSIVE INCIDENT-BASED REPORT SYSTEM (CIBRS); E. UNPAID LIQUOR LICENSE FEES; F. SMSU FOUNDATION MN LAWFUL GAMBLING LG220 APPLICATION FOR A RAFFLE ON SEPTEMBER 6, 2008 AND ON FEBRUARY 20, 2009; G. WEINER MEMORIAL FOUNDATION – MINNESOTA LAWFUL GAMBLING LG220 APPLICATION FOR EXEMPT PERMIT; H. HOLY REDEEMER CHURCH AND SCHOOL – MINNESOTA LAWFUL GAMBLING LG220 FOR A RAFFLE ON SEPTEMBER 28, 2008; I. OFF-SALE BEER LICENSE AND TOBACCO LICENSE FOR STAPLES ENTERPRISES, INC., DBA EXPRESS WAY OF MARSHALL, 1406 EAST COLLEGE DRIVE; J. BILLS/PROJECT PAYMENTS; K. BUILDING PERMITS:**

Per the request of Council Member Ritter item J, which is bills/project payments was removed from the agenda.

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

The proper city personnel be authorized to apply for the Commercial Equipment Direct Assistance Program (CEDAP) for FY2008 which will provide equipment to emergency responders “who demonstrate that the equipment will be used to improve their ability and capacity to respond to a major critical incident or work with other first responders”.

The proper city personnel be authorized to apply for the 2007 Terrorism Grant for the Chemical Assessment Team.

The proper city personnel be authorized to apply for the Adult Mental Health Initiatives (AMHI)/Tribal grant awards for the Crisis Intervention Teams (CIT) Training.

The proper city personnel be authorized to enter into a user agreement with the State of Minnesota for the Comprehensive Incident Based Reporting System (CIBRS).

BE IT RESOLVED, that the proper City personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the Application for Exempt Permit – LG220 for Southwest Minnesota State University Foundation for a raffle to be held at SMSU Regional Event Center, 1501 State Street, Marshall, Minnesota on September 6, 2008 and the Application for Exempt Permit – LG220 for Southwest Minnesota State University Foundation for a raffle to be held at SMSU Conference Center, 1501 State Street, Marshall, Minnesota on February 20, 2009 and that the 30 day waiting period be waived.

# REGULAR MEETING – JUNE 16, 2008

BE IT RESOLVED, that the proper City personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the Application for Exempt Permit – LG220 for Weiner Memorial Foundation for a raffle to be held at the Marshall Golf Club, 800 Country Club Drive, Marshall, Minnesota on September 8, 2008 and that the 30 day waiting period be waived.

BE IT RESOLVED, that the proper City personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the Application for Exempt Permit – LG220 for Holy Redeemer Church & School for a raffle to be held at Holy Redeemer Church Carlin Hall, 503 West Lyon Street, Marshall, Minnesota on September 28, 2008 and that the 30 day waiting period be waived.

The approval of a Tobacco License for Staples Enterprises, Inc., dba Express Way of Marshall at a fee of \$75.00 and an Off-Sale Beer License for Staples Enterprises, Inc., dba Express Way of Marshall at a fee of \$90.00. These licenses will expire on December 31, 2008.

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.	City of Marshall	100	West	Marshall Street (Liberty Park)	Gazebo	\$33,100
2.	Shane & Leslie Waterman	1300		Ellis Avenue	Step	\$500
3.	Mike Buysse Construction	112		Parkview Drive	Reroof	\$5,000
4.	Cross Country Sign; Inc.	1422	East	College Drive	Install Signs	\$22,000
5.	Timothy Swanson Construction	804		Oak Street	Reroof Dwelling	\$4,200
6.	Jeff Gladis Construction	710		Oak Street	Reroof	\$4,600
7.	Matthew W. Schreurs	406		Charles Avenue	Install Door	\$1,000
8.	Babcock Construction	700	South	4th Street	Replace Window	\$1,500
9.	ALLUVUS, LLC	610		Heritage Place	Move Dwelling	\$68,000
10.	ALLUVUS, LLC	604		Heritage Place	Move Dwelling	\$72,500
11.	PR Ventures	501		Impala Court	Dwelling	\$150,000
12.	Sharon E. Buckholtz	803	North	6th Street	Reroof	\$4,300
13.	James Lozinski Construction	706		South Bend Avenue	Reroof	\$3,000
14.	Swanson Home Specialists	411	South	Whitney Street	Reroof	\$5,600
15.	Aaron C. Husby	619	West	Thomas Avenue	Reroof, Reside	\$4,500
16.	James Lozinski Construction	501		Kendall Street	Deck	\$800

# REGULAR MEETING – JUNE 16, 2008

17.	James Lozinski Construction	909	Poplar Avenue	Reroof	\$4,000
18.	James P. Mikel	903	Hackberry Drive	Reside, Replace Windows	\$20,000
19.	Jeff Gladis Construction	1003	Boxelder Avenue	Reroof	\$6,800
20.	Jeff Gladis Construction	602 West	Thomas Avenue	Reroof	\$5,800
21.	Darren A. & Jamie R. Struck	109	Marlene Street	Install Window	\$700
22.	Ryan Wendland	100 West	Lyon Street	Reroof	\$4,500
23.	James Lozinski Construction	205	Robert Street	Reroof	\$3,000
24.	Lyon County	611 West	Main Street	Construct Tower	\$9,800
25.	James Lozinski Construction	505 East	Lyon Street	Replace Windows	\$9,000
26.	Ronald F. Stenzel	1304	Parkside Drive	Reroof	\$2,900
27.	Geske Home Improvement Co.	202 West	Southview Drive	Exterior Remodel	\$9,000
28.	Richard Louwagie Construction	105 South	10th Street	Partial Reroof	\$600

Council Member Ritter questioned the payment of \$3,000 for team league shirts to Gene's Sporting Goods. He indicated that the owner of Gene's Sporting Goods is also a coach for the City of Marshall. Ritter moved, Doom seconded, that the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 60963 through 61120. All voted in favor of the motion.

## CONSIDER THE REQUEST OF "THE REFUGE" (HOMELESS SHELTER) FOR WAIVER OF FEES:

Dan Evans, Pamela Russell and Jeanine Antony representatives from The Refuge – A Fresh Start, Inc., were in attendance at the meeting to request that certain fees associated with the construction of a new building for a homeless person's shelter program be waived. Mayor Byrnes indicated that he was in favor of providing funding for The Refuge from the Mayor and Council Contingency rather than waiving fees. Sanow also agreed with this. Council Member Hulsizer was not sure that as a government they should be giving donations. Doom moved, Sanow seconded, that the request from The Refuge – A Fresh Start, Inc., to waive the fees associated with the construction of a new building for a homeless person's shelter program be denied. All voted in favor of the motion, except Ritter who voted no.

Ritter moved, Sanow seconded, that an allocation in the amount of \$1,270 be made from Mayor & Council Contingency to The Refuge – A Fresh Start, Inc. Voting in favor of the motion were: Byrnes, Ritter and Sanow. Voting no were: Doom and Hulsizer.

## CELL PHONE ALLOWANCES:

Sheila Dubs, Assistant to the City Administrator, was in attendance at the meeting to review the Cell Phone allowances. Ms. Dubs indicated that according to the City's Cell Phone Policy designated employees receive a monthly cell phone allowance in the amount determined

## REGULAR MEETING – JUNE 16, 2008

by the City Council. Currently Tier 1 employees, which include the City Administrator, Division Directors and Economic Development Director, receive \$40.00 per month; and Tier 2 employees, which include personnel under the management of the City Administrator or Division Directors, receive \$25.00 per month. Per City policy, the monthly allowances provided are based on the employee's scope of responsibilities. The cell phone allowance is intended to cover a portion of the costs of the employee's cell phone expenses related to work duties. Initial purchase of the cell phone, accessory equipment and activation fees are the responsibility of the employees. The employee pays all costs exceeding the amount of the cell phone allowance.

The provisions of a cell phone allowance serves a public purpose in providing employees with the ability to perform job related duties, and provide the public, contractors, and City related contracts with a high level of customer service.

Per the recommendation of City Staff; Doom moved, Ritter seconded, that the Tier 2 allowance level of \$25.00 per month be increased to \$30.00 per month effective for invoices dated on or after July 1, 2008. Voting in favor of the motion were: Doom, Ritter and Byrnes. Voting no were: Sanow and Hulsizer.

### **CONSIDER AUTHORIZATION TO ADVERTISE FOR BIDS FOR CHEMICAL PHOSPHORUS REMOVAL TREATMENT SYSTEM AT THE WASTEWATER TREATMENT FACILITY:**

Robert VanMoer, Wastewater Superintendent; and Kelly Yanhnke, Bolton & Menk; addressed the request for bids for the Chemical Phosphorus Removal System for the Wastewater Treatment Facility. Ritter moved, Doom seconded, the proper city personnel be authorized to advertise for bids for the Chemical Phosphorus Removal System for the Wastewater Treatment Facility. All voted in favor of the motion.

### **DECLARATION OF SURPLUS PROPERTY – VEHICLES:**

Doom moved, Ritter seconded, 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. Those vehicles that don't receive the minimum bid will be taken to Becker Iron & Metal for disposal. All voted in favor of the motion.

### **CONSIDER RESOLUTION RECEIVING REPORT AND ORDER PUBLIC HEARING ON IMPROVEMENT FOR WEST COLLEGE DRIVE IMPROVEMENT PROJECT Y43:**

Shane Waterman, Assistant City Engineer, reviewed Project Y43 West College Drive which includes the installation of a sanitary sewer main located on the northerly side of West College Drive, just south of the BNSF Railroad tracks, west of the existing manhole installed under Project 1998-002 (McKigney Industrial Park Improvement Project. Ritter moved, Doom seconded, the adoption of RESOLUTION NUMBER 3110, SECOND SERIES and that the reading of the same be waived. Resolution Number 3110, Second Series is a resolution Receiving the Feasibility Report and Calling for a Hearing on the Improvement. The public hearing will be held at 5:30 P.M. on July 7, 2008. All voted in favor of the motion.

## REGULAR MEETING – JUNE 16, 2008

### **HAZARDOUS BUILDING PROPERTY AT 304 SOUTH 1<sup>ST</sup> STREET:**

Dennis Simpson, City Attorney, indicated that the Council recently issued a hazardous building order, requiring that the property at 304 South 1<sup>st</sup> Street either be razed or repaired in accordance with the Council order. This order was served on the owners and published in the paper requiring that certain work be done within time frames as established. The building has not been razed; however some repairs have been done. Mr. Simpson indicated that according to Marshall Municipal Utilities there are no utilities at the property and MMU will not re-establish utilities until an old outstanding bill has been paid. He also indicated that according to the Building Official the property is susceptible to sewer gas infiltration. City officials are also of the belief that interior walls and other matters are not in a condition that would support human habitation. Per the recommendation of the City Attorney's Office, Doom moved, Ritter seconded, that the City Attorney be authorized to proceed to district court to get a court order transferring ownership of the property located at 304 South 1<sup>st</sup> Street to the City of Marshall. All voted in favor of the motion.

### **CONSIDER RESCHEDULING THE SPECIAL COUNCIL MEETING FOR AUDIT REVIEW FROM MONDAY, JUNE 23, 2008 TO THURSDAY, JUNE 26, 2008:**

Doom moved, Ritter seconded, that the Special Council Meeting scheduled for Monday, June 23, 2008 be rescheduled to Thursday, June 26, 2008 at 5:30 P.M. to review the 2007 Audit Report. All voted in favor of the motion.

### **CONSIDER A SPECIAL VEHICLE PERMIT FOR AVERA.**

Following a brief discussion on a Special Vehicle Permit for Avera Morningside Heights Care Center and Adult Day Break it was the general consensus of the council that this item be considered at the Special Council meeting to be held at 5:30 P.M. on Thursday, June 26, 2008.

### **COUNCILMEMBER COMMISSION/BOARD LIAISON REPORTS:**

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

Byrnes	<u>EDA</u> met but was unable to attend; <u>Regional Development Commission</u> met last week and will hold their annual meeting on July 10 <sup>th</sup>
Doom	<u>Marshall Community Services Advisory Board</u> held a meeting and the <u>Planning Commission</u> did not have a quorum
Hulsizer	Library Board met on Monday
Ritter	<u>EDA</u> met
Sanow	No report

### **COUNCILMEMBER INDIVIDUAL ITEMS:**

Other items brought forth by the Mayor and Council Members included: not enough street lights on Stephen Avenue – Shane will talk to MMU.

REGULAR MEETING – JUNE 16, 2008

**REVIEW OF PENDING AGENDA ITEMS:**

It was indicated that the project for 801 East College Drive is not moving forward.

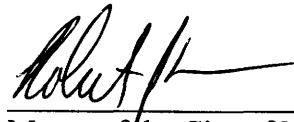
**MOTION TO GO INTO A CLOSED SESSION PURSUANT TO MINNESOTA STATUTE SECTION 13D.05, SUBD. 3(D) AND MINNESOTA STATUTE SECTION 13D.05, SUBD. 3(C)(1):**

Ritter moved, Sanow seconded, to go into closed session at 6:22 P.M. pursuant Minnesota Statute 13D.05, Subd. 3(d) and Minnesota Statute Section 13D.05, Subd. 3(c)(1). All voted in favor of the motion.

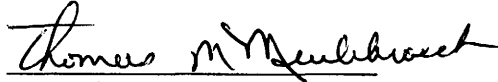
The City Council went into closed session at 6:25 P.M. and came out of closed session at 6:38 P.M.

Shane Waterman, Assistant City Engineer, provided the City Council with an update on the Aquatic Center Improvements and that it is scheduled to be open on June 18, 2008. The contract will remain open until the Fall of 2008 to complete some minor details.

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

  
\_\_\_\_\_  
Mayor of the City of Marshall

ATTEST:

  
\_\_\_\_\_  
Financial Director/City Clerk



## **SPECIAL MEETING – JUNE 26, 2008**

A special meeting of the Common Council of the City of Marshall was held on June 26, 2008 in the Council Chambers of the Marshall Municipal Building. Mayor Byrnes called the meeting to order at 5:30 P.M. In addition to Byrnes, the following council members were present: Hulsizer, Doom and Ritter. Absent: Sanow, Reynolds and Boedigheimer. City Staff present included: Glenn Olson, Interim City Administrator, Director of Public Works/City Engineer; Rob Yant, Director of Public Safety; and Thomas M. Meulebroeck, Thomas M. Meulebroeck, Financial Director/City Clerk. Others in attendance included: LuAnn Anderson from Marshall Lyon County Library and Kyle Meyers auditor from Abdo Eick Meyer.

It was the general consensus of the council that the agenda be approved with the addition of item 1a, which is to call for a public hearing to review the Small Cities Grant guidelines.

### **REQUEST TO CALLS FOR A PUBLIC HEARING TO REVIEW THE SMALL CITIES GRANT GUIDELINES:**

Doom moved, Ritter seconded, that a public hearing be held on July 7, 2008 to review the Small Cities Grant guidelines. The available funds with this grant is \$110,000. The intent is to award these monies to six entities in the Central Business District with a 50/50 split and the loan would be forgiven over 5 years at 20% per year. All voted in favor of the motion.

### **CONSIDER THE REQUEST OF THE RETAIL LIAISON COMMITTEE FOR THE MACC FOR STREET CLOSURE FOR CRAZY DAYS ON JULY 17, 2008:**

Ritter moved, Doom seconded, the approval of the request of the Retail Liaison Committee for the Marshall Area Chamber of Commerce to close Main Street from College Drive (intersection of T.H. 19 & T.H. 59) north to North 5<sup>th</sup> Street on Thursday July 17, 2008 from 6:00 A.M. to 6:00 P.M. for the Annual Crazy Days activities contingent upon the approval of MN/DOT. All voted in favor of the motion.

### **CONSIDER A SPECIAL VEHICLE PERMIT FOR AVERA MORNINGSIDE HEIGHTS CARE CENTER AND ADULT DAY BREAK:**

A request was received from the Avera Morningside Heights Care Center and Adult Day Break for two Special Vehicle Permits to be used within the City of Marshall; one a 4-passenger Ranger and the second a 2-passenger Gator. The Ranger and Gator would be used to pull a trailer with their residents to various special events throughout the City of Marshall. This request is for "all streets other than East College Drive or Main Street".

Dodie Derynck and Jacqueline Esping, staff from the Avera Morningside Heights Care Center were in attendance at the meeting to discuss this request. They indicated that the golf carts have been used for 20 years; have a tendency to become overheated; and they get off balance and tip. Director of Public Safety Rob Yant addressed the request since the City does not have an ordinance allowing for this type of equipment to be used on City streets. Rob expressed a concern with the strong power of this equipment, the precedence it would set for others wanting to use this same equipment on City streets and the content of the request which included the equipment to be used on State Streets and be used until 11:00 P.M.

SPECIAL MEETING – JUNE 26, 2008

Doom moved, Ritter seconded, the approval of two Special Vehicle Permits for Avera Morningside Heights Care Center and Adult Day Break with the following conditions:

1. the permit be valid for the summer months (May through September)
2. The vehicles be driven during the hours of 10:00 A.M. to 9:00 P.M.
3. a beacon light be attached to the rear of each vehicle and higher than the vehicle and trailer
4. each vehicle must have turf tires
5. these are to be used exclusively for transporting residents of Morningside Heights Care Center and Adult Day Break
6. they may not exceed a speed of 20 mph

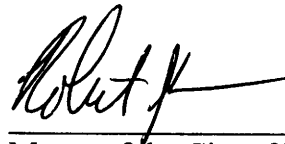
These vehicles can be used on all streets except East & West Main Street; East & West College Drive, Channel Parkway and all State Highways (except to cross) within the City limits. The fee for these permits has been waived. City staff was directed to proceed with the development of an ordinance to allow ATV's on City streets. All voted in favor of the motion.

**PRESENTATION OF THE 2007 AUDIT REPORT:**

Kyle Meyers provided an overview of the 2007 Audit Report prepared by Abdo, Eick Meyers. Mr. Meyers reviewed and hi-lighted various sections of the report and responded to any questions.

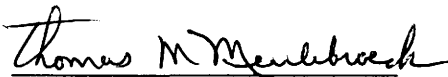
Ritter moved, Doom seconded, to approve the 2007 Audited Financial Report as presented by Abdo, Eick & Meyers. All voted in favor of the motion.

Upon motion by Hulsizer, 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

JOINT CITY COUNCIL – AVERA MARSHALL REGIONAL MEDICAL CENTER  
JUNE 30, 2008

A special joint meeting of the Board of Directors of Avera Marshall Regional Medical Center and the City Council of the City of Marshall was held in Classroom 3/A & B on Monday, June 30, 2008.

Mayor Bob Byrnes called to order a meeting of the City Council at 5:30 p.m.

The following council members were present: Larry Doom, Charles Sanow, Mike Boedigheimer, Dan Ritter, Jennie Hulsizer, Mike Reynolds, and Mayor Bob Byrnes.

The Board presented the Council with a resolution recommending that the Avera Regional Medical Center Board enter into good faith negotiations with Avera Health to purchase Weiner Memorial Medical Center, Inc. by July 1, 2009.

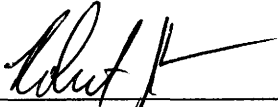
Discussions and debate of the resolution focused on keeping the public informed and the consideration of RFPs from other facilities, not just Avera Health.

Ritter moved, Doom seconded, that the resolution and recommendation by the Avera Marshall Regional Medical Center board that it be adopted. The motion passed 6-1 with Hulsizer voting against the motion.

There was additional discussion regarding a potential process for negotiations. The board will consider the process at their July meeting and continue to make recommendations to the council as appropriate. There was agreement that continued information would be provided to internal stakeholders and interested community members in the days and weeks ahead.

It was further agreed that the members of the Mayor's Blue Ribbon Task Force would continue to meet to assist with the process.

Doom moved, Ritter seconded, that the meeting be adjourned at 6:30 P.M. All voted in favor of the motion.

  
Robert J. Byrnes, Mayor

## REGULAR MEETING – JULY 7, 2008

The regular meeting of the Common Council of the City of Marshall was held on July 7, 2008 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, Reynolds, Boedigheimer and Ritter. Absent: Sanow. Staff present included, Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Shane Waterman, Assistant City Engineer; Kim Jergenson, Engineer Technician; Mark Hanson, EDA Director; Brian Gadd, Police Sergeant; Bob VanMoer, Wastewater Treatment Facility Superintendent; Thomas M. Meulebroeck, Finance Director/City Clerk; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

Mayor Byrnes took this opportunity to welcome Ben Martig as the new City Administrator and extended a thank you and expressed an appreciation to Glenn Olson for all that he has done as Interim City Administrator.

### **APPROVAL OF THE AGENDA:**

It was the general consensus of the council that the agenda be approved with the addition of item 9e, which is authorization for Ben Martig to be designated as a signatory for the City of Marshall.

### **APPROVAL OF THE MINUTES:**

Ritter moved, Reynolds seconded, that the minutes of the regular meeting held on June 16, 2008, the minutes of the special meeting held on June 26, 2008 and the minutes of the Joint Hospital meeting held on June 30, 2008 be approved as presented and that the reading of the same be waived. All voted in favor of the motion.

### **AWARD OF BIDS – WASTEWATER TREATMENT SECURITY SYSTEM:**

The Wastewater Facility has recently completed the installation of its SCADA System. With the new SCADA System in operation, and the ability to monitor the operation of the treatment plant and its main pumping stations remotely, the Wastewater Facility would be able to eliminate the current 12:00 am To 8:00 am shift. A security system would be the final step to completing a system to enable the Wastewater Treatment Facility Operators to reduce the hours the treatment plant needs to be staffed. They would realign the shift coverage to work 6:00 am to 2:00 pm and 2:00 pm to 10:00 pm. This would free up two operators to work the day shift as maintenance operators and improve the efficiencies of the staff.

Proposals were received by the Wastewater Treatment Facility for a Wastewater Treatment Security System. The proposals were received from:

Willmar Electric	Midwest Alarm Security Systems	Paape Companies Inc.
\$21,783.00 plus	\$25,265.00 plus	\$30,297.00 plus
\$1,415.90 tax	\$1,642.23 tax	\$1,969.31 tax

These changes would require the purchase of a laptop computer and associated software to connect to the SCADA System. One quote was received from the Computer Man for the needed equipment in the amount of \$1,636.00 plus \$106.34 tax.

REGULAR MEETING – JULY 7, 2008

Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that he has verified with Springsted, Inc., that the cost for the security system could be taken from the excess bond revenue left from the Digester and EQ Project.

Doom moved, Reynolds seconded, that the proposal for the Wastewater Treatment Security System be awarded to Willmar Electric in the amount of \$21,783.00 plus \$1,415.90 tax and that laptop computer and associated software be purchased from the Computer Man in the amount of \$1,636.00 plus \$106.34 tax. The funds for these items will be taken from the excess Digester and EQ Bond Project Fund 608. All voted in favor of the motion.

**AWARD OF BIDS – PROJECT Y48 BITUMINOUS RESURFACING PROJECT ON VARIOUS CITY STREETS:**

Bids were received, opened and read on July 1, 2008 for Project Y48 Bituminous Resurfacing Project on various City streets. Bids received, opened and read were from:

Duininck Bros. Inc.	McLaughlin & Schulz, Inc.
Prinsburg, Minnesota	Marshall, Minnesota
\$237,840.30	\$187,240.20

Ritter moved, Doom seconded, the adoption of RESOLUTION NUMBER 3111, SECOND SERIES and that the reading of the same be waived. Resolution Number 3111, Second Series is a resolution Accepting Bid (Award Contract) for Project Y48 Bituminous Resurfacing Project on Various City Streets. This bid was awarded to McLaughlin, & Schulz, Inc., Marshall, Minnesota in the amount of \$187,240.20. All voted in favor of the motion.

**AWARD OF BIDS – PROJECT Y49 BITUMINOUS CHIP SEALING ON VARIOUS CITY STREETS:**

Bids were received, opened and read on July 1, 2008 for Project Y49 Bituminous Chip Sealing on various city streets. Bids received, opened and read were from:

Caldwell Asphalt Co., Inc.	McLaughlin & Schulz, Inc.
Hawick, Minnesota	Marshall, Minnesota
\$86,738.20	\$88,227.00

Glenn Olson, Director of Public Safety/City Engineer, indicated that the bid received from McLaughlin & Schulz, Inc., of Marshall included the originally specified oil for the chip sealing. The second bid from Caldwell Asphalt Co., Inc., of Hawick included substitute oil that we would accept if the specified oil was not available or if the specified oil was excessively priced.

Ritter moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3112, SECOND SERIES and that the reading of the same be waived. Resolution Number 3112, Second Series is a resolution Accepting Bid (Award Contract) for Project Y49 Bituminous Chip Sealing on Various City Streets. This bid was awarded to McLaughlin & Schulz, Inc., in the amount of \$88,227.00. Mr. Olson indicated that there is approximately \$50,000 in the Street Department 2008 Budget (101-60211-2227) and \$25,000 in the Wastewater Fund 2008 Budget (602-90581-5530) for this project and that the quantities would be adjusted to fall within the amount budgeted. All voted in favor of the motion.

**AWARD OF BID – PROJECT Y45 SOUTHVIEW DRIVE PROJECT –  
A. RESOLUTION DECLARING OFFICIAL INTENT REGARDING THE  
REIMBURSEMENT OF EXPENDITURES WITH THE PROCEEDS OF TAX-EXEMPT  
BONDS; B. RESOLUTION ACCEPTING BID (AWARD CONTRACT):**

Bids were received, opened and read on July 1, 2008 for Project Y45 Southview Drive Project. The bids received, opened and read were from:

D & G Excavating, Inc.

Marshall, Minnesota

\$606,652.80

Duininck Bros. Inc.

Prinsburg, Minnesota

\$672,276.70

GM Contracting Inc.

Lake Crystal, Minnesota

\$592,659.30

Midwest Contracting, LLC

Marshall, Minnesota

\$664,450.60

Doom moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3113, SECOND SERIES and that the reading of the same be waived. Resolution Number 3113, Second Series is a resolution Declaring the Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for Southview Drive Project Y45. All voted in favor of the motion.

Doom moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3114, SECOND SERIES and that the reading of the same be waived. Resolution Number 3114, Second Series is a resolution Accepting Bid (Award Contract) for Southview Drive Project Y45. This bid was awarded to GM Contracting, Inc., Lake Crystal, Minnesota in the amount of \$592,659.30. All voted in favor of the motion.

**AWARD OF BID FOR 2008 STREET RECONSTRUCTION PROJECTS - PROJECT  
Y04: ARBOR COURT IMPROVEMENT PROJECT; PROJECT Y06: NUESE LANE  
IMPROVEMENT PROJECT; PROJECT Y35: MORNINGSIDE CIRCLE  
IMPROVEMENT PROJECT; PROJECT Y36: HORIZON CIRCLE IMPROVEMENT  
PROJECT; PROJECT Y37: SUNSET CIRCLE IMPROVEMENT PROJECT;  
PROJECT Y38: EMERALD COURT IMPROVEMENT PROJECT; PROJECT Y47:  
DESCHEPPER STREET IMPROVEMENT PROJECT; A. RESOLUTION DECLARING  
COST TO BE ASSESSED, AND ORDERING PREPARATION OF PROPOSED  
ASSESSMENT; B. RESOLUTION FOR HEARING ON PROPOSED ASSESSMENT; C.  
RESOLUTION DECLARING OFFICIAL INTENT REGARDING THE  
REIMBURSEMENT OF EXPENDITURES WITH THE PROCEEDS OF TAX-EXEMPT  
BONDS; D. RESOLUTION ACCEPTING BID (AWARDING CONTRACT):**

Bids were received, opened and read on July 1, 2008 for 2008 Street Reconstruction Projects - Project Y04: Arbor Court Improvement Project; Project Y06: Nuese Lane Improvement Project; Project Y35: Morningside Circle Improvement Project; Project Y36: Horizon Circle Improvement Project; Project Y37: Sunset Circle Improvement Project; Project Y38: Emerald Court Improvement Project; Project Y47: DeSchepper Street Improvement Project. The bids received, opened and read were from:

Duininck Bros. Inc.

Prinsburg, Minnesota

\$743,460.53

McLaughlin & Schulz, Inc.

Marshall, Minnesota

\$641,302.40

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Ritter moved, Doom seconded, the adoption of RESOLUTION NUMBER 3115, SECOND SERIES and that the reading of the same be waived. Resolution Number 3115, Second Series is a resolution Declaring Cost to be assessed and Ordering Preparation of Proposed Assessment for the 2008 Street Reconstruction Projects - Project Y04: Arbor Court Improvement Project; Project Y06: Nuese Lane Improvement Project; Project Y35: Morningside Circle Improvement Project; Project Y36: Horizon Circle Improvement Project; Project Y37: Sunset Circle Improvement Project; Project Y38: Emerald Court Improvement Project; Project Y47: DeSchepper Street Improvement Project. 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.

Ritter moved, Doom seconded, the adoption of RESOLUTION NUMBER 3116, SECOND SERIES and that the reading of the same be waived. Resolution Number 3116, Second Series is a resolution Calling for a Hearing on the Proposed Assessment for the 2008 Street Reconstruction Projects - Project Y04: Arbor Court Improvement Project; Project Y06: Nuese Lane Improvement Project; Project Y35: Morningside Circle Improvement Project; Project Y36: Horizon Circle Improvement Project; Project Y37: Sunset Circle Improvement Project; Project Y38: Emerald Court Improvement Project; Project Y47: DeSchepper Street Improvement Project. This public hearing will be held at 5:30 P.M. on August 4, 2008. All voted in favor of the motion.

Ritter moved, Doom seconded, the adoption of RESOLUTION NUMBER 3117, SECOND SERIES and that the reading of the same be waived. Resolution Number 3117, Second Series is a resolution Declaring the Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for the 2008 Street Reconstruction Projects - Project Y04: Arbor Court Improvement Project; Project Y06: Nuese Lane Improvement Project; Project Y35: Morningside Circle Improvement Project; Project Y36: Horizon Circle Improvement Project; Project Y37: Sunset Circle Improvement Project; Project Y38: Emerald Court Improvement Project; Project Y47: DeSchepper Street Improvement Project. All voted in favor of the motion.

Ritter moved, Doom seconded, the adoption of RESOLUTION NUMBER 3118, SECOND SERIES and that the reading of the same be waived. Resolution Number 3118, Second Series is a resolution Accepting the Bid (Award Contract) for the 2008 Street Reconstruction Projects - Project Y04: Arbor Court Improvement Project; Project Y06: Nuese Lane Improvement Project; Project Y35: Morningside Circle Improvement Project; Project Y36: Horizon Circle Improvement Project; Project Y37: Sunset Circle Improvement Project; Project Y38: Emerald Court Improvement Project; Project Y47: DeSchepper Street Improvement Project. This bid was awarded to McLaughlin & Schulz, Inc., Marshall, Minnesota in the amount of \$641,302.40. All voted in favor of the motion.

### **PUBLIC HEARING – PROJECT Y43 WEST COLLEGE DRIVE SANITARY SEWER IMPROVEMENT – A. PUBLIC HEARING ON IMPROVEMENT;**

#### **B. RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS:**

This was the date and time set for a public hearing on Project Y43 West College Drive Sanitary Sewer. Glenn Olson, Director of Public Works/City Engineer, indicated that this project covers the proposed extension of the sanitary sewer main along the south right of way of the BNSF Railroad. The existing sewer main was previously installed under the BNSF Railroad to provide sewer service to the residences along this portion of West College Drive. The proposed sewer main extension would provide service to two homes which currently have private septic systems for sewage disposal. Shane Waterman, Assistant City Engineer, indicated that they have reviewed all options available to them. Council Member Boedigheimer indicated

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that this area is in the city limits and they should not be able to upgrade their current system. Ritter moved, Doom seconded, that the public hearing be closed. All voted in favor of the motion.

Doom moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3119, SECOND SERIES and that the reading of the same be waived. Resolution Number 3119, Second Series is a resolution Ordering Improvements and Preparation of Plans for Project Y43 West College Drive Sanitary Sewer. All voted in favor of the motion.

**SMALL CITIES GRANT GUIDELINES – A. PUBLIC HEARING; B. APPROVAL:**

This was the date and time set for a public hearing on the Small Cities Grant Guidelines. Mark Hanson, EDA Director, reviewed the following guidelines that EDA has established for the Small Cities Grant:

1. Limited Entities – Central Business District according to the Planning and Zoning map. This entails the majority of the downtown businesses.
2. 50/50 Split – This will be funded 50% by commercial applicant and 50% zero percent deferred loan after five years.
3. Six Project – A maximum of six projects will be eligible.
4. Term Years to be Forgiven – Five years. This will be a zero percent deferred loan after five years, having 20% of the loan forgiven each year.
5. Maximum Funds per Applicant – There will be no limit to the maximum funds per applicant.
6. Average Funds – The Small Cities Grant is comprised of \$110,000, therefore the average funds per project, assuming there are six projects is approximately \$18,333.33.

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

Reynolds moved, Ritter seconded, the approval of the Small Cities Grant Guidelines. All voted in favor of the motion.

**CONSENT AGENDA – A. APPROVAL OF PLUMBERS LICENSE FOR FEDER MECHANICAL; B. DECLARATION OF SURPLUS PROPERTY; C. BILLS/PROJECT PAYMENTS; D. BUILDING PERMITS; E. AUTHORIZE BENJAMIN S. MARTIG AS SIGNATORY FOR THE CITY OF MARSHALL:**

Per the request of Council Member Boedigheimer item C, which is the bills/project payments was removed from the consent agenda.

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

A Plumbers License be approved for Curtis Hoffman, PHLAG Mechanical, Inc., dba Feder Mechanical at a fee of \$80.00. This license will expire on March 31, 2009.

That the proper city personnel be authorized to dispose of surplus City property.

That City Administrator, Benjamin S. Martig, be designated as an authorized signer on all documents for the City of Marshall, Minnesota effective July 7, 2008. Mr. Martin replaces Glenn Olson as an authorized signer.

All voted in favor of the motion.



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

1.	ALLUVUS, LLC	606	Heritage	Place	Move In Dwelling, Garage	\$64,600
2.	Gary D. & Marj A. Becker	103	East	Main Street	Interior Demolition	\$0
3.	Joseph Kerkvliet	405	South	Bruce Street	Reroof	\$4,000
4.	Lyon County Co-Op Oil Co.	401		Country Club Drive	Sign	\$7,000
5.	Mark E. & Joanne C. Hinckley	804	West	Southview Court	Deck	\$1,300
6.	The Schwan Food Company	112	South	5th Street	Reroof Dwelling	\$2,900
7.	Marlin L. Besse	1113		Skyline Drive	Reroof	\$8,500
8.	Susan L. Burnett	310	South	6th Street	Repair Porch	\$4,000
9.	Lyon County	611	West	Main Street	Jail Addition & Remodeling	\$7,427,600
10.	City of Marshall EDA	305		London Road	Dwelling	\$114,000
11.	City of Marshall EDA	309		London Road	Dwelling	\$116,000
12.	City of Marshall EDA	307		London Road	Dwelling	\$116,000
13.	Ryan & Charlea Mortensen	611	West	Thomas Avenue	Interior Remodel	\$4,500
14.	Greg & Jodi Vortherms	1009		Hackberry Drive	Reroof	\$4,000
15.	Ryan & Jessica Brockberg	516		Jaguar Court	Deck	\$9,000
16.	Eric Jon Eben	501	East	College Drive	Reroof	\$6,200
17.	Michael Slagel	208	East	Redwood Street	Partial Reroof	\$1,600
18.	Corey Prins	1003		Pine Avenue	Reside Dwelling & Replace Window	\$13,000
19.	Tom & Marlene Nordby	1236		Patricia Court	Storage Building	\$4,000
20.	Schwan's Development Corp.	1700	North	Highway 23	Demolish Barn	\$0
21.	The Schwan Food Company	118	West	College Drive	Reroof Office Building	\$7,900
22.	Arby's Restaurant Group	1422	East	College Drive	Demolish Office Building	\$0
23.	Arby's Restaurant Group	1422	East	College Drive	Restaurant	\$509,400
24.	Craig Renneke	309		Legion Field Road	Garage Remodel	\$2,000
25.	Clarence Zylstera	401	South	Whitney Street	Reside	\$4,500
26.	Chad Evers	809	North	5th Street	Reroof	\$3,000
27.	Lee G. Lingbeek	616		Soucy Drive	Reroof	\$4,000
28.	Terry Culhane	1008		Silvervine Drive	Replace Door	\$400
29.	David Sturrock	1142		David Drive	Finish Basement	\$21,000
30.	Ryan D. Sirovy	121	East	Main Street	Reroof	\$2,000
31.	Stacy Gackstetter & Michael Anderson	607	West	Lyon Street	Repair Wall and Install Window	\$3,800
32.	Marshall Commercial Properties	118	North	3rd Street	Signs	\$200
33.	Jeff Gladis	702		Oak Street	Deck	\$2,500
34.	Dayna Wiley	134		"E" Street	Reroof	\$3,000
35.	Inez Hendrickson	403	South	1st Street	Reroof	\$4,500
36.	Kim Stephens	502		Windstar Street	Deck	\$2,500
37.	Nathan & Terese Bourne	1114		Horizon Drive	Reroof	\$5,900

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38.	Donald Wilmert	704	Brian	Street	Reroof, Reside & Replace Windows	\$16,000
39.	Robert J. Hentges	608	West	Thomas Avenue	Reroof	\$3,
40.	Brian & Jessica Leibfried	1816		Thunderbird Road	Dwelling	\$190,
41.	Allan Wyffels	511		Central Avenue	Reroof	\$6,
42.	Steven L. Buck	104	South	Hill Street	Install Windows	\$1,
43.	James C. Carr	1237		Roundtable Road	Repair Step	\$300
44.	Cecil O. Doyle	1510		Westwood Drive	Exterior Remodeling	\$15,000
45.	Southwest Minnesota State University	1441		Birch Street	Resident Hall	\$8,086,200

Council Member Boedigheimer questioned the status of projects being completed on the project payment list. Glenn Olson, Director of Public Works/City Engineer, indicated that Boyer Drive is being held up because of wetlands; the Runway 12/30 Phase II is in the final stages; and Parkway II Addition have a few minor items to be completed.

Boedigheimer moved, Ritter seconded, that the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 61121 through 61364. All voted in favor of the motion.

## **CALL FOR PUBLIC HEARING ON REQUEST OF R & G CONSTRUCTION CO., FOR CONDITIONAL USE PERMITS TO CONSTRUCT TWO-FAMILY DWELLINGS AT 1500 AND 1501 ELLIS AVENUE, 1102 WINDSTAR STREET, 1500 QUARTZITE CIRCLE, AND 1500 – 1509 DIAMOND DRIVE:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the request for R & G Construction Company for conditional use permits to construct fourteen two-family dwellings at 1500 and 1501 Ellis Avenue, 1102 Windstar Street, 1500 Quartzite Circle and 1500 to 1509 Diamond Drive. The locations are on the south side of the future Windstar Street location and within Stonebridge Estates subdivision. The lots are within the R-1 One Family Residence District. Boedigheimer moved, Doom seconded, that a public hearing be held at 5:30 P.M. on July 21, 2008 to consider the request of R & G Construction Company for conditional use permits to construct fourteen two-family dwellings at 1500 and 1501 Ellis Avenue, 1102 Windstar Street, 1500 Quartzite Circle and 1500 to 1509 Diamond Drive. All voted in favor of the motion.

## **CONSIDER RESOLUTION APPROVING THE FINAL PLAT OF UNIVERSITY PARK SECOND ADDITION:**

Glenn Olson, Director of Public Works/City Engineer, indicated that the Final Plat of University Park Second Addition has been reviewed by them as well as Marshall Municipal Utilities and the local utility companies. Ritter moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3120, SECOND SERIES and that the reading of the same be waived. Resolution Number 3120, Second Series is a resolution Approving the Final Plat of University Park Addition with the following conditions:

1. Changes to the plat as per the Final Plat Checklist.
2. Execution of the Developer's Agreement.
3. Provision of a 7.5 foot utility easement immediately adjacent to the west side of the subdivision.
4. Revisions to the final plat as per City Attorney review (inclusion of the Great Plains Natural Gas easement and changing ownership on the plat to University Park, LLC).
5. Payment of all fees according to the First Development Contract for University Park Second Addition in the amount of \$2,210.25 according to the current "Resolution

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Approving Specific Fees to be Charges by the City of Marshall” (Resolution Number 3098, Second Series).

All voted in favor of the motion.

**AUTHORIZATION TO HIRE DAVID ENGEL AS A FULL-TIME POLICE OFFICER, TO BE SWORN IN AND TO ENTER INTO PERA:**

Upon the recommendation of Director of Public Safety Robert Yant, Ritter moved, Doom seconded, that David James Engel be employed as a fulltime Police Officer with the City of Marshall at the rate of \$19.79 effective July 21, 2008. Thomas Meulebroeck, Finance Director/City Clerk, indicated that it is no longer necessary to adopt a resolution appointing Police Officers to PERA, but that the City Code requires the City Council approve the hiring of all Police Officers. All voted in favor of the motion.

**REVIEW AND APPROVAL OF THE SALE OF CITY OWNED LAND TO KHC CONSTRUCTION:**

Mark Hanson, EDA Director, reviewed the request of Kim Christianson, owner of KHC Construction Inc., for the acquisition of Lot 3, Block 1 except the easterly 165’ of the Marshall Industrial Park, which is adjacent to the property that KHC Construction Inc., currently owns. At this time, the piece of property is owned by the City of Marshall and is 192.5’ x 60’. The property contains a service road and the boulevard up to Highway 59. The property was appraised at a value of \$1,300. Mr. Christianson has always maintained the road and boulevard grass and now the road is in need of repair, therefore he would like to purchase the property to be able to make the necessary repairs and future potential development. Mr. Christianson has agreed to pay \$1,300.00 the appraised property value; \$300.00 the cost of the appraisal; and any other expense associated with the closing. Ritter moved, Reynolds seconded, that the proper city personnel be authorized to sell Lot 3, Block 1 except the easterly 165’ of the Marshall Industrial Park to KHC Construction Inc. All voted in favor of the motion.

**APPROVAL OF EDA AS CITY MARKETING AGENT:**

Mark Hanson, EDA Director, reviewed the request of the EDA to be established as the Marketing Agent for the City of Marshall. A function of an economic developers’ job is to market the community to businesses. Today’s businesses are interested in a city’s technology infrastructure, business assistance programs, availability of workforce, etc. As a means to communicate this information to perspective businesses, the economic development department needs to: develop a website to promote the community, create printed and multimedia advertisement, and develop positive public relations. To accomplish the above tasks, the Economic Development department will need to allocate the appropriate funding. Doom moved, Reynolds seconded, that the EDA be established as the Marketing Agent for the City of Marshall. All voted in favor of the motion.

**ANNEXATION ACTIONS REGARDING CERTAIN PROPERTIES WITHIN THE CITY OF MARSHALL IN SECTION 32, T112N, R41W, (SONSTEGARD AREA PROPERTY/TRI-STATE PETROLEUM AREA PROPERTY) – A. JOINT RESOLUTION FOR ORDERLY ANNEXATION; B. INTRODUCTION OF ORDINANCE REVOKING ORDINANCE NO. 595, SECOND SERIES:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the Joint Resolution for Orderly Annexation to annex a piece of property to the City that is completely surrounded by the City of Marshall. There are two tracts in this annexation area for a total of approximately 66.64 acres. One tract is owned by Anna Sonstegard and contains approximately 64.266 acres and the other tract is owned by Tri-State Petroleum and contains approximately 2.37 acres.

Ritter moved, Doom seconded, the adoption of RESOLUTION NUMBER 3121, SECOND SERIES and that the reading of the same be waived. Resolution Number 3121, Second Series is a Joint

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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 64.266 acres of property that is owned by Anna Sonstegard and approximately 2.37 acres of land that is owned by Tri-State Petroleum. All voted in favor of the motion.

Glenn Olson, Director of Public Works/City Engineer, indicated that on May 19, 2008, the City Council adopted an ordinance for the annexation of the Sonstegard Area Property / Tri-State Petroleum Area Property. The ordinance was submitted to the Office of the Administrative Hearings, Minnesota Boundary Adjustments for approval. After review by the Office of the Administrative Hearings, Minnesota Boundary Adjustments, they have indicated that the process for the annexation of this property should have been annexed by a Joint Resolution for Orderly Annexation in accordance with the 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.

Ritter moved, Doom seconded, the introduction of an ordinance revoking Ordinance Number 595, Second Series regarding the annexation of certain properties in Section 32, T112N, R41W (Sonstegard Area Property / Tri-State Petroleum Area Property). All voted in favor of the motion.

### **MARSHALL AQUATIC CENTER PROJECT – CONSIDER CHANGE ORDER NO. 4 WITH POOL CONSTRUCTION, INC.:**

Change Order No. 3 was for the clean out and epoxy of existing horizontal and vertical construction joints in the lap pool and the diving pool at a cost of \$3,500. The actual time and materials cost for the clean out and epoxy work was \$3,242.79; therefore Reynolds moved, Doom seconded, the approval of Change Order No. 4 with Pool Construction, Inc., for a decrease in the amount of \$257.21. Change Order No. 4 balances out Change Order 3 based on the actual time and materials. All voted in favor of the motion.

### **M.A.T. BUILDING BUS GARAGE PROJECT – CONSIDER CHANGE ORDER NO. 0454-GC FIVE WITH BLADHOLM CONSTRUCTION, INC:**

Ritter moved, Reynolds seconded, the approval of Change Order No. 0454-GC-FIVE with Bladholm Construction, Inc., for the Marshall Area Transit Bus Garage in the amount of \$1,631.00. This change order is for the additional costs incurred to revise overhead section garage door card readers and ceramic tile installation in the restroom walls. All voted in favor of the motion, except Doom who voted no.

### **PROJECT Y42 CLUB 59 ADDITION IMPROVEMENT PROJECT – CONSIDER RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS:**

Boedigheimer moved, Doom seconded, the adoption of RESOLUTION NUMBER 3122, SECOND SERIES and that the reading of the same be waived. Resolution Number 3122, Second Series is a resolution Approving Plans and Specifications and Ordering Advertisement for Bids for Club 59 Addition Improvement Project Y42. This project includes the construction of sanitary sewer mains, sewer services, watermain, water service lines and miscellaneous items within the Club 59 Addition along Floyd Wild Drive. The bids for this project will be received on August 7, 2008. All voted in favor of the motion.

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

Based on past practice of the City Council, it has been recommended that the Mayor and Council Members annual salaries be increased by 3.0% for 2008 (using the employee wage adjustment for 2008). This would result in the annual salary of the Mayor going from \$8,246.00 to \$8,493.28 and the annual salary for Council Members going from \$5,215.68 to \$5,372.15. Boedigheimer moved, Doom 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, 2009. All voted in favor of the motion, except Hulsizer who voted no.

**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            Regional Development Commission will hold their annual meeting on Thursday, July 10, 2008

Boedigheimer Ways and Means discussed the purchasing policy.

Doom            No report.

Hulsizer        No report.

Reynolds       No report.

Ritter           No report.

**COUNCIL INDIVIDUAL ITEMS:**

Other items brought forth by the Mayor and Council Members included: the street light issue on Stephen Street and the new City Assessor will start on July 21<sup>st</sup>.

**REVIEW OF PENDING AGENDA ITEMS:**

There was not discussion on pending agenda items.

**MOTION TO GO INTO CLOSED SESSION PURSUANT TO MINNESOTA STATUTE SECTION 13D.05, SUBD.3 (C)(3):**

Ritter moved, Doom seconded, to go into closed session at 6:45 P.M. pursuant to Minnesota Statute 13D.05, Subd.3(c)(3). All voted in favor of the motion.

The City Council came out of closed session at 6:57 P.M.

Glenn Olson, Director of Public Works/City Engineer, addressed with the City Council the ramification of the \$15,000.00 that the state transferred from the State Department of Aeronautics to the General Fund. The City had included in its Airport Budget \$25,000 for the new roof on the shop next to the WPA Building; \$15,000 for repairs to the WPA building and \$30,000 for the runway crack repair. The 2008 budget includes 70% of these project being reimbursed to the state from the monies that the Department of Aeronautics had. Glenn indicated that the City would be receiving quotes on these airport improvement and since there would not be funding sources from the Department of Aeronautics could the utilizing of the

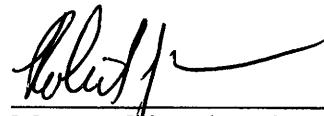
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City's Reserve be used for these improvements? Boedigheimer moved, Reynolds seconded, that the proper City personnel be authorized to advertise for quotes for the airport improvement projects consisting of new roof on the shop next to the WPA Building, for repairs to the WPA building and for the runway crack repair and that an adjustment be made from the General Fund Reserve to pay for these improvements. All voted in favor of the motion.

Glenn also indicated to the City Council that the air conditioner for the first floor of the Municipal Building was no longer able to be repaired, therefore three bids were received to replace the air conditioner ranging from \$4,233.85 to \$12,153.00. Doom moved, Ritter seconded, that the bid for the replacement of the air conditioner on the first floor of the Municipal Building be awarded to Cottonwood Coop Oil in the amount of \$4,233.85 for a Lennox unit. All voted in favor of the motion.

City Attorney Dennis Simpson informed the City Council of the Judge's decision to dismiss the claim filed by Joe Bot for the removal of the underground access located in the sidewalk in front of the Marhsall Hotel at 326 West Main Street during the 2007 Main Street Reconstruciton Project. The property owner has the right to appeal the case to District Court.

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

  
\_\_\_\_\_  
Mayor of the City of Marshall

ATTEST:

  
\_\_\_\_\_  
Financial Director/City Clerk

## REGULAR MEETING – JULY 21, 2008

The regular meeting of the Common Council of the City of Marshall was held on July 21, 2008 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: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Mark Hanson, EDA Director; Shane Waterman, Assistant City Engineer; Bob VanMoer, Wastewater Treatment Superintendent; Jeff Wenker, Sergeant Marshall Police Department; Thomas M. Meulebroeck, Finance Director/City Clerk and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

### **APPROVAL OF THE AGENDA:**

It was the general consensus of the council that the agenda be approved with item 4d, which is an application for Exempt Permit for SMSU Foundation whereby the event date is changed from September 28, 2008 to October 5, 2008; and item no. 7, which is Swearing in of David Engel as Police Officer for the City of Marshall being done after the approval of the minutes.

### **APPROVAL OF THE MINUTES:**

Dennis Simpson, City Attorney, indicated that the minutes of July 7, 2008 should be amended to approve the sale of Lot 3, Block, 1 except the easterly 165' of the Marshall Industrial Park to Kim H. Christensen and Barbara J. Christensen and not to KHC Construction, Inc. Doom moved, Sanow seconded, that the minutes of the regular meeting held on July 7, 2008 be approved as amended and that the reading of the same be waived. All voted in favor of the motion.

### **CONSIDER AWARD OF BIDS FOR CHEMICAL FEED IMPROVEMENT PROJECT AT THE WASTEWATER TREATMENT FACILITY:**

Bids were received, opened and read on July 15, 2008 for the Chemical Feed Improvement Project for the Wastewater Treatment Facility. The bids received, opened and read were from:

Bidder	Base Bid	Alternate No. 1	Total Bid
Robert L. Carr Company	\$338,600	(\$5,000.00)	\$333,600
Eagle Construction	\$392,000	(\$9,000.00)	\$383,000
KHC Construction, Inc.	\$427,000	\$5,000.00	\$432,000

Doom moved, Sanow seconded, that the bid for the Chemical Feed Improvement Project for the Wastewater Treatment Facility Main Lift Station and Highway 23 Lift Station be awarded to Robert L. Carr, Marshall, Minnesota in the amount of \$333,600.00, which includes bid alternate no. 1. Alternate no. 1 is a deduct for the construction of a brick/block addition to the Highway 23 Lift Station in lieu of a pre-engineered fiberglass enclosure. This system will allow the city to treat for the removal of phosphorus in the wastewater discharge to the river. This alternate will match the existing building which is very visible to the entrance of the High School. All voted in favor of the motion.

**PUBLIC HEARING – REQUEST OF R & G CONSTRUCTION CO., FOR  
CONDITIONAL USE PERMITS TO CONSTRUCT TWO-FAMILY DWELLINGS AT  
1500 & 1501 ELLIS AVENUE, 1102 WINDSTAR STREET, 1500 QUARTZITE CIRCLE,  
AND 1500 – 1509 DIAMOND DRIVE:**

This was the date and time set for a public hearing on the request of R & G Construction Co., for Conditional Use Permits to construct fourteen two family dwellings at 1500 & 1501 Ellis Avenue, 1102 Windstar Street, 1500 Quartzite Circle, and 1500 – 1509 Diamond Drive. Glenn Olson, Director of Public Works/City Engineer, indicated that the request is for the south side of the future Windstar Street and within Stonebridge Estates subdivision. The lots are within the R-1 One-Family Residence District. Mr. Olson also indicated that this request is coming forward without Planning Commission recommendation. The Planning Commission failed to make a quorum at the regular June meeting and a special meeting held on June 25, 2008. In order to provide the applicant with an answer to their request within a reasonable period of time and to assure compliance with Minnesota State Statutes 462.354, the “60-day rule”, the staff recommends that the City Council conduct a public hearing without Planning Commission recommendation. Council Member Hulsizer is not in favor of cul-de-sac’s and now they want to put multiple housing on a cul-de-sac. It was indicated that if there was not a cul-de-sac the lots would have direct access to Windstar Street. Council Member Boedigheimer was glad to see this rezoning request being made before lots are sold. Sanow moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion.

Doom moved, Sanow seconded, the approval of a Conditional Use Permit for R & G Construction, Co., to construct two-family dwellings at 1500 & 1501 Ellis Avenue, 1102 Windstar Street, 1500 Quartzite Circle, and 1500 – 1509 Diamond Drive with the following conditions:

1. All dwellings constructed for split ownership must comply with the regulations for two family dwellings under split ownership listed in section 86-97(d) of City Code.
  2. A boundary survey for each dwelling with split ownership shall be prepared by a Minnesota Registered Land Surveyor and shall be filed with the Office of the Director of Public Works before the Building Official can issue a Certificate of Occupancy.
  3. Each dwelling unit will be a one family use, occupied by persons related by blood, marriage, adoption, or by not more than three unrelated persons.
  4. 1102 Windstar Street shall be limited to one driveway access of a maximum width of 24 feet at the property line.
  5. No driveway access is permitted onto Windstar Street from any lot other than 1102 Windstar Street.
  6. Each unit within the dwelling must have an A and B address suffix in sequence with the order of the street address.
- All voted in favor of the motion.

**APPROVAL OF THE CONSENT AGENDA – A. TRANSIENT MERCHANT LICENSE  
FOR KYLIE SVANCARA DBA KYLIE’S BOOKS; B. TEMPORARY ON-SALE  
LIQUOR LICENSE FOR SMSU FOUNDATION FOR SEPTEMBER 6, 2008,  
SEPTEMBER 26 – 27, 2008 AND OCTOBER 25 – 26, 2008; C. TEMPORARY ON-SALE  
BEER LICENSE FOR VFW POST 742 FOR THE MONTH OF AUGUST, 2008;  
D. LG220 APPLICATION FOR EXEMPT PERMIT FOR SMSU FOUNDATION FOR  
SEPTEMBER 28, 2008; E. BILLS/PROJECT PAYMENTS; F. BUILDING PERMITS:**

Per the request of City Attorney Simpson item a, which is a transient merchant license for Kylie Svancara dba Kylie’s Books and per Council Member Boedigheimer item e, which is consideration of bills and project payments were removed from the consent agenda.



# REGULAR MEETING – JULY 21, 2008

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

Temporary On-Sale Liquor Licenses for SMSU Foundation for the following: Ag Bowl on September 6, 2008 at SMSU Regional Event Center Plaza Area, 1501 State Street, Marshall, Minnesota at a fee of \$30.00; SMSU Smokefest on September 26 – 27, 2008 at SMSU Regional Event Center Plaza Area, 1501 State Street Minnesota at a fee of \$60.00; and the Gala Ball on October 25 – 26, 2008 at SMSU Student Center and conference Center, 1500 State Street, Marshall, Minnesota at a fee of \$60.00.

A Temporary On-Sale Liquor License for Mongeau-Tholen VFW Post 742 for the month of August to be used during the Lyon County Fair on August 7 – 10, 2008. The fee for this license is \$50.00.

Per the request of SMSU Foundation the date for this event has been changed to October 5, 2008. BE IT RESOLVED, that the proper City personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the Application for Exempt Permit – LG220 for Southwest Minnesota State University Foundation for a raffle to be held at SMSU Baseball Field, 1501 State Street, Marshall, Minnesota on October 5, 2008 and that the 30 day waiting period be waived.

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	Value
1.	Floyd Sowden	116	West	Maple	Street	Reside	\$2,800
2.	Vlaminck Construction	109		Kathryn	Avenue	Kitchen Remodel	\$800
3.	Vlaminck Construction	108		"E"	Street	Reroof Garage & Install Step	\$1,300
4.	Gary D. & Marjory A. Becker	101	East	Main	Street	Remodel Office Building	\$100,000
5.	James C. Carr	1113	East	College	Drive	Signs	\$7,500
6.	James C. Carr	1113	East	College	Drive	Interior Remodel	\$13,000
7.	Cheryl J. Vandever	504		Hudson	Avenue	Garage Addition	\$10,000
8.	Scott Stewart	121		"G"	Street	Reroof	\$1,900
9.	Marshall Residential Properties, LLC	315		Rainbow	Drive	Reside Garage	\$2,200
10.	James Lozinski Construction	602		Kennedy	Street	Reroof, Reside	\$6,200
11.	William J. Vlaminck	214		Athens	Avenue	Deck	\$1,500
12.	Rose City Canopy & Sign	311	South	O'Connell	Street	Sign	\$2,500
13.	Indigo Signworks	401		Mustang	Trail	Scoreboard	\$497,300
14.	Tony J. Lamb	121		"E"	Street	Reroof Garage	\$600
15.	Tony J. Lamb	121		"E"	Street	Interior Remodel	\$1,500
16.	Dennis Lozinski Construction	615	West	Marshall	Street	Reroof	\$5,000
17.	Welu Construction, LLC	511		Lawerence	Street	Reside	\$10,000
18.	Donald Bottelberghe	711		Nuese	Lane	Amateur Radio Tower	\$500
19.	Timothy Swanson Construction	1009		Boxelder	Avenue	Reroof	\$7,600
20.	Thomas L. Handeland & Susan Hatletvedt	715		Scott	Street	Deck	\$12,800
21.	Leo J. Geraets	404		DeSchepper	Street	Reroof	\$4,400

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Kylie Svancara is requesting that the license fee for the Transient Merchants License be pro-rated. She indicated that she is an independent contractor selling books for the Southwest Company to help pay for her college education. She indicated that the \$315.00 fee could pay for a semester of books. Council Member Boedigheimer indicated that the fee has never been prorated. Council Member Doom was not in favor of setting a precedent of pro-rating license fees. Doom moved, Boedigheimer seconded, the approval of the Transient Merchants License for Kylie Svancara dba Kylie's Books at a fee of \$315.00. This license will expire on December 31, 2008. All voted in favor of the motion.

Council Member Boedigheimer questioned the payment of \$450 to Action Sports for the trailer rental. Thomas Meulebroeck, Finance Director/City Clerk, indicated that the Parks Department is renting this trailer for the summer. Reynolds moved, Boedigheimer seconded, that the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 61365 through 61543. All voted in favor of the motion.

### **ADOPTION OF ORDINANCE AMENDING THE SALARIES AND COMPENSATION OF THE MAYOR AND COUNCIL MEMBERS:**

Boedigheimer moved, Doom seconded, the adoption of ORDINANCE NUMBER 597, SECOND SERIES and that the reading of the same be waived. Ordinance Number 597, Second Series is an ordinance Amending the Salaries and Compensation of the Mayor and Councilpersons for the City of Marshall, Minnesota. This ordinance provides for the salary of the Mayor to be \$707.78 per month and the salary for the Council Members to be \$447.68 per month effective January 1, 2009. Council Member Sanow indicated that he wants to see a comparison with all cities between 10,000 and 15,000 population and not just the few that were provided. Voting in favor of the motion were: Boedigheimer, Doom, Reynolds and Byrnes. Voting no were: Ritter, Sanow and Hulsizer.

### **ADDENDUM TO THE PRIVATE REDEVELOPMENT CONTRACT:**

Mark Hanson, EDA Director, reviewed the Addendum to the Private Redevelopment Contract between the Housing and Redevelopment Authority in and for the City of Marshall and Southwest Minnesota Housing Partnership. The Addendum to the Private Redevelopment Contract indicates the City of Marshall informed the Redeveloper of its need to relocate the Lyon County Library from its intended construction site because of flood control issues affecting the City of Marshall. Mark indicated that according to the proposed agreement, SWMHP would sell the junior high site to the city for \$1 and that in return about three acres of land in the Parkway III Addition would be transferred to SWMHP. The city would also give back the \$100,000 the SWMHP paid for the old junior high site. Council Member Sanow was not in favor of this and the City should have the option to sell this property to a developer. Council Member Hulsizer asked about the housing study and was informed that the draft is complete and they are waiting for the final report. Council Member Boedigheimer questioned trading land for land. City Administrator Ben Martig suggested that city staff and City Attorney Simpson review this agreement.

### **INTRODUCE "TRAFFIC JAM" EVENT FOR COMMUNITY FESTIVAL:**

Nort Johnson was in attendance at the meeting to provide information to the council on the "Traffic Jam" event that is being planned. They would like this to be declared as a Community Festival. He indicated that this has been scheduled for August 23<sup>rd</sup> between the Varsity Pub and Car Toys, which is city property. The event would consist of seven bands competing throughout the day to open for a headliner band that evening. It was indicated

## REGULAR MEETING – JULY 21, 2008

that an application would be coming and that Nort needed to meet with Dennis Simpson, City Attorney, to draft an agreement with the City of Marshall for the use of this property. They also need to provide adequate insurance. Nort indicated that there would be Special Event application coming forth which would allow the Varsity Pub to serve intoxicating liquor off their premises. Jane DeVries, Deputy City Clerk, indicated that she has been working with Nort Johnson and indicated the same criteria has been used as in the past for the Sounds of Summer events.

### **CONSIDER PURCHASING BODY ARMOR FOR POLICE DEPARTMENT:**

Jeff Wenker, Sergeant for the Marshall Police Department, indicated the Police Department is requesting to purchase eight Second Chance Concealable Body armor vests with the Summit model, Bronze Vest Package at the Level II level of protection. Level II is the lightest weight that will stop the bullets that the Police Department carries in their handguns. Ritter moved, Sanow seconded, that the Marshall Police Department be authorized to purchase eight Second Chance Concealable Body armor vests with the Summit model, Bronze Vest Package at the Level II of protection at a cost of \$1,134.99 per unit. Four vests would be purchased now for a total cost of \$4,539.96 and four would be purchased later in the year for the same amount. Half of the cost of body armor is reimbursed by the State of Minnesota, every five years. The federal government also has funding for Police Officer's, which can also fund half of the cost per officer. The funding through the State is automatic for a Minnesota licensed peace officer. The federal funding is a grant application process that is based on allocated funding. The federal grant has been applied for. All voted in favor of the motion.

### **COALITION OF GREATER MINNESOTA CITIES (CGMC) 2008 LEGISLATIVE REPORT – TIM FLAHERTY AND CHRIS HOOD:**

Tim Flaherty and Chris Hood from the Coalition of Greater Minnesota Cities (CGMC) were in attendance at the meeting to provide the 2008 Legislative Report. Mr. Flaherty indicated that they had a 7% increase from 2008 (in funds) and a 10% increase from where they would have been in 2009 without the increase. He also indicated that the comprehensive transportation bill was a victory for the coalition, but was disappointed with the economic development funding.

### **SOUTHWEST MINNESOTA HOUSING PARTNERSHIP (SWMHP) GRANT DEVELOPMENT AGREEMENT:**

Mark Hanson, EDA Director, reviewed the SWMHP Grant Development Agreement between SWMHP and the City of Marshall for the Small Cities Grant Development Program. The agreement outlines the services of which SWMHP and the City of Marshall are required to provide and complete to ensure the program runs smoothly and in a timely fashion. The Small Cities Grant Development Program is focusing on rental and owner occupied housing rehabilitation projects in a target area adjacent to the downtown. Ritter moved, Reynolds seconded, that the proper city personnel be authorized to enter into the SWMHP Grant Development Agreement with Southwest Minnesota Housing Partnership. All voted in favor of the motion.

**SOUTHVIEW DRIVE IMPROVEMENT PROJECT Y45 – A. RESOLUTION DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT; B. RESOLUTION CALLING FOR HEARING ON PROPOSED ASSESSMENT:**

Sanow moved, Doom seconded, the adoption of RESOLUTION NUMBER 3123, SECOND SERIES and that the reading of the same be waived. Resolution Number 3123, Second Series is a resolution Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment for Southview Drive Improvement Project Y45. 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.

Sanow moved, Doom seconded, the adoption of RESOLUTION NUMBER 3124, SECOND SERIES and that the reading of the same be waived. Resolution Number 3124, Second Series is a resolution Calling for a Hearing on the Proposed Assessment for Southview Drive Improvement Project Y45. This public hearing will be held at 5:30 P.M. on August 18, 2008. All voted in favor of the motion.

**CONSIDERATION AND APPROVAL OF A RESOLUTION AUTHORIZING EXECUTION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION GRANT AGREEMENT NO. 93077 FOR AIRPORT IMPROVEMENT EXCLUDING LAND ACQUISITION:**

Boedigheimer moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3125, SECOND SERIES and that the reading of the same be waived. Resolution Number 3125, Second Series is a resolution providing Authorization to Execute the Minnesota Department of Transportation Grant Agreement for Airport Improvement Excluding Land Acquisition. This project includes utility relocation and apron design for the Runway 12/30 Project – Phase I for a total additional project cost of \$124,116.37 with a federal reimbursement of \$111,240.00 and a local participation of \$12,876.37. The City of Marshall has previously paid for all of these costs, and the grant is reimbursement for those costs. All voted in favor of the motion.

**PRELIMINARY PLAT OF WIENER ADDITION – INTRODUCTION OF PLAT AND CALL FOR A PUBLIC HEARING:**

Doom moved, Reynolds seconded, the introduction of the preliminary plat of Wiener Addition and called for a public hearing to be held at 5:30 P.M. on August 4, 2008. The proposed plat is to separate a portion of a building in order to separate ownership of said portion. In order to accomplish this separation, the platting process is required. All voted in favor of the motion.

**ORDINANCE REVOKING ORDINANCE NUMBER 595, SECOND SERIES REGARDING THE ANNEXATION OF CERTAIN PROPERTIES IN SECTION 32, T112N, R41W (SONSTEGARD AREA PROPERTY / TRI-STATE PETROLEUM AREA PROPERTY):**

On May 19, 2008 the City Council adopted an ordinance for the annexation of the Sonstegard Area Property / Tri-State Petroleum Area Property. After review by the Office of the Administrative Hearings, Minnesota Boundary Adjustments, they indicated that the process for the annexation of this property should have been annexed by a Joint Resolution for Orderly Annexation in accordance with the 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. Ritter moved, Reynolds seconded, the adoption of

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ORDINANCE NUMBER 598, SECOND SERIES and that the reading of the same be waived. Ordinance Number 598, Second Series is an ordinance Revoking Ordinance Number 595, Second Series – an Ordinance of the City of Marshall Annexing Land located in the Town of Fairview, 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. All voted in favor of the motion.

**PROJECT Y02 / S.A.P. 4201-67 RUNWAY 12/30 EXTENSION PROJECT PHASE II – ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION TO MCLAUGHLIN & SCHULZ, INC.:**

Sanow moved, Doom seconded, the acknowledgement of Final Payment Application in the amount of \$114,520.21 to McLaughlin & Schulz, Inc. for Project Y02 from account number 425-60364-5530 contingent upon receipt of all required closeout forms. All voted in favor of the motion.

**CONSIDER APPOINTMENTS TO BOARDS AND COMMISSIONS:**

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

- Cable Commission – Kevin Grelling for a term to expire on May 31, 2010
- Planning Commission – Neil Linscheid for a term to expire on May 31, 2010

**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        Fire Relief Association held their quarterly meeting – discussed the schedule for the 2009 contribution from the City of Marshall
- Boedigheimer M.E.R.I.T. Center met last Thursday but Boedigheimer was not able to attend
- Doom        Planning Commission items were acted on earlier in the meeting; Adult Community Center Commission Barb discussed the budget.
- Hulsizer    Library Board met last Monday – there needs to be a joint meeting between the city council, school board, library board and county commissioners to discuss the possibility of moving the library because of the Tiger Pond retention project.
- Reynolds    Hospital Board – met earlier today. There was a presentation by Minnesota's Commissioner of Human Services Cal Ludeman
- Ritter        Housing Commission met last week
- Sanow        No report.

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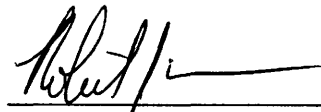
**STAFF REPORTS – A. CITY ADMINISTRATOR UPDATE ON BUDGET PROCESS AND TIMELINES; OTHER:**

Ben Martig, City Administrator, provided a tentative schedule for the 2009 budget process; informed the council that they would be receiving quarterly financial reports; indicated that the individual hired to fill the City Assessor position as decided not to take the job – they will be working on filling this position; there is a union contract that has not been settled and he indicated that Cy Smythe from Labor Relations is retiring; he is planning on making some changes to the agenda and the memos for the agenda.

**COUNCIL MEMBER INDIVIDUAL ITEMS:**

Council Member Doom will be gone for the August 4<sup>th</sup> meeting; there is a concern about enforcing no more than 3 unrelated persons occupying a single family home. It was indicated that if there is a concern this needs to be reported to the Building Official, City Engineer and City Attorney. Mayor Byrnes will discuss financing for the Library with Terri Heaton from Springsteds, Kathleen Asche, Mark Goodenow and John Bowden from the Library Board. Mr. Olson indicated that there was a concern about safety at the intersection of Main & 4<sup>th</sup> Street during Crazy Days.

Reynolds 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 – AUGUST 4, 2008

The regular meeting of the Common Council of the City of Marshall was held on August 4, 2008 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: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Rob Yant, Director of Public Safety; Marc Klaith, Fire Chief; Mark Hanson, EDA Director; Shane Waterman, Assistant City Engineer; Thomas M. Meulebroeck, Finance Director/City Clerk; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

### **APPROVAL OF THE AGENDA:**

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

### **APPROVAL OF THE MINUTES:**

Sanow moved, Ritter seconded, that the minutes of the regular meeting held on July 21, 2008 be approved as presented and that the reading of the same be waived. All voted in favor of the motion.

### **PUBLIC HEARING – A. PUBLIC HEARING ON PRELIMINARY PLAT FOR WIENER ADDITION; B. CONSIDER RESOLUTION APPROVING THE FINAL PLAT OF WIENER ADDITION:**

This was the date and time set for a public hearing on the Preliminary Plat for Wiener Addition. The proposed plat is to separate a portion of a building in order to separate ownership on said portion. In order to accomplish this separation, the platting process is required. Sanow moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion.

Sanow moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3126, SECOND SERIES and that the reading of the same be waived. Resolution Number 3126, Second Series is a resolution Approving the Final Plat of Wiener Addition. All voted in favor of the motion.

### **APPROVAL OF CONSENT AGENDA – A. PLUMBERS LICENSE FOR COMMERCIAL PLUMING AND HEATING, INC.; B. RESOLUTION ACCEPTING THE GRANT OF PERSONAL PROPERTY FROM FLINT HILLS RESOURCES, LP; C. REQUEST TO MOVE DWELLING INTO A RESIDENTIAL DISTRICT AT 601 HERITAGE PLACE – CALL FOR PUBLIC HEARING; D. REQUEST TO MOVE DWELLING INTO A RESIDENTIAL DISTRICT AT 612 HERITAGE PLACE – CALL FOR PUBLIC HEARING; E. AUTHORIZATION TO DECLARE VEHICLES AS SURPLUS PROPERTY; F. AUTHORIZATION TO DECLARE ITEMS AS SURPLUS PROPERTY; G. PROJECT Y50: WEST REDWOOD STREET/NORTH 4<sup>TH</sup> STREET IMPROVEMENT PROJECT – CONSIDER RESOLUTION ORDERING PREPARATION OF REPORT ON IMPROVEMENT; H. CONSIDER REQUEST FOR AUTHORIZATION OF OUT-OF STATE TRAVEL; I. RESOLUTION FOR ANNEXATION OF THE SONSTEGARD PROPERTY; J. BILLS/PROJECT PAYMENTS; K. BUILDING PERMITS:**

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

The approval of a plumbers license for Robert Skeie dba Commercial Plumbing & Heating, Inc., at a fee of \$80.00. This license will expire on March 31, 2009.

REGULAR MEETING – AUGUST 4, 2008

The adoption of RESOLUTION NUMBER 3127, SECOND SERIES and that the reading of the same be waived. Resolution Number 3127, Second Series is a resolution Accepting the Grant of Personal Property from Flint Hills Resources, LP by the City of Marshall, Minnesota. The grant is in the amount of \$8,750 which is to be used for the Marshall Volunteer Fire Department's Turn Out Gear.

A public hearing be held at 5:30 P.M. on August 18, 2008 to consider the request of Ron Schilling, Alluvus, LLC to move a dwelling from 3446 255<sup>th</sup> Avenue, Marshall to 601 Heritage Place in Marshall.

A public hearing be held at 5:30 P.M. on August 18, 2008 to consider the request of Ron Schilling, Alluvus, LLC to move a dwelling from 412 Veda Drive, Redwood Falls, Minnesota to 612 Heritage Place in Marshall.

Authorization be granted to the Department of Public Safety to dispose of surplus City property – seven (7) vehicles. These vehicles will be auctioned using the State's On-Line auction process. Those vehicles that don't receive the minimum bid will be taken to Becker Iron & Metal for disposal.

Authorization be granted to the Department of Public Safety to dispose of surplus property that they no longer need or don't work. Some of the items will be given away to smaller area police departments and some will be disposed of.

The adoption of RESOLUTION NUMBER 3128, SECOND SERIES and that the reading of the same be waived. Resolution Number 3128, Second Series is a resolution Ordering Preparation of report on Improvement for Project Y50 West Redwood Street/North 4<sup>th</sup> Street Improvement.. This project includes sanitary sewer and watermain replacement, subsurface drainage, street reconstruction and bituminous pavement on West Redwood Street from North 3<sup>rd</sup> Street to North 4<sup>th</sup> Street and on North 4<sup>th</sup> Street from West Redwood Street to West Marshall Street.

The approval of out-of-state travel for Glenn Olson, Director of Public Works/City Engineer to attend the American Public Works Association (APWA) International Congress & Exposition in New Orleans, Louisiana on August 17 – 20, 2008.

The adoption of RESOLUTION NUMBER 3129, SECOND SERIES and that the reading of the same be waived. Resolution Number 3129, 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 and Reaffirming Approval of the Previously Adopted Modifications.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 61544 through 61756.

All voted in favor of the motion.



## REGULAR MEETING – AUGUST 4, 2008

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

	Applicant	Location Address			Description of Work	Valuation
1.	Service Master	1220	Floyd Wild	Drive	Interior Repairs	\$9,100
2.	James Lozinski Construction	506	Summit	Avenue	Reroof	\$6,200
3.	Babcock Construction	900	Colombine	Drive	Exterior Remodel	\$7,700
4.	David Evenson	1004	Boxelder	Avenue	Reroof	\$1,500
5.	Steven W. Meyer	402	Kossuth	Avenue	Replace Doors	\$300
6.	True Value Home Center	1102	David	Drive	Dwelling	\$319,000
7.	David Meier	704	Scott	Street	Two Family Dwelling	\$240,000
8.	Robert L. Carr	408 East	Main	Street	Office Building	\$400,000
9.	Marshall Town Garages	1621 North	Highway 59		Storage Building	\$20,000
10.	Marshall Town Garages	1651 North	Highway 59		Storage Building	\$35,000
11.	Marshall Town Garages	1631 North	Highway 59		Storage Building	\$29,000
12.	Shingobee	305 West	Lyon	Street	Interior Remodeling	\$50,000
13.	Karl Hanson	1002	Emerald	Court	Install Patio Door & Stoop	\$2,400
14.	Bladholm Construction, Inc.	1103	Canoga Park	Drive	Warehouse	\$205,000
15.	Geihl Construction, Inc.	1120	Clifton	Circle	Dwelling Addition	\$137,900
16.	Russell & Catherine M. Lee	407 South	1st	Street	Remodel Porch	\$1,700
17.	Paul R. & Karen L. Thooft	1316	Canoga	Drive	Reroof & Replace Canopy	\$10,000
18.	Wadu Enterprise	1800 East	College	Drive	Building Pad	\$17,000
19.	Gary Smidt	113	Ranch	Avenue	Repair Damage	\$45,000

### **CONSIDERATION OF CITY PROPERTY USE AGREEMENT FOR “TRAFFIC JAM” EVENT WITH LYON COUNTY DEVELOPMENT CORPORATION:**

Ritter moved, Reynolds seconded, that the proper city personnel be authorized to enter into the City Property Use Agreement for “Traffic Jam” Event with Lyon County Development Corporation. This agreement allows for the “Traffic Jam” to be held on City property described as Lots 10, 11, 12, 13 and 14 of Block 11, Original Plat, which is the vacant parking lot between the Varsity Pub and Car Toyz on Saturday, August 23, 2008 at 8:00 A.M. and Sunday, August 24, 2008 at 12:00 noon. The agreement provides for premises liability; temporary fencing stage, alcohol sales/consumption prohibited, security and site clean-up. All voted in favor of the motion.

### **AUTHORIZATION TO APPOINT A REPRESENTATIVE AND ALTERNATIVE CITY COUNCIL MEMBER TO THE SOUTHWEST MINNESOTA REGIONAL RADIO BOARD:**

Rob Yant, Director of Public Safety, indicated that the Joint Powers Agreement, which was adopted by the council on June 2, 2008, specifies that one City Council member be appointed to this board. Ritter moved, Reynolds seconded, that Mayor Byrnes be appointed as the primary member and Council Member Sanow be appointed as the alternative member to the Southwest Minnesota Regional Radio Board. All voted in favor of the motion.

**CONSIDERING OF FIRE RELIEF ASSOCIATION FINANCING FOR FIRE DEPARTMENT EQUIPMENT:**

Ben Martig, City Administrator, indicated that the Fire Relief Association is requesting an interest free internal loan to purchase equipment.

Marc Klaith, Fire Chief, indicated that the Marshall Fire Department would like to purchase a 2008 Polaris Ranger 700 Xp 6 wheel utility vehicle with Triton trailer. There will be a pump unit on the back for grass fires. This unit will be lettered and have emergency lighting on it. The estimated cost will be \$21,793.00. They are requesting to purchase racking for the members' turnout gear. The racking would replace the old racking which is engineered to dry the turnout gear better. The cost for this equipment is \$13,501.85. Marc indicated that they have a donation of \$2500 for the racking, therefore they are requesting financing in the amount of \$32,794.85. The Fire Relief Association has a \$10,000 CD due in October that would be given to the City when it matures, leaving a balance of \$22,794.85, which would be paid back in three \$7,598.28 payments for the next three years starting in 2009.

Boedigheimer moved, Ritter seconded, the approval of an interest free internal loan to the Marshall Fire Relief Association for the purchase of a 2008 Polaris Ranger 700 Xp 6 wheel utility vehicle with Triton trailer and racking for the members turn out gear in the amount of \$32,794.85 which will be financed with a \$10,000 CD and a loan in the amount of \$22,794.85. This loan will be paid back over the next three years starting in 2009. All voted in favor of the motion.

**PARKWAY ADDITION II IMPROVEMENT PROJECT J00 (40137) – CONSIDER CHANGE ORDER NO. 4 (FINAL) AND ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION TO GAUB, INC.:**

Ritter moved, Sanow seconded, the approval of Change Order No. 4 (final) with Gaub, Inc., for a decrease in the amount of \$28,979.63 and the acknowledgement of the final payment in the amount of \$45,111.83. The change order is for the liquated damages for failure to complete the work within the time constraints specified and a change in the total unit price items of work. All voted in favor of the motion.

**PROJECT Y48 - BITUMINOUS OVERLAY PROJECT ON VARIOUS STREETS – CONSIDER CHANGE ORDER NO. 1:**

Sanow moved, Reynolds seconded, the approval of Change Order No. 1 with McLaughlin & Schulz, Inc., for a decrease in the amount of \$9,498.40. This change order results from a change in the grade of oils used in the hot mix asphalt pavement. The original grade of oil included a polymer which is intended to reduce cracking in the upper 3 inches of pavement structure. Since the project is an overlay less than 3 inches thick, the desired effects of the polymer oil can not be achieved. Therefore the grade of oil was adjusted which reduced the cost of asphalt by \$3.83 per ton. All voted in favor of the motion.

**CONSIDER RESOLUTION APPROVING THE FINAL PLAT OF FLINT HILLS RESOURCES ADDITION:**

Reynolds moved, Hulsizer seconded, the adoption of RESOLUTION NUMBER 3130, SECOND SERIES and that the reading of the same be waived. Resolution Number 3130, Second Series is a resolution Approving the Final Plat of Flint Hills Resources Addition. This plat will provide the separation of property necessary for the development of improvements for Flint Hill Resources. All voted in favor of the motion.

REGULAR MEETING – AUGUST 4, 2008

**2008 STREET RECONSTRUCTION PROJECTS – CONSIDER RESOLUTION AMENDING RESOLUTION #3116, SECOND SERIES – RESOLUTION FOR HEARING ON PROPOSED ASSESSMENT FOR PROJECT Y04: ARBOR COURT IMPROVEMENT PROJECT, PROJECT Y06: NUESE LANE IMPROVEMENT PROJECT, PROJECT Y35: MORNINGSIDE CIRCLE IMPROVEMENT PROJECT, PROJECT Y36: HORIZON CIRCLE IMPROVEMENT PROJECT, PROJECT Y37: SUNSET CIRCLE IMPROVEMENT PROJECT, PROJECT Y38: EMERALD COURT IMPROVEMENT PROJECT, PROJECT Y47: DESCHEPPER STREET IMPROVEMENT PROJECT;**

Sanow moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3131, SECOND SERIES and that the reading of the same be waived. Resolution Number 3131, Second Series is a resolution Amending Resolution Number 3116, Second Series Calling for Hearing on Proposed Assessment. The public hearing will be held at 5:30 P.M. on September 2, 2008. 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 PrairieNet Consortium met.

Hulsizer        Human Rights Commission met last Monday.

Reynolds        No report.

Ritter            No report.

Sanow            No report.

**STAFF REPORTS – CITY ADMINISTRATOR:**

Ben Martig, City Administrator, talked briefly about the budget and the LGA for 2009. He indicated that there will be an increase in LGA for 2009. There is a joint meeting of the city, county, school board and library officials on Wednesday, August 6, 2008 to discuss the expansion of Tiger Lake. The Personnel Policy is currently being reviewed and changes will be brought forward. The Legislative and Ordinance Committee is working on an ordinance that addressed underage drinking. The job description is being reviewed for the City Assessor position. Ben attended the Coalition of Greater Minnesota Cities conference last week; he was the speaker at the Schwans Speaker Series last Tuesday, and is working on setting up a Tech Committee to review the current technology and equipment.

Glenn Olson, Director of Public Works/City Engineer, indicated that Petters Aviation has purchased Southwest Aviation, Inc., dba Midwest Aviation and they need to address the current lease that Midwest Aviation has at the airport.

REGULAR MEETING – AUGUST 4, 2008

**PRIVATIZATION OF NEGOTIATIONS COMMITTEE UPDATE – AVERA MEDICAL CENTER:**

Mary Maertens, Chief Executive Officer and President of Avera Marshall, provided an update on the sale of the hospital. She indicated that a negotiations committee has been appointed and that Art Olson is Chairperson. The committee has made a rough timeline for negotiations and discussed community forums. There will be public forums every third Tuesday (the day after the hospital board meeting) which will be advertised in advance.

**COUNCIL MEMBER INDIVIDUAL ITEMS:**

Council Member Hulsizer attended the Coalition of Greater Minnesota Cities conference and indicated that the Mayor of New Ulm has requested that someone from the council consider being a member of this board. The speed limit is a concern on "E" Street and the safety of the bridges in the parks should be inspected and replaced as needed. There was a motorcycle rally that went through Marshall last week, but there was very little news coverage. The Housing Study should be available by the next council meeting. There is also some concern with the Transient Merchant Licenses for the sale of produce – some get a license and some don't.

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

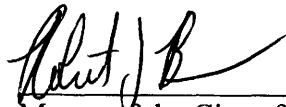
Boedigheimer moved, Sanow seconded, to go into closed session at 6:52 P.M. pursuant to Minnesota Statute 13D.05, Subd.3(c)(3). All voted in favor of the motion.

The Mayor called for a 5-minute recess

The City Council came out of closed session at 8:05 P.M.

Ben encouraged the council to advise him if there are any items they would like added or deleted from the 2009 Budget.

Reynolds moved, Ritter 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 – AUGUST 18, 2008

The regular meeting of the Common Council of the City of Marshall was held on August 18, 2008 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. Council Member Boedigheimer arrived at 7:00 P.M. Absent: none. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Harry Weilage, Director of Community Services; Marc Klaith, Fire Chief; Kim Jergenson, Engineer Technician; Sheila Dubs, Assistant City Administrator; Dale Howe, Building Official; Shane Waterman, Assistant City Engineer; Dean Coudron, Airport Superintendent; Jeff Wenker, Sergeant Marshall Police Department; Thomas M. Meulebroeck, Finance Director/City Clerk; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

### **APPROVAL OF THE AGENDA:**

It was the general consensus of the council that the agenda be approved with the consideration of the bills and contract payments being removed from the consent agenda and item no. 12, which is the Economic Development Authority Marketing Budget Update being removed from the agenda.

### **APPROVAL OF THE MINUTES:**

Sanow moved, Reynolds seconded, that the minutes of the regular meeting held on August 4, 2008 be approved as presented and that the reading of the same be waived. All voted in favor of the motion.

### **AWARD OF BIDS – CONSIDER AWARD OF BIDS FOR PROJECTS AT THE SOUTHWEST MINNESOTA REGIONAL AIRPORT – A. REPAIRS TO THE WPA BUILDING; B. RUNWAY CRACK REPAIR; C. ROOF REPLACEMENT ON SHOP NEXT TO WPA BUILDING:**

Bids were received, opened and read on August 1, 2008 for repairs to the WPA building; runway crack repair and roof replacement on the shop next to the WPA building. The bids received, opened and read were as follows:

#### **Repairs to the WPA Building**

Bladholm Construction Inc.  
Marshall, Minnesota  
\$28,473.00

Dulas Construction Inc.  
Marshall, Minnesota  
\$26,350.00

#### **Runway Crack Repair**

Bargen, Inc.  
Mountain Lake, Minnesota  
\$23,750.00

Fahrner Asphalt Sealers, LLC  
Eau Claire, Wisconsin  
\$17,900.00

RH Sealcoating & Asphalt Maint. Inc.  
Russell, Minnesota  
\$17,100.00

#### **Roof Replacement on Shop Building next to WPA Building**

Bargen, Inc.  
Mountain Lake, Minnesota  
\$25,530.00

Buyse Roofing Systems & Sheet Metal Inc.  
Marshall, Minnesota  
\$18,781.00

REGULAR MEETING – AUGUST 18, 2008

Ritter moved, Reynolds seconded, that the bids be awarded for projects at the Southwest Minnesota Regional Airport as follows:

A. Repairs to the WPA Building to Dulas Construction in the amount of \$26,350 according to the specifications and including additional installation at the exterior of the building.

B. Runway Crack Repair to RH Sealcoating & Asphalt Maintenance, Inc., in the amount of \$17,100 according to the specifications.

C. Roof Replacement on the Shop next to the WPA Building to Buysse Roofing in the amount of \$18,781.00 according to the specifications.

All voted in favor of the motion.

**AWARD BID - PROJECT Y42 CLUB 59 IMPROVEMENTS – A. RESOLUTION DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT; B. RESOLUTION FOR HEARING ON PROPOSED ASSESSMENT; C. RESOLUTION DECLARING OFFICIAL INTENT REGARDING THE REIMBURSEMENT OF EXPENDITURES WITH THE PROCEEDS OF TAX-EXEMPT BONDS; D. RESOLUTION ACCEPTING BID (AWARDING CONTRACT):**

Reynolds moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3132, SECOND SERIES and that the reading of the same be waived. Resolution Number 3132, Second Series is a resolution Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment for Club 59 Improvement Project Y42. 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.

Ritter moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3133, SECOND SERIES and that the reading of the same be waived. Resolution Number 3133, Second Series is a resolution Calling for a Hearing on the Proposed Assessment for Club 59 Improvement Project. This public hearing will be held at 5:30 P.M. on September 15, 2008. All voted in favor of the motion.

Reynolds moved, Doom seconded, the adoption of RESOLUTION NUMBER 3134, SECOND SERIES and that the reading of the same be waived. Resolution Number 3134, Second Series is a resolution Declaring the Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for Club 59 Improvement Project Y42. All voted in favor of the motion.

Bids were received, opened and read for Club 59 Improvement Project Y42 on August 7, 2008. The bids received, opened and read were from:

GM Contracting, Inc.

Lake Crystal, Minnesota

\$217,122.73

Ritter moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3135, SECOND SERIES and that the reading of the same be waived. Resolution Number 3135, Second Series is a resolution Accepting Bid (Award Contract) for Club 59 Improvement Project Y42. This contract was awarded to GM Contracting, Inc., Lake Crystal, Minnesota in the amount of \$217,122.73. All voted in favor of the motion.

**PUBLIC HEARING – REQUEST TO MOVE DWELLING INTO A RESIDENTIAL DISTRICT AT 601 HERITAGE PLACE AND 612 HERITAGE PLACE:**

This was the date and time set for a public hearing on the request to move dwellings into a residential district – 601 Heritage Place from 3446 255<sup>th</sup> Avenue, Marshall, Minnesota and 612 Heritage Place from 412 Veda Drive, Redwood Falls, Minnesota. Dale Howe, Building Official, indicated that the dwelling at 2446 255<sup>th</sup> Avenue, Marshall, Minnesota is a one story, three bedroom dwelling with an attached double garage. He indicated that this dwelling has been reviewed and found to be in reasonable condition to move and in reasonable compliance with the MN State Building Code. Comments on this request included:

Kay Nauman 608 Soucy Drive, questioned if Mr. Schilling had completed everything on the three properties that were moved in the area earlier this year. She also questions being able to plant trees in the easement.

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

Sanow moved, Ritter seconded, to deny the request to move dwellings from 3446 255<sup>th</sup> Avenue, Marshall, Minnesota to 601 Heritage Place and 412 Veda Drive, Redwood Falls, Minnesota to 612 Heritage Place. The request was denied until the three most recent homes authorized to be moved in are completed and a certificate of occupancy is granted. All voted in favor of the motion, except Doom and Byrnes who voted no.

**PUBLIC HEARING – SOUTHVIEW DRIVE IMPROVEMENT PROJECT Y45 –  
PUBLIC HEARING ON ASSESSMENT AND CONSIDER RESOLUTION ADOPTING  
ASSESSMENT:**

This was the date and time set for a public hearing to consider the assessment for Southview Drive Improvement Project Y45. Shane Waterman, Assistant City Engineer, indicated that this project was initiated by MMU because of several watermain breaks. The Wastewater Department indicated several problems with the City sewer main and connections and the street is in need of reconstruction. Storm sewer tile will be installed to accommodate sump pump discharges and sub-surface drainage. Comments on this included:

Scott Wager, 609 Southview, asked about the replacement of the curb and sidewalk. Curb and sidewalk will only be replaced as needed.

Jim Ochocki, 506 Southview, asked when the project would start. According to the pre-construction meeting the project will begin the 1<sup>st</sup> part of September.

Curt Vierstraete, 800 South 4<sup>th</sup> Street, was concerned about the sidewalk on his property. Shane indicated that the sidewalk would be replaced within the right-of-way.

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

Doom moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3136, SECOND SERIES and that the reading of the same be waived. Resolution Number 3136, Second Series is a resolution Adopting the Assessment Roll for the Southview Drive Improvement Project Y45, setting the interest rate at 6.1% and the assessment being paid in equal annual installments extending over a period of 10 years. All voted in favor of the motion.

REGULAR MEETING – AUGUST 18, 2008

**APPROVAL OF CONSENT AGENDA – A. MINNESOTA LAWFUL GAMBLING LG220 APPLICATION FOR EXEMPT PERMIT FOR SMSU FOUNDATION FOR APRIL 1, 2009; B. TEMPORARY ON-SALE BEER LICENSE FOR HOLY REDEEMER CHURCH ON SEPTEMBER 28, 2008 FROM 12:00 NOON TO 6:00 P.M.; C. PROJECT Y27: LEGION FIELD ROAD SANITARY SEWER IMPROVEMENT PROJECT – ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION; D. BILLS/PROJECT PAYMENTS; E. BUILDING PERMITS:**

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

BE IT RESOLVED, that the proper City personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the Application for Exempt Permit – LG220 for Southwest Minnesota State University Foundation for a raffle to be held at SMSU Student Center, 1501 State Street, Marshall, Minnesota on April 1, 2009 and that the 30 day waiting period be waived.

The approval of a Temporary On-Sale Beer License for Holy Redeemer Church on September 28, 2008 from 12:00 noon to 6:00 P.M. at a fee of \$30.00

The acknowledgement of the final payment in the amount of \$3,589.50 to D & G Excavating, Inc., of Marshall, Minnesota for Legion Field Park Sanitary Sewer Improvement Project Y27 from account number 602-90581-5570, contingent upon receipt of all required closeout forms.

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.	Bruce Droegemueller	405	South	Bruce	Street	Addition to Dwelling	\$35,000
2.	Grace Life Church	601	East	College	Drive	Sign	\$5,700
3.	Shirley D. Johnson	1005		Poplar	Avenue	Reroof Dwelling	\$4,000
4.	Geihl Construction, Inc.	1114		David	Drive	Enclose Patio	\$9,200
5.	Richard Louwagie Construction	713		Marguerite	Avenue	Reroof Dwelling	\$7,100
6.	Vincent Ertl	517		Locust	Drive	Shed	\$2,300
7.	Babcock Construction	409		Hudson	Avenue	Reside Dwelling, Install Window	\$9,200
8.	James Lozinski Construction	1201		Alan	Avenue	Reside Garage, Reroof Breeze Way	\$2,000
9.	Bruce Hendrickx	1100	South	4th	Street	Install Windows	\$800
10.	Babcock Construction	403	West	Thomas	Avenue	Exterior Remodel	\$8,800
11.	Babcock Construction	803		Hackberry	Drive	Addition, Exterior Remodel	\$36,500
12.	Roger E. & Frances E. Stassen	402	West	Thomas	Avenue	Interior Remodel	\$2,000
13.	Geihl Construction, Inc.	117	North	3rd	Street	Interior Remodel	\$100
14.	Doom & Cuypers, Inc.	113	South	4th	Street	Interior Office Remodel	\$162,000
15.	Nickolas & Crystal Garside	405	West	Thomas	Avenue	Reroof	\$3,100
16.	Independent School Dist. #413	401	South	Saratoga	Street	Install Door	\$2,700



# REGULAR MEETING – AUGUST 18, 2008

17.	Timothy Swanson Construction	606		Kennedy	Street	Reroof	\$7,300
18.	Anthony J. & Felixa V. Amato	512		Lincoln	Avenue	Reroof Dwelling	\$5,000
19.	Bruce Robinson	919	West	Main	Street	Reroof Dwelling	\$900

Ben Martig, City Administrator, requested that payment to Webtomix in the amount of \$15,850.00 be removed from the list of bills. Sanow moved, Doom seconded, that the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 61757 through 61929, except check number 61922 to Webtomix. All voted in favor of the motion.

## **CONSIDER THE REQUEST OF BORNHOFT CONCRETE OF MARSHALL FOR A CONDITIONAL USE PERMIT FOR AN ANTENNA TOWER AT 708 WEST COLLEGE DRIVE:**

Dale Howe, Building Official, reviewed the request of Bornhoft Concrete of Marshall for a conditional use permit to construct a 130' telecommunications tower in an I-1, Limited Industrial District, at 708 West College Drive. Doom moved, Reynolds seconded, that Bornhoft Concrete of Marshall be granted a Conditional Use Permit to construct a 130' telecommunications tower in an I-1, Limited Industrial District, at 708 West College Drive with the following conditions:

1. The tower shall be located on the "proposed parcel described" on the certificate of survey prepared by Bolton & Menk, Inc., dated July 29, 2008.
2. The tower site will be constructed as shown on ERM Drawings prepared by Ramaker & Associates, Inc., dated July 29, 2008.
3. This permit will expire on August 18, 2009, if construction of the tower or site has not commenced.
4. The applicant must file a copy of FAA approval before issue.

All voted in favor of the motion.

## **CONSIDER THE REQUEST OF "THE REFUGE – A FRESH START" FOR A CONDITIONAL USE PERMIT FOR REHABILITATION SHELTER FOR HOMELESS IN AN R-2 ONE TO FOUR FAMILY RESIDENCE DISTRICT AT 1007 DANO CIRCLE:**

Dale Howe, Building Official, reviewed the request by The Refuge – A Fresh Start, for a conditional use permit for a homeless persons shelter in an R-2 One to Four Family Residence District at 1007 Dano Circle. The Planning Commission is recommending approval with the following conditions:

1. The number of persons sheltered must not exceed sixteen at any time.
2. The exterior appearance shall be residential in appearance and compatible with adjacent properties.
3. Four off-street parking spaces shall be provided and maintained.
4. No exterior signage permitted.
5. Construction of the building shall commence by August 18, 2009, or this permit becomes void.

The also required that the applicant provide a written comprehensive plan of the program operation.

Dan Evans, Chairman of The Refuge – A Fresh Start, provided the council with information on the Dorothy Day House that is located in Moorhead, Minnesota. He indicated that the Dorothy Day House houses up to 10 men and has been operating in a nice residential neighborhood for 25 years. It is located one block from Concordia College and most of the

## REGULAR MEETING – AUGUST 18, 2008

houses in the neighborhood are rental property. He indicated that they would use the same rules and procedures that the Dorothy Day House uses and that according to the Director of the Dorothy Day House they have not had any major problems or concerns. Mr. Evans also indicated that according to the Moorhead Police Department they have not had a bad experience with the Dorothy Day House and that it is definitely an asset to the community.

Greg Taylor was concerned that 4 parking spaces would not be enough, but was told that most of the residents do not own cars.

Chuck Michelson owns apartments on Dano Circle was concerned that people would not want to rent near a homeless shelter and if The Refuge was not built the conditional use permit would stay with the property.

Doom moved, Byrnes seconded, that The Refuge – A Fresh Start, be granted a Conditional Use Permit to construct a homeless persons shelter in an R-2 One to Four Family Residence District at 1007 Dano Circle with the following conditions:

1. The number of persons sheltered must not exceed sixteen at any time.
2. The exterior appearance shall be residential in appearance and compatible with adjacent properties.
3. Four off-street parking spaces shall be provided and maintained.
4. No exterior signage permitted.
5. Construction of the building shall commence by August 18, 2009, or this permit becomes void.

Voting in favor of the motion were Doom and Byrnes. Voting no were: Hulsizer, Sanow, Reynolds and Ritter.

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

### **BIKE TRAIL UPDATE – PRESENTATION BY U OF M CENTER FOR CHANGING LANDSCAPES:**

Mary Vogel, from the University of Minnesota, is a consultant working with Marshall Community Services on the development of a bike trail to be part of the City's Comprehensive Plan. The pedestrian and bikeway plan will 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. Mr. Vogel has proposed a water ring trail along the outskirts of the city residents can use to get to the high school and university. Users will need to cross Highway 23 between SMSU and Marshall High School. The study favors an underpass as the crossing at the highway. Ms. Vogel's proposal connects parks to trails and connects neighborhoods to trails and eventually, allows users to connect to the ring trail around the city.

Council Member Boedigheimer arrived at 7:00 P.M.

### **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. Wendy reviewed the 2007 Highlights, Building for the Future, 2007 Library Service Stats, 2007 Library Usage, Financial Summary, Return on Investment, Library Comparisons and General Library Information.

**SPECIAL VEHICLE AUTHORIZATION:**

Jeff Wenker, Police Sergeant, reviewed the request of Joshua Beebout for a Special Vehicle Permit. He indicated that the ATV is not street legal. Mr. Beebout was in attendance at the meeting and indicated that he only wanted to use the ATV to go from his residence at 406 Kossuth to ADM. Council Member Hulsizer asked about golf carts and was told golf carts are exempt. Doom moved, Reynolds seconded, that the request for a Special Vehicle Permit be denied. All voted in favor of the motion.

**MARSHALL AREA TRANSIT (M.A.T.) BUS GARAGE PROJECT – CONSIDER CHANGE ORDER NUMBER 0454-E-TWO WITH MEARS ELECTRIC:**

Shane Waterman, Assistant City Engineer, reviewed Change Order Number 0454-E-Two with Mears Electric for the Marshall Area Transit Bus Garage in the amount of \$4,500.00. This change order is for three additional Type AA light fixtures, bases and associated wiring. This work was previously eliminated from the project but restored due to available State funding. Council Member Boedigheimer was concerned because the letter from Mears Electric was dated December 28, 2007 and the work was already completed. Sanow moved, Reynolds seconded, the approval of Change Order Number 0454-E-Two with Mears Electric for the Marshall Area Transit Bus Garage in the amount of \$4,500.00. All voted in favor of the motion, except Boedigheimer who voted no.

**PROJECT JOO (40137\_ - PARKWAY ADDITION II IMPROVEMENT – CONSIDER CHANGE ORDER NO. 1 AND CHANGE ORDER NO. 2 (FINAL) AND ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION TO BOLTON & MENK, INC.:**

Sanow moved, Ritter seconded, the approval of Change Order No. 1 for additional surveying and engineering services related to the platting of Outlot B in the amount of \$1,000; Change Order No. 2 for increased expenses for inspection services beyond the completion dates in the amount of \$20,744.27. This amount has been deducted from the final payment to Gaub Inc.; therefore there will be no increase in costs to the City for these services. The motion also acknowledges the final payment application to Bolton & Menk Inc., in the amount of \$21,744.27 to be paid from account number 206-41136-3312. All voted in favor of the motion.

**PROJECT Y50 – WEST REDWOOD STREET / NORTH 4<sup>TH</sup> STREET 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:**

Shane Waterman, Assistant City Engineer, reviewed Project Y50 West Redwood Street / North 4<sup>th</sup> Street Improvement which is the construction of the existing street, sanitary sewer replacement, watermain replacement and miscellaneous items on West Redwood Street from 3<sup>rd</sup> Street to 4<sup>th</sup> Street. The proposed improvements include the widening of the street. The project also includes the installation of a new watermain on North 4<sup>th</sup> Street from Redwood Street to Marshall Street to provide looping for the watermain. Reynolds moved, Doom seconded, the adoption of RESOLUTION NUMBER 3137, SECOND SERIES and that the reading of the same be waived. Resolution Number 3137, Second Series is a resolution Receiving the Feasibility Report and Calling for a Hearing on the Improvement Project Y50 West Redwood Street / North 4<sup>th</sup> Street Improvement. The public hearing will be held on September 2, 2008 at 5:30 P.M. All voted in favor of the motion.

## REGULAR MEETING – AUGUST 18, 2008

Reynolds moved, Doom seconded, the adoption of RESOLUTION NUMBER 3138, SECOND SERIES and that the reading of the same be waived. Resolution Number 3138, Second Series is a resolution Ordering Preparation of Plans for Project Y50 West Redwood Street / North 4<sup>th</sup> Street Improvement. All voted in favor of the motion.

Reynolds moved, Doom seconded, the adoption of RESOLUTION NUMBER 3139, SECOND SERIES and that the reading of the same be waived. Resolution Number 3139, Second Series is a resolution Approving Plans and Specifications and Ordering Advertisement for Bids for Project Y50 West Redwood Street / North 4<sup>th</sup> Street Improvement. The bids will be received on September 15, 2008. All voted in favor of the motion.

### **INTRODUCTION OF ORDINANCE FOR THE SALE OF CITY OWNED PROPERTY:**

Doom moved, Reynolds seconded, the introduction of an ordinance for the Sale of City Owned Real Property as Required by Marshall City Charter Section 12.05. This ordinance would provide for the sale of property located at Lot 3, Block 1, in the Marshall Industrial Park Addition, except the easterly 165 feet to Kim H. Christensen and Barbara J. Christensen. All voted in favor of the motion.

### **CONSIDERATION OF THE POTENTIAL PURCHASE OF SOUTHWEST OPHTHALMOLOGY:**

Sharon Williams, Vice President Finance and Information Services, and Mary Maertens, President/CEO, both from the Avera Marshall Regional Medical Center, were in attendance at the meeting to review with the council Avera Marshall's interest in purchasing Southwest Ophthalmology. The recommendation is the asset purchase of Southwest Ophthalmology which includes both the Marshall and Montevideo offices. The proposed change of ownership would be October 1, 2008. The estimated cash outlay for the purchase is \$390,000 to \$465,000 and would be funded with current cash reserves.

### **AVERA MARSHALL REGIONAL MEDICAL CENTER INFORMATIONAL ITEMS – A. VALUATION FIRM AND LEGAL COUNSEL HIRED UPDATE; B. PERA RESOLUTION; C. PUBLIC COMMUNICATION PLAN:**

Mary Maertens, President/CEO, was in attendance at the meeting and provided a summary of candidates to provide independent valuation of the assets and business of Weiner Memorial Medical Center Inc., dba Avera Marshall Regional Medical Center and on the outside legal counsel to provide support and expertise for the process of privatization. The recommendation of the negotiating committee is as follows:

1. Engage Robert Strachota of Shenehon Company to perform an asset appraisal. Cost is estimated at \$35,000 to \$55,000.
2. Engage Larson Allen to perform a complete business evaluation (income approach and market approach). Cost is estimated at \$45,000 to \$60,000.
3. Engage Daniel McInerney Jr. of Leonard Street and Deinard as independent counsel to work in conjunction with the city attorney. Fees will be on an hourly basis and range from \$315 to \$465 per hour.

Avera Marshall Regional Medical Center, has adopted a resolution authorizing the President and CEO to submit the resolution to the Executive Director of the Public Employees Retirement Association pursuant to MN Laws 2008, Chapter 349, Article 5, Section 27, Certification Decertification of Medical Facilities and Other Public Employing Units, and request to have Weiner Memorial Medical Center, Inc., added to the list of privatized medical facilities affording certain benefits to its employees as provided in MN Law.

## REGULAR MEETING – AUGUST 18, 2008

Ms. Maertens also reviewed the Communication Strategies for Privatization. She indicated that there would be public meetings held on a regular basis to provide information to the general public.

### CONSIDER APPOINTMENTS TO BOARDS AND COMMISSIONS:

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

- Human Rights Commission – Elena Grothe for a term to expire on May 31, 2010
- Cable Commission – John Wartner for a term to expire on May 31, 2011

### COUNCIL MEMBER COMMISSION/BOARD LIAISON REPORTS:

Reports by the Mayor and Council Members of the various Boards and commission were presented at this time:

Byrnes            No report.

Boedigheimer Legislative and Ordinance Committee discussed restricting underage people from liquor establishments after 10 p.m.; and they discussed the Transient Merchant License.

Doom            No report.

Hulsizer        No report.

Reynolds       Hospital Board met earlier this evening.

Ritter           No report.

Sanow           Cable Commission discussed possible locations for Studio One.

### STAFF REPORTS – A. CITY ADMINISTRATOR:

Ben Martig, City Administrator, indicated that he will be meeting with Cy Smythe in regard to union negotiations; a budget meeting date needs to be set for next week; the Ways and Means Committee discussed the purchasing policy in regard to credit card usage and per diem; the Legislative and Ordinance Committee is working on a proposed ordinance that will restrict underage people from liquor establishments after 10 p.m.; the Employee Personnel Committee is continuing to review the Personnel Policy; the Housing Study is available for the council to review; and there was a bonding preparation meeting.

### REVIEW OF PENDING AGENDA ITEMS:

Ron Schilling is requesting that there be a public hearing to move a dwelling to 612 Heritage Place. He did not feel that he had an opportunity to present his information.

### CONSIDERATION OF SPECIAL COUNCIL MEETING THE WEEK OF AUGUST 25 – DATE AND TIME TO BE DETERMINED BY COUNCIL:

It was the general consensus of the Council that there be a Special Council meeting on Wednesday, August 27, 2008 at 5:30 P.M. to discuss the preliminary budget for 2009.

REGULAR MEETING – AUGUST 18, 2008

**DETERMINATION BY CITY COUNCIL TO GO INTO CLOSED SESSION PURSUANT TO MINNESOTA STATUTE 13D.05, SUBD.3(C)(3) TO DISCUSS THE SALE OF WIENER MEMORIAL MEDICAL CENTER, INC.:**

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

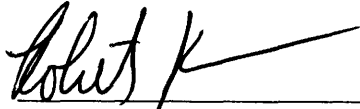
The council came out of closed session at 8:55 P.M.

**DETERMINATION BY CITY COUNCIL TO GO INTO CLOSED SESSION PURSUANT TO MINNESOTA STATUTE 13D.05, SUBD.3(C)(3) TO DISCUSS THE PURCHASE OF THE PROPERTY KNOWN AS THE FORMER MARSHALL AREA SCHOOL DISTRICT JR. HIGH PROPERTY OWNED BY SOUTHWEST MINNESOTA HOUSING PARTNERSHIP:**


Ritter moved, Doom seconded, to go into closed session at 8:56 P.M. pursuant to Minnesota Statute 13D.05, Subd.3(c)(3). All voted in favor of the motion.

The council came out of closed session at 9:17 P.M.

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

  
\_\_\_\_\_  
Mayor of the City of Marshall

ATTEST:

  
\_\_\_\_\_  
Financial Director/City Clerk

SPECIAL MEETING – AUGUST 27, 2008

A special meeting of the Common Council of the City of Marshall was held on August 27, 2008 in the Council Chambers of the Marshall Municipal Building. Mayor Byrnes called the meeting to order at 6:03 P.M. In addition to Byrnes, the following council members were present: Hulsizer, Doom, Sanow, Reynolds, Boedigheimer and Ritter. Absent: None. City Staff present included: Ben Martig, City Administrator; Glenn Olson, Director of Public Works/City Engineer; Dennis Simpson, City Attorney; and Thomas M. Meulebroeck, Financial Director/City Clerk.

**2009 BUDGET WORKSHOP – SESSION I:**

The purpose of the 2009 Budget Workshop Session I was to begin the discussion on the 2009 General Fund Budget requests. Ben Martig, City Administrator, briefly reviewed the three handouts provided to the City Council. The handouts included information on the Payable 2009 Initial Overall Levy Limitation Notice with additional information on levies and special levies; the 2009 General Fund Budget requests hi-lights; and the proposed 2009 Budget timeline.

Thomas M. Meulebroeck, Financial Director/City Clerk, addressed the 2009 General Fund Budget request. Based on the request the expenditures exceed revenues by \$2,158,978. Some of the revenues with major changes were addressed along with various changes in the expenditures including personnel supplies, operating and capital. The itemized list of capital expenditure requests was reviewed. The next budget session is planned for September 8, 2008 at which time the payable 2009 Preliminary Levy would be established.

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

## REGULAR MEETING – SEPTEMBER 2, 2008

The regular meeting of the Common Council of the City of Marshall was held on September 2, 2008 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: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Rob Yant, Director of Public Safety; Kim Jergenson, Engineer Technician; Mark Hanson, EDA Director; Bob VanMoer, Wastewater Superintendent; Shane Waterman, Assistant City Engineer; Thomas M. Meulebroeck, Finance Director/City Clerk; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

### **APPROVAL OF THE AGENDA:**

It was the general consensus of the council that the agenda be approved with the deletion of item number 11, which is to consider approval of Webtomix Web Portal contract and payment; the deletion of item number 12, which is to consider approval of Webtomix Maintenance contract and payment; the addition of item number 17a, which is to consider the City of Marshall and Weiner Memorial Medical Center dba Avera Marshall Regional Medical Center and Avera Health Systems Non-Disclosure Agreement; and the addition of item number 17b, which is setting a date for a Special Council meeting to adopt a Preliminary Levy for 2009.

### **APPROVAL OF THE MINUTES:**

Sanow moved, Doom seconded, that the minutes of the regular meeting held on August 18, 2008 and the minutes of the special meeting held on August 27, 2008 be approved as presented and that the reading of the same be waived. All voted in favor of the motion.

### **PUBLIC HEARING – WEST REDWOOD STREET / NORTH 4<sup>TH</sup> STREET IMPROVEMENT PROJECT Y50 – PUBLIC HEARING ON IMPROVEMENT AND CONSIDER RESOLUTION ORDERING IMPROVEMENT:**

This was the date and time set for a public hearing on Project Y50 West Redwood Street / North 4<sup>th</sup> Street Improvement. Glenn Olson, Director of Public Works/City Engineer, indicated that this project is for the reconstruction of the existing street, sanitary sewer replacement, watermain replacement and miscellaneous items on West Redwood Street from 3<sup>rd</sup> Street to 4<sup>th</sup> street. The proposed improvement includes the widening of the street. This project also includes the installation of a new watermain on North 4<sup>th</sup> Street between Redwood Street and Marshall Street to provide looping for the watermain. 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 3140, SECOND SERIES and that the reading of the same be waived. Resolution Number 3140, Second Series is a resolution Ordering the Improvement and Preparation of Plans for Y50 West Redwood Street / North 4<sup>th</sup> Street Improvement. All voted in favor of the motion.

### **PUBLIC HEARING – 2008 RECONSTRUCTION PROJECT – PUBLIC HEARING ON PROPOSED ASSESSMENT AND CONSIDER RESOLUTION ADOPTING ASSESSMENT FOR PROJECT Y04: ARBOR COURT IMPROVEMENT PROJECT, PROJECT Y06: NUESE LANE IMPROVEMENT PROJECT, PROJECT Y35: MORNINGSIDE CIRCLE IMPROVEMENT PROJECT, PROJECT Y36: HORIZON CIRCLE IMPROVEMENT PROJECT, PROJECT Y37: SUNSET CIRCLE**



**IMPROVEMENT PROJECT, PROJECT Y38: EMERALD COURT IMPROVEMENT PROJECT, PROJECT Y47: DESCHEPPER STREET IMPROVEMENT PROJECT:**

This was the date and time set for a public hearing to consider the assessment for Project Y04 Arbor Court Improvement Project; Project Y06 Nuese Lane Improvement Project; Project Y35 Morningside Circle Improvement Project; Project Y36 Horizon Circle Improvement Project; Project Y37 Sunset Circle Improvement Project; Project Y38 Emerald Court Improvement Project; Project Y47 Deschepper Street Improvement Project. Glenn Olson, Director of Public Works/City Engineer, indicated that these are separate projects that were bid as one project. They include subsurface drainage installation, partial curb and street replacement and asphalt overlay. Comments on this project include:

**Project Y04 Arbor Court:**

Alvin Evers, 605 Arbor Court, asked when the specifications on asphalt changed. Glenn Olson indicated that many of the streets have only 1 ½" of asphalt and a few inches of aggregate base. The City increased the required asphalt and aggregate base two years ago.

**Project Y06 Nuese Lane:**

Robert Vandendriessche, 704 Nuese Lane, indicated that this street is used as a thoroughfare but not classified as one. He also indicated that this project will not address the water that travels down "F" Street.

Marie Holland, 702 Nuese Lane, asked how to get this street changed to a thoroughfare street. Mr. Olson indicated that this is determined by traffic count.

Charles Holland, 702 Nuese Lane, was concerned with the number of outlets for surface water run-off.

Alice Louwagie lives at 203 "G" Street and her son was concerned about the sprinkler system being damaged.

Earl Lanoue, 705 Nuese Lane, indicated that he has a large lot and when he built his home he wanted to give part of it to the city for a park. The city did not want this land and now he has to pay for improvements on the entire area.

Project Y35 Morningside Circle – no comments.

Project Y36 Horizon Circle – no comments.

Project Y37 Sunset Circle – no comments.

**Project Y38 Emerald Court:**

John Lupke, 1003 Emerald Court, indicated that for the past 24 years the city has done nothing to Emerald Court and now the city wants the property owners to pay for street repairs.

Bill Keehr, 1001 Emerald Court, indicated that they do not have a drainage issue. He indicated that this road has never been seal coated and that the damage to the road has been caused by heavy trucks such as garbage trucks. He also wanted to know what the money collected for the Surface Water is used for. He requested that once this project is complete that heavy trucks not be allowed on the street.

## REGULAR MEETING – SEPTEMBER 2, 2008

Gregg Taylor, 1005 Emerald Court, indicated that when he developed this area he installed the street according to city specs and that it has been there for 24 years. He was not aware that the asphalt was only 1 ½" thick. He also indicated that the garbage company use to use scooters to pickup the garbage and not the heavy trucks.

Project Y47 Deschepper Street:

Thomas VanOverbeke owns the property at 601 Deschepper and is objecting to the project since this is an undeveloped lot.

Pat Blomme, 705 Deschepper Street, was concerned with the size of the drain tile.

Roger Untiedt, 609 Deschepper Street, was concerned that after the project is complete there will still be a drainage issue.

Jason Peterson, 611 Deschepper Street, was interested in the Special Assessment Policy.

Gary Kelly, 707 Deschepper Street, asked at what point does a repair project become an assessment. Glenn indicated more than a mill and overlay.

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

Boedigheimer moved, Doom seconded, the adoption of RESOLUTION NUMBER 3141, SECOND SERIES and that the reading of the same be waived. Resolution Number 3141, Second Series is a resolution Adopting the Assessment Roll for Project Y04 Arbor Court Improvement Project; Project Y06 Nuese Lane Improvement Project; Project Y35 Morningside Circle Improvement Project; Project Y36 Horizon Circle Improvement Project; Project Y37 Sunset Circle Improvement Project; Project Y38 Emerald Court Improvement Project; Project Y47 Deschepper Street Improvement Project; setting the interest rate at 6.1% and the assessment being paid in equal installments extending over a period of 10 years. All voted in favor of the motion, except Sanow who voted no.

### **APPROVAL OF CONSENT AGENDA – A. TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR THE SW INITIATIVE FOUNDATION TO BE USED AT SMSU CONFERENCE CENTER ON SEPTEMBER 15, 2008; B. RESOLUTION APPOINTING RESPONSIBILITIES AUTHORITY AND ASSIGNING DUTIES; C. REQUEST TO MOVE DWELLING INTO A RESIDENTIAL DISTRICT AT 612 HERITAGE PLACE – CALL FOR PUBLIC HEARING; C. BILLS/PROJECT PAYMENTS; D. BUILDING PERMITS:**

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

A Temporary On-Sale Intoxicating Liquor License for the SW Initiative Foundation to be used at SMSU Conference Center on September 15, 2008 at a fee of \$30.00.

The adoption of RESOLUTION NUMBER 3142, SECOND SERIES and that the reading of the same be waived. Resolution Number 3142, Second Series is a resolution Amending Resolution Number 1688, Second Series Appointing a Responsible Authority and assigning Duties. This resolution appoints Benjamin S. Martig as the Responsible Authority for the purposes of meeting all requirements of the Minnesota Government Data Practices Act, Minnesota Statutes, Section 13.01 through 13.90, as amended.

# REGULAR MEETING – SEPTEMBER 2, 2008

A public hearing be held at 5:30 P.M. on September 15, 2008 to consider the request of Ron Schilling, Alluvus, LLC to move a dwelling from 412 Veda Drive, Redwood Falls, Minnesota to 612 Heritage Place in Marshall.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 61930 through 62113.

All voted in favor of the motion.

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

1.	Applicant	Address	City	Street	Project	Amount
1.	True Value Home Center	612	Elizabeth	Street	Dwelling	\$150,000
2.	Matt J. Skuya	518	Harriett	Drive	Deck	\$2,300
3.	Kesteloot Construction, Inc.	508	West Main	Street	Interior Remodel	\$11,500
4.	James Lozinski Construction	900	West Main	Street	Reroof	\$3,400
5.	The Schwan Food Company	207	West Main	Street	Office Build Out	\$47,700
6.	Brad Strootman	1304	Westwood	Drive	Deck	\$4,200
7.	Babcock Construction	601	Kennedy	Street	Reroof	\$5,900
8.	Daniel J. Baun	502	Donita	Avenue	Reroof	\$3,500
9.	Dennis Lozinski Construction	403	Sunrise	Lane	Reroof	\$6,500
10.	James Lozinski Construction	1200	Westwood	Drive	Reroof	\$10,700
11.	Rick Slagel Construction Inc	301	East Redwood	Street	Reroof	\$4,000
12.	Scott T. VanOverbeke	313	North Hill	Street	Addition	\$3,200
13.	Dennis Lozinski Construction	905	Willow	Avenue	Reroof	\$6,700
14.	Chauncey Welvaert Construction	1220	East College	Drive	Install Windows	\$2,400
15.	Edgar J. Wacha	105	West James	Avenue	Interior Remodel	\$8,000
16.	Rose City, Inc.	1100	East Main	Street	Sign	\$12,000
17.	Service Master	1420	East College	Drive	Interior Repair	\$4,000
18.	Lennis D. & Arlyss J. Hovland	600	Dogwood	Avenue	Garage Addition and Porch Addition	\$20,000
19.	Geske Home Improvement Co.	500	Village	Drive	Reroof	\$10,000
20.	James Lozinski Construction	202	Robert	Street	Reroof	\$6,500
21.	Keith & Terri Lynn Arends	500	South 1st	Street	Install Windows	\$500
22.	Brenda K. Carpenter	903	North 5th	Street	Reroof	\$4,000
23.	JPJ Builders, Inc.	205	Rainbow	Drive	Deck	\$2,000
24.	Christ Evangelical Lutheran Church	206	West Marshall	Street	Deck	\$1,000
25.	Timothy Swanson Construction	801	North 6th	Street	Reroof	\$4,100
26.	Debra Gilbertson	1002	Boxelder	Avenue	Reroof	\$3,500
27.	Jonathan S. & Patricia M. Mellenthin	516	East Main	Street	Reside, Replace Windows	\$22,000
28.	Ray & Julie Henriksen	310	South Hill	Street	Garage Ceiling	\$500

**CONSIDER MEMBERSHIP IN MnWARN MUTUAL AID FOR WATER AND WASTEWATER UTILITIES:**

Bob VanMoer, Wastewater Superintendent, indicated that MnWARN was organized about one year ago to establish a response network for Water and Wastewater Utilities to aid other utilities in the event of a disaster. With a mutual aid agreement in place, this expedites the response time and all policies are in place prior to a disaster. Participation is voluntary and there is no obligation to respond. This allows specialized, certified, and knowledgeable people to respond to specific utility needs. Marshall would be able to respond to other cities request for help with equipment and/or personnel. In the event of a disaster Marshall could also request help from the agency. There are established rates for equipment and personnel.

Ritter moved, Doom seconded, the adoption of RESOLUTION NUMBER 3143, SECOND SERIES and that the reading of the same be waived. Resolution Number 3143, Second Series is a resolution Authorizing the City of Marshall to be a Part of Minnesota Water Agency Response Network (MnWARN). All voted in favor of the motion.

**CONSIDER AUTHORIZATION TO PURCHASE IN-CAR COMPUTER SYSTEM FOR POLICE VEHICLE:**

Rob Yant, Director of Public Safety, is requesting to buy a third in-car computer system (Mobil Data Computers or MDC's) with forfeiture funds within the Department. Rob indicated that the Police Department has purchased two of the in-car computer systems used by the Minnesota State Patrol. These computers do not tie into the local dispatch and records system, but they do tie into the state system. These computers can be used for running driver's license checks, motor vehicle checks, wants and warrants on subjects and vehicles. They have the capacity to contract all officers throughout the State of Minnesota who have a MDC in their car. This allows for efficient communications between different agencies from throughout the state without tying up the airwaves and our dispatchers. The MDC also works as a data base, keeping records on all individuals officers in the state. Ritter moved, Sanow seconded, that the Department of Public be authorized to purchase a third in-car computer system (Mobil Data Computers or MDC's) with forfeiture funds within the Department. All voted in favor of the motion.

**CONSIDER APPROVAL OF THE 2007 HOMELAND SECURITY GRANT FOR THE S.W. MN – C.A.T.:**

Boedigheimer moved, Sanow seconded, that the proper city personnel be authorized to enter into the 2007 Homeland Security Grant for the SW MN C.A.T in the amount of \$75,000. This grant is not offered each year and the amount varies. This grant is administered by the City of Marshall and is used for equipment and training. There is no match requirement for the City of Marshall. All voted in favor of the motion.

**ECONOMIC DEVELOPMENT AUTHORITY MARKETING BUDGET UPDATE:**

Mark Hanson, EDA Director, indicated that the EDA was approved as the Marketing Agent for the City of Marshall and a budget of \$35,000 was agreed upon by the EDA. The collaborative marketing budget is \$126,000 with proposed expenditures of \$121,060 to complete the Marketing projects for this year. Mark also briefly reviewed the 2008 Marketing timeline.

**CONSIDER APPROVAL OF SMALL CITIES GRANT COMMERCIAL CONTRACT:**

Mark Hanson, EDA Director, reviewed the Contract Services between the City of Marshall and Western Community Action. This contract provides the responsibilities of Western Community Action in regards to the delivery of the \$110,000 Small Cities Development Funds.

## REGULAR MEETING – SEPTEMBER 2, 2008

Western Community Action will receive \$2,100 per unit/project. Ritter moved, Doom seconded, that the proper city personnel be authorized to enter into a Contract Services Agreement with Western Community Action for the \$110,000 Small Cities Grant. All voted in favor of the motion, except Sanow and Boedigheimer who voted no.

### **SMALL CITIES – A. DEVELOPMENT PROGRAM CONTRIBUTIONS APPROVAL; B. CONSIDER RESOLUTION APPROVING PLAN:**

Ritter moved, Reynolds seconded, the approval of using program income revenues from existing small cities grant loans in the amount of \$40,000 for the purpose of supporting rehabilitation efforts associated with the Small Cities Development Program. All voted in favor of the motion.

Ritter moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3144, SECOND SERIES and that the reading of the same be waived. Resolution Number 3144, Second Series is a Resolution for Community Needs Plan for the City of Marshall. This resolution provides for the City of Marshall to list and rank these community development needs as the city's top priorities – 1. Rehabilitation of owner-occupied homes; 2, Rehabilitation of rental units. Voting in favor of the motion were: Ritter, Reynolds, Byrnes and Doom. Voting no were: Hulsizer, Sanow and Boedigheimer.

### **MARSHALL AREA TRANSIT (M.A.T.) BUS GARAGE PROJECT – CONSIDER CHANGE ORDER NUMBER 0454-E-THREE WITH MEARS ELECTRIC:**

Sanow moved, Reynolds seconded, the approval of Change Order No. 0454-E-Three with Mears Electric for the Marshall Area Transit Bus Garage in the amount of \$1,335.00. This change order is for additional wiring and materials. There is no increase in contract time associated with this change order. All voted in favor of the motion, except Doom and Boedigheimer who voted no

### **AUTHORIZATION TO DECLARE CITY-OWNED PROPERTY AS SURPLUS PROPERTY AND DISPOSAL:**

Glenn Olson, Director of Public Works/City Engineer, indicated that the City of Marshall recently acquired property in order to connect and construct Windstar Street with T.H. 59. Windstar Street is part of the Municipal State Aid System and is classified as a minor arterial. In order to construct the street and extend water and sewer utilities through this area, the property was purchased. The City is now able to dispose of the structures on the property for future roadway and utility installation. Doom moved Ritter seconded, that the dwelling, garage and associated items, located on proposed Windstar Street west of T.H. 59 be declared as surplus property and that the proper city officials be authorized to dispose of this property. This property is not to be relocated within the City limits. All voted in favor of the motion.

Mayor Byrnes called for a 5-minute recess at 7:00 P.M. Mayor Byrnes indicated that he and Ben Martig, City Administrator, would be leaving for a meeting in the Twin Cities and that President Pro-Tem Boedigheimer would conduct the remainder of the meeting.

### **CONSIDER ADOPTION OF ORDINANCE FOR THE SALE OF CITY OWNED PROPERTY TO KIM H. CHRISTENSEN AND BARBARA H. CHRISTENSEN:**

Doom moved, Sanow seconded, the adoption of ORDINANCE NUMBER 599, SECOND SERIES and that the reading of the same be waived. Ordinance Number 599, Second Series is an Ordinance Providing for the Sale of City Owned Real Property as Required by Marshall City Charter Section 12.05. This ordinance provides for the sale of Lot 3, Block 1 in

## REGULAR MEETING – SEPTEMBER 2, 2008

the Marshall Industrial Park Addition, except the easterly 165 feet to Kim H. Christensen and Barbara H. Christensen. All voted in favor of the motion.

### **INTRODUCTION OF ORDINANCE FOR THE SALE OF CITY OWNED PROPERTY TO THE STATE OF MINNESOTA:**

The State of Minnesota Department of Transportation is proposing to expand Highway 23 North of the City of Marshall. That expansion project requires that the State of Minnesota acquire real property owned by the City of Marshall and managed by Marshall Municipal Utilities and is part of an electrical substation located at the intersection of State Highway 23 and Lyon County Road 33. The Marshall Municipal Utilities Commission has recommended that the City of Marshall accept the appraised value and agree to sell the property for the value as determined by the State of Minnesota. The appraised value is \$5,300.00.

Doom moved, Sanow seconded, the introduction of an ordinance for the Sale of City Owned Real Property as Required by Marshall City Charter Section 12.05. This ordinance provides for the sale of real property owned by the City of Marshall and managed by Marshall Municipal Utilities and is part of an electrical substation located at the intersection of State Highway 23 and Lyon County Road 33. All voted in favor of the motion.

### **CONSIDER CITY OWNED FARM LAND LEASES:**

The current City owned farm land leases have been reviewed by Glenn Olson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Finance Director/City Clerk; and Dennis Simpson, City Attorney. They are recommending that the leases be put out for bid and/or negotiate with either the adjacent owner or the adjacent tenant for certain areas. Ritter moved, Sanow seconded, that all current city owned farm land leases be put out for sealed bids. The City is reserving the right to reject any and all bids and will allow the three highest bidders the right to raise their bids. All voted in favor of the motion, except Boedigheimer who voted no.

### **CONSIDER THE CITY OF MARSHALL AND WEINER MEMORIAL MEDICAL CENTER DBA AVERA MARSHALL REGIONAL MEDICAL CENTER AND AVERA HEALTH SYSTEMS NON-DISCLOSURE AGREEMENT:**

Reynolds moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3145, SECOND SERIES and that the reading of the same be waived. Resolution Number 3145, Second Series is a Resolution Authorizing the City of Marshall to Execute the Non-Disclosure Agreement. This resolution provides for the proper city personnel to execute the Non-Disclosure Agreement involving the exchange of confidential information between the negotiating or bargaining entities regarding the proposed sale of Weiner Memorial Medical Center dba Avera Marshall Regional Medical Center. All voted in favor of the motion.

### **SETTING A DATE FOR A SPECIAL COUNCIL MEETING TO ADOPT A PRELIMINARY LEVY FOR 2009:**

It was the general consensus of the council that a Special City Council be held on September 8, 2008 at 5:30 P.M. to adopt a preliminary levy for 2009. 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:

Boedigheimer No report.

REGULAR MEETING – SEPTEMBER 2, 2008

Doom No report.

Hulsizer No report.

Reynolds No report.

Ritter No report.

Sanow No report.

**STAFF REPORTS – A. CITY ADMINISTRATOR:**

Due to the fact that Ben left the meeting early to attend a meeting with Mayor Byrnes he will email his report to the council members.

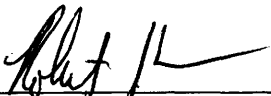
**COUNCIL MEMBER INDIVIDUAL ITEMS:**

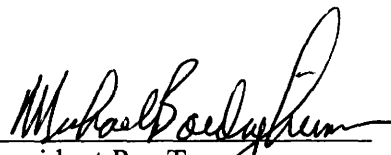
Other items brought forth by the Mayor and Council Members included: a concern with weeds along Southview Drive and the property at 119 East Main Street. Glenn will follow up and report back to the City Council. There was also a brief discussion on the liner that was installed in the EQ Basin. As of now this liner needs to be replaced and/or repaired. Glenn indicated that this is warranty issue.

**REVIEW OF PENDING AGENDA ITEMS:**

There were not comments on the pending agenda items.

Upon motion by Reynolds, seconded by Sanow, the meeting was adjourned at 7:30 P.M. All voted in favor of the motion.

  
\_\_\_\_\_  
Mayor of the City of Marshall

  
\_\_\_\_\_  
President Pro-Tem

ATTEST:

  
\_\_\_\_\_  
Financial Director/City Clerk

## **SPECIAL MEETING – SEPTEMBER 8, 2008**

A special meeting of the Common Council of the City of Marshall was held on September 8, 2008 in the Council Chambers of the Marshall Municipal Building. Mayor Byrnes called the meeting to order at 5:30 P.M. In addition to Byrnes, the following council members were present: Hulsizer, Sanow, Ritter, and Boedigheimer (late). Absent: Doom and Reynolds. City Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Mark Hanson, EDA Director and Thomas M. Meulebroeck, Financial Director/City Clerk.

### **APPROVAL OF AGENDA:**

Sanow moved, Byrnes seconded, to add item 3a, which was to reconsider the authorization to advertise for bids for the farm land owned by the City of Marshall. All voted in favor of the motion.

### **CONSIDER APPROVAL OF WEBTOMIX WEB PORTAL CONTRACT AND PAYMENT:**

Mark Hanson, EDA Director, reviewed the Webtomix Web Portal Contract. This contract is in the amount of \$10,845.00. Per the contract Webtomix is responsible for the Community Portal Website design, coding and optimization along with graphical components, software database components for site, four hours of training and domain registration. The contract would be funded through the EDA Administration Budget. Ritter moved, Sanow seconded, the proper city personnel be authorized to execute the contract with Webtomix for the Community Web Portal with 45% (\$4,880.25) being paid when the contract is signed, 45% (\$4,880.25) paid in 30 days and 10% (\$1,084.50) paid at the completion of the contract. All voted in favor of the motion.

### **RESOLUTION ADOPTING A PROPOSED BUDGET FOR 2009; RESOLUTION ADOPTING A PRELIMINARY TAX LEVY FOR 2009:**

Ben provided an update on the preliminary levy and budget for 2009. The TNT Hearing is being recommended for Wednesday, December 3, 2008 at 5:30 P.M. with a continuation set for Wednesday, December 10, 2008 at 5:30 P.M. Ben briefly addressed the special levies to be considered including debt levies for principal and interest on bonded indebtedness; levies for matching requirements for State and Federal grants; increase in PERA; wage and benefit increases from 2008 to 2009 for Police and Fire personnel; and for the increase in the City's contribution to Marshall Volunteer Fire Relief Association. The resolutions adopting a proposed budget for 2009 and adopting a preliminary levy tax for 2009 will be on the September 15, 2008 City Council agenda for consideration and approval.

### **RECONSIDER FARM LEASES – NEGOTIATE CERTAIN PROPERTIES:**

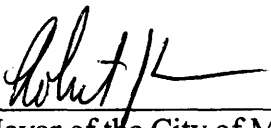
Sanow moved, Boedigheimer seconded that the reconsideration of the advertisement for bids for farm leases be tabled to the September 15, 2008 City Council meeting. All voted in favor of the motion, except Ritter who voted no.

The City Council was informed that the City has received an extension to the \$400,000 grant for State and Federal money to market and add schedule commercial air service at the SW MN Regional Airport/Marshall-Ryan Field.




SPECIAL MEETING – SEPTEMBER 8, 2008

Upon motion by Boedigheimer, 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 – SEPTEMBER 15, 2008

The regular meeting of the Common Council of the City of Marshall was held on September 15, 2008 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: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Harry Weilage, Director of Community Services; Marc Klaith, Fire Chief; Kim Jergenson, Engineering Technician; Sheila Dubs, Assistant City Attorney; 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 with the addition of item no. 17a, which is to consider the adoption of an Ordinance for the sale of City Owned Property to the State of Minnesota.

### **APPROVAL OF MINUTES:**

Boedigheimer moved, Sanow seconded, that the minutes of the regular meeting held on September 2, 2008 be approved as corrected and that the minutes of the special meeting held on September 8, 2008 be approved as presented and that the reading of the same be waived. All voted in favor of the motion.

### **PUBLIC HEARING ON REQUEST TO MOVE DWELLING INTO A RESIDENTIAL DISTRICT AT 612 HERITAGE PLACE:**

This was the date and time set for a public hearing on the request to move a dwelling into a residential district – 612 Heritage Place from 412 Veda Drive, Redwood Falls, Minnesota. Glenn Olson, Director of Public Works/City Engineer reviewed with the Council and those in attendance at the meeting the homes in this area that have been issued a Certificate of Occupancy. It was indicated that the dwellings located at 604, 606 and 610 Heritage Place do not have Certificate of Occupancy. He also indicated that this dwelling has been reviewed and found to be in reasonable condition to move and in reasonable compliance with the MN State Building Code. Comments on this request included:

Kay Nauman, 608 Soucy Drive, indicated that this request was considered at the August 16, 2008 meeting and denied at that time. She wanted to know what has changed since then.

Tom Orvis, and Jackie Garvey, representatives from Alluvus, LLC were in attendance at the meeting and provided photos of the area. Jackie indicated that the dwelling located at 606 Heritage Place is waiting for a Certificate of Occupancy. She indicated that the lawn will be completed this fall, one garage door needs to be installed and the gas company needs to install the gas meter.

Council Member Sanow indicated that last November houses were occupied before the Certificate of Occupancy was issued.

The other dwellings that have not received a Certificate of Occupancy were addressed at this time: 610 Heritage Place – the electrical work and plumbing needs to be completed and the back entry is in progress; 604 Heritage Place – is 90 to 95% complete, an egress window needs to be installed and the water and electric need to be approved.

## REGULAR MEETING – SEPTEMBER 15, 2008

Jackie indicated that they need a 30 day lead time to get on the movers schedule and to get the basement installed.

Council Member Sanow indicated that he drives through this area at least once per week.

Council Member Boedigheimer indicated that he also drives through this area once per week. He indicated that the yards are not complete but an effort is being made to get this completed. He is in favor of approving this request but that the house cannot be moved into until the Certificate of Occupancy has been issued for the last three houses that were moved in.

Kay Nauman indicated that she has received phone calls from residents in the area that have concerns and/or issues.

Donna Schilling indicated that they need to get on the movers schedule. She also indicated that if residents have concerns they should call her and not Kay Nauman.

Council Boedigheimer was concerned that Certificate of Occupancy's were issued before the house was completed. Glenn Olson, Director of Public Works/City Engineer, indicated that this is not normal practice and he would check on it and report back to the council.

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

Boedigheimer moved, Reynolds seconded, that Mr. Schilling be allowed to move a dwelling into 612 Heritage Place from 412 Veda Drive, Redwood Falls, Minnesota 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, Electrical Permit, and Sanitary Sewer Connection Permit.
2. Complete all on site construction and required revision to the dwelling in conformance with City Code and obtain a Certificate of Occupancy within 180 days of approval.
3. The owner shall not be allowed to move this dwelling until such time that the dwellings located at 604, 606 and 610 Heritage Place have been issued a Certificate of Occupancy.

Council Member Sanow indicated that the last dwelling was moved in before the items required to be completed by July 1<sup>st</sup> were not completed.

Mayor Byrnes indicated that at this point we do not regulate landlords.

Voting in favor of the motion were Boedigheimer, Reynolds and Byrnes. Voting no were Jennie, Sanow and Ritter. The motion was denied due to a tie.

**APPROVAL OF CONSENT AGENDA – A. AUTHORIZATION OF OUT-OF-STATE TRAVEL FOR THE ECONOMIC DEVELOPMENT DIRECTOR; B. REQUEST TO INCREASE LIQUOR LICENSES - CALL FOR A PUBLIC HEARING; C. CONSIDER AMENDMENT TO SERVICES AGREEMENT WITH MINNESOTA MUNICIPAL**

**UTILITIES ASSOCIATION FOR SAFETY PROGRAM; D. CONSIDER TOBACCO COMPLIANCE PROPOSED RESOLUTION SUSPENDING LICENSE; E. BILLS/PROJECT PAYMENTS; F. BUILDING PERMITS:**

Per the request of Council Member Sanow item A, which is authorization for out-of-state travel for the EDA Director; item D, which is to consider adopting a Tobacco Compliance Resolution Suspending a license; and per the request of Council Member Boedigheimer item B, which is the request to call for a public to increase Liquor License fee were removed from the consent agenda.

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

The proper city personnel be authorized to enter into an Amendment to Services Agreement with Minnesota Municipal Utilities Association for Safety Management Program Contract for October 1, 2008 through September 30, 2009 at a fee of \$18,968.17.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 62114 through 62270.

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.	City of Marshall	1001	West	Erie	Road	Sign	\$6,500
2.	Paul & Joyce Arends	1424		Floyd Wild	Drive	Shed	\$1,500
3.	Keith & Terri Lynn Arends	500	South	1st	Street	Interior Remodel	\$1,500
4.	Dan Schaefer Constructing Inc	214	North	Hill	Street	Reroof	\$7,000
5.	Jeff Gladis Construction	410	South	Whitney	Street	Reroof	\$5,600
6.	Kevin Lanoue Construction	1109		Washington	Avenue	Reroof	\$7,800
7.	Michael J. Petersen	608		Elizabeth	Street	Shed	\$3,000
8.	James Lozinski Construction	113		Gray	Place	Reroof	\$6,000
9.	Jerold Drager	500		Pleasant	Street	Deck	\$1,500
10.	Bakke's Home Repair & Construction	405	West	College	Drive	Replace Windows and Doors	\$9,000
11.	Scott Mathiowitz	107		Parkview	Drive	Garage Addition	\$13,000
12.	Seth D. Werpy	802		Nuese	Lane	Interior Remodel	\$500
13.	James Lozinski Construction	408		Charles	Avenue	Reroof Porch	\$1,700
14.	Thomas J. & Alice L. VanOverbeke	812		Deschepper	Street	Garage Addition	\$8,000
15.	Robert L. Carr	2500	North	Highway 23		Equipment Building	\$50,000
16.	Dennis Lozinski Construction	424	North	6th	Street	Reroof	\$3,000
17.	Kesteloot Construction, Inc.	404		Charles	Avenue	Reroof	\$4,000
18.	Owen D. & Denise K. Prellwitz	704	North	5th	Street	Step	\$1,000
19.	Kevin R. & Kristin J. Knight	110	South	10th	Street	Reroof	\$7,500
20.	Robert and Brenda Gaalswyk	617		Cadillac	Road	Dwelling	\$240,000

## REGULAR MEETING – SEPTEMBER 15, 2008

Council Member Sanow wanted to know what the cost would be for travel expense for Mark Hanson to attend the ICSC Retail Estate for Economic Development Officials Seminar in Chicago, Illinois. Ben Martig, City Administrator, indicated that Mark would be driving to Chicago and would be reimbursed for mileage as per the Travel Policy. Ritter moved, Reynolds seconded, that out-of-state travel be approved for Mark Hanson to attend the ICSC Retail Estate for Economic Development Officials Seminar in Chicago Illinois on October 2 – 3, 2008. All voted in favor of the motion.

Council Member Boedigheimer questioned calling for a public hearing to consider a change in fee for alcohol related licenses. He indicated that this always went to the Ways and Means Committee for discussion. Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that Minnesota State Statutes require a public hearing to consider increasing the fee for alcohol related licenses. Ritter moved, Boedigheimer seconded, that a public hearing be scheduled for October 20, 2008 at 5:30 P.M. to consider increasing the fee for alcohol related licenses. All voted in favor of the motion.

Council Member Sanow requested that there be discussion on the proposed resolution suspending a license that failed the tobacco compliance check. Dennis Simpson, City Attorney, indicated that Ampride West has failed three tobacco compliance checks within the past 24 months. State Statutes requires a suspension of the tobacco license for a minimum of 7 days. Boedigheimer moved, Hulsizer seconded, the adoption of RESOLUTION 3146, SECOND SERIES and that the reading of the same be waived. Resolution Number 3146, Second Series is a resolution Suspending the License to Sell Tobacco for Ampride West, 401 Country Club Drive, from October 1, 2008 to October 30, 2008. All voted in favor of the motion.

### **EMPLOYEE HEALTH INSURANCE RENEWAL – PRESENTATION BY FLEXIBLE BENEFIT ADMINISTRATORS, CHUCK KROEGER:**

Chuck and Justin Kroeger of Flexible Benefit Administrators were in attendance at the meeting to provide a summary of the January 1, 2009 renewal for the Blue Cross Blue Shield employee health insurance plan for the City of Marshall. Chuck indicated that there has been an increase in the number of claims and an increase in the dollar amount of claims which has resulted in the increase in premiums. He indicated that Blue Cross Blue Shield is proposing a 19% increase in premiums. He also indicated that for the year to date 2008 Blue Cross Blue Shield has paid \$1.44 in claims for every \$1.00 that was received in premium from the City. Chuck provided alternative plan options for 2009. Staff is recommending that detailed discussion of proposed employer contribution be postponed until the closed meeting section as it relates to union negotiation.

### **CONSIDER AUTHORIZATION TO ENTER INTO A LANDSCAPE ARCHITECTURAL CONSULTING SERVICES AGREEMENT WITH ERNST ASSOCIATES FOR MEMORIAL PARK:**

Harry Weilage, Director of Community Services, reviewed the agreement with Ernst Associates to provide architectural design services for Phase I of the Memorial Park for an amount not to exceed \$9,110. Phase I will provide the ability to move forward with the development of the park. Fire Chief Marc Klaith needs concept drawings to help potential fund donors visualize the 9/11 Memorial and for our community to envision a finished park in the downtown area where they can plan events and functions. The contract includes professional services for landscape as Phase I. Development of working drawings, bid documents, and observation and inspection under Phase II of the project will be brought forward to the Council at a later date. Sanow moved, Ritter seconded, that the proper city personnel be authorized to enter

into a Landscape Architectural Consulting Services with Ernst Associates for Phase I of the Memorial Park for an amount not to exceed \$9,110. All voted in favor of the motion.

**RESOLUTIONS ADOPTING A PROPOSED BUDGET FOR 2009 AND PRELIMINARY TAX LEVY FOR 2009:**

Reynolds moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3147, SECOND SERIES and that the reading of the same be waived. Resolution Number 3147, Second Series is a resolution Adopting a Preliminary Budget for the General Fund of the City of Marshall for the Year 2009. The preliminary budget for the General Fund provides for revenues of \$11,904,461 and expenditures of \$13,647,740 of which the revenues are supported with a General Fund Tax Levy of \$3,649,089. All voted in favor of the motion, except Sanow who voted no.

Reynolds moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3148, SECOND SERIES and that the reading of the same be waived. Resolution Number 3148, Second Series is a resolution Adopting a Preliminary Tax Levy for the Year 2009. The proposed levy is in the amount of \$5,106,990 of which \$3,328,843 is the General Fund Portion of the Levy; a Debt Service Levy of \$54,994 for 1996 Storm Sewer Improvement; \$142,170 for 2006 "C" Storm Sewer Improvement; \$203,457 for 2002 "A" Airport Improvements; \$31,413 for 2002 "B" Parkway Improvements; \$185,500 for 2000 G. O. Public Improvement; \$78,725 for 2005 "A" G. O. Public Improvement; \$32,652 for 2006 "B" G. O. Public Improvement; \$136,097 for 2007 "C" G. O. Public Improvement; \$112,198 for 2007 "D" G. O. Equipment Certificates; \$70,902 for 2008 "A" G. O. Public Improvements; \$117,133 for 2008 G. O. Equipment Certificates; and \$168,660 for 2009 G. O. Equipment Certificates. A Special Levy in the amount of \$102,447 for PERA Employer Contribution; a Special Levy in the amount of \$217,769 for Wage and Benefit for Police Department; and a Special Levy in the amount of \$124,000 for a the Economic Development Authority. All voted in favor of the motion.

**CONSIDER THE REQUEST OF "THE REFUGE-A FRESH START" FOR A CONDITIONAL USE PERMIT FOR A REHABILITATION SHELTER FOR HOMELESS PERSONS IN AN R-4 HIGHER DENSITY, MULTIPLE-FAMILY RESIDENCE DISTRICT AT 1226 BIRCH STREET:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the request by The Refuge – A Fresh Start, for a conditional use permit for a homeless person's shelter in an R-4 Higher Density – Multiple Family Residence District at 1226 Birch Street. The Planning Commission is recommending approval with the following conditions:

1. The number of persons sheltered must not exceed sixteen at any time.
2. Four off-street parking spaces shall be provided and maintained.
3. Construction of the building shall commence by September 16, 2009, or this permit becomes void.

A representative from The Refuge – A Fresh Start, provided the council with information on the Dorothy Day House that is located in Moorhead, Minnesota. He reviewed the same information that Mr. Evans provided at the August 18<sup>th</sup> City Council meeting. Council Member Boedigheimer indicated that there should be eight off-street parking spaces.

Ritter moved, Boedigheimer seconded, the approval of a Conditional Use Permit for the Refuge – A Fresh Start for a homeless person's shelter in an R-4 Higher Density – Multiple Family Residence District at 1226 Birch Street with the following conditions:

1. The number of persons sheltered must not exceed sixteen at any time.
2. Eight off-street parking spaces shall be provided and maintained.

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3. Construction of the building shall commence by September 16, 2009, or this permit becomes void.

All voted in favor of the motion.

Mayor Byrnes called for a 5-minute recess at 7:05 P.M.

**S.A.P. 139-010-12 / S.P. 4208-47 / PROJECT X55 (2004-004) – BOYER DRIVE PROJECT – CONSIDER CHANGE ORDER NO. 2 (FINAL) AND ACKNOWLEDGEMENT OF PAYMENT APPLICATION NO. 5 (FINAL):**

Ritter moved, Sanow seconded, the approval of Change Order No. 2 (final) with R & G Construction Co., for a decrease in the amount of \$11,029.19 and the acknowledgement of the final payment in the amount of \$20,888.38. The change order is for a reduction of items due to work previously completed. All voted in favor of the motion.

**PROJECT Y13: NORTH 3<sup>RD</sup> STREET SIDEWALK IMPROVEMENT PROJECT – CONSIDER CHANGE ORDER NO. 2 (FINAL) AND PAYMENT APPLICATION NO. 4 (FINAL):**

Ritter moved, Sanow seconded, the approval of Change Order No. 2 (final) with D & G Excavating Inc., for a decrease in the amount of \$12,719.05 and the acknowledgement of the final payment in the amount of \$1,399.30. The change order is for a change in the total unit price items of work. All voted in favor of the motion.

**PROJECT Y50: WEST REDWOOD/NORTH 4<sup>TH</sup> STREET IMPROVEMENT PROJECT  
A. RESOLUTION DECLARING COST TO BE ASSESSED, AND ORDERING  
PREPARATION OF PROPOSED ASSESSMENT; B. RESOLUTION FOR HEARING  
ON PROPOSED ASSESSMENT; C. RESOLUTION DECLARING OFFICIAL INTENT  
REGARDING THE REIMBURSEMENT OF EXPENDITURES WITH THE PROCEEDS  
OF TAX-EXEMPT BONDS; D. RESOLUTION ACCEPTING BID (AWARD  
CONTRACT):**

Ritter moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3149, SECOND SERIES and that the reading of the same be waived. Resolution Number 3149, Second Series is a resolution Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment for West Redwood / North 4<sup>th</sup> Street Project Y50. 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.

Ritter moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3150, SECOND SERIES and that the reading of the same be waived. Resolution Number 3150, Second Series is a resolution Calling for a Hearing on the Proposed Assessment for West Redwood / North 4<sup>th</sup> Street Project Y50. This public hearing will be held at 5:30 P.M. on October 6, 2008. All voted in favor of the motion.

Ritter moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3151, SECOND SERIES and that the reading of the same be waived. Resolution Number 3151, Second Series is a resolution Declaring the Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for West Redwood / North 4<sup>th</sup> Street Project Y50. All voted in favor of the motion.

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Bids were received, opened and read for West Redwood / North 4<sup>th</sup> Street Project Y50 on September 15, 2008. Bids received, opened and read were from:

Gaub, Inc.	GM Contracting, Inc.	R & G Construction Inc.
Lake Lillian Minnesota	Lake Crystal, Minnesota	Marshall, Minnesota
\$224,686.50	\$233,503.39	\$239,907.40

Ritter moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3152, SECOND SERIES and that the reading of the same be waived. Resolution Number 3152, Second Series is a resolution Accepting Bid (Award Contract) for West Redwood / North 4<sup>th</sup> Street Project Y50. This contract was awarded to Gaub, Inc., Lake Lillian, Minnesota in the amount of \$224,686.50. All voted in favor of the motion.

**FIRST DEVELOPMENT CONTRACT FOR CARR ESTATES ADDITION --  
CONSIDER AMENDMENT NO. 2 (SECTION 27-OPTION FOR PURCHASE OF  
LOTS):**

Boedigheimer moved, Ritter seconded, that the proper city personnel be authorized to enter into Amendment No. 2 to the First Development Contract for Carr Estates. This amendment extends the exclusive option for the purchase of Lots 1, 2, and 3 of Block 1 of Carr Estates at an option fee of \$1,000 per year, with all amounts paid by the City credited against any future payment for purchase of the property. All voted in favor of the motion.

**PROJECT Y42: CLUB 59 IMPROVEMENT PROJECT – CONSIDER RESOLUTION  
AMENDING RESOLUTION #3133, SECOND SERIES-RESOLUTION FOR HEARING  
ON PROPOSED ASSESSMENT:**

Boedigheimer moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3153, SECOND SERIES and that the reading of the same be waived. Resolution Number 3153, Second Series is a resolution Amending Resolution Number 3133, Second Series which is a resolution Calling for a Public Hearing on the Proposed Assessment for Club 59 Improvement Project Y42. This resolution provides for the date of hearing to be changed to October 6, 2008. All voted in favor of the motion.

**PROJECT Y31:(139-131-02) WINDSTAR STREET FROM SCOTT STREET TO T.H. 59  
-- CONSIDER RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND  
AUTHORIZING ADVERTISEMENT FOR BIDS:**

Boedigheimer moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3154, SECOND SERIES and that the reading of the same be waived. Resolution Number 3154, Second Series is a resolution Approving Plans and Specifications and Ordering Advertisement for Bids for Windstar Street Project Y31 (139-131-02). Bids will be received on October 14, 2008. All voted in favor of the motion.

**PETITION FOR VACATION OF UTILITY EASEMENTS (OUTLOT C OF LYON  
COUNTY CO-OP ADDITION) – RECEIPT OF PETITION AND ORDER HEARING ON  
PETITION:**

Ritter moved, Reynolds seconded, the receipt of a petition from Kris Salhus (Real Estate Retrievers), on behalf of Ron Rogge, current owner of the property at 1220 Floyd Wild Drive, for the City to vacate any and all public utility easements over Outlot C of Lyon County Co-op Addition (previously replatted as Lyon County Co-op First Addition) and that a public hearing be scheduled for October 6, 2008. All voted in favor of the motion.



**REQUEST FOR QUALIFICATIONS (RFQ) FOR AIRPORT ENGINEERING SERVICES FOR THE SOUTHEAST AREA DEVELOPMENT PROJECT AT THE SOUTHWEST MINNESOTA REGIONAL AIRPORT:**

Glenn Olson, Director of Public Works/City Engineer, indicated that the City of Marshall is required to make a Request for Qualifications (RFQ) for design, engineering and construction phase services for a period of time not less than 3 years and no more than 5 years or for the completion of projects specifically identified in the RFQ in accordance with State and Federal guidelines for the construction of projects identified in the Capital Improvement Program (CIP) utilizing State and Federal funds. Boedigheimer moved, Sanow seconded, that the proper city personnel be authorized to proceed with Request for Qualifications for design, engineering and construction phase services for the 5-year development of the Southwest Area Development Project at the Southwest Minnesota Regional Airport. All voted in favor of the motion.

**RECONSIDER CITY-OWNED FARM LAND LEASES:**

Council Member Boedigheimer indicated that some of the current tenants of the farm land leases should be given first chance on renewing their lease. Ritter moved, Sanow seconded, that all of the Farm Land Leases be advertised for bids and that bids will be received on October 1, 2008 at 10:00 A.M. and that at 1:00 P.M. the top three bidders be allowed to verbally increase their bid. All voted in favor of the motion, except Boedigheimer and Byrnes.

**COUNCILMEMBER COMMISSION/BOARD LIAISON REPORTS:**

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

Airport Commission – David Sturrock for a term to expire on May 31, 2009

**CONSIDER THE ADOPTION OF AN ORDINANCE FOR THE SALE OF CITY OWNED PROPERTY TO THE STATE OF MINNESOTA:**

Boedigheimer moved, Reynolds seconded, the adoption of ORDINANCE NUMBER 600, SECOND SERIES and that the reading of the same be waived. Ordinance Number 600, Second Series is an Ordinance for the Sale of City Owned Real Property as Required by Marshall City Charter Section 12.05. This ordinance provides for the sale of real property owned by the City of Marshall and managed by Marshall Municipal Utilities and is part of an electrical substation located at the intersection of State Highway 23 and Lyon County Road 33. All voted in favor of the motion.

**COUNCILMEMBER INDIVIDUAL ITEMS:**

Reports by the Mayor and Council Members of the various Boards and Commissions were presented at this time:

Byrnes            EDA progress is being made on the three spec homes, they are working on marketing them.

Boedigheimer Airport Commission items were acted on earlier in the meeting.

Hulsizer        Library Board met last Monday – they have applied for a grant through the State of Minnesota for the proposed new library.

Reynolds        Hospital Board met earlier and discussed electronic medical records and an employee survey.

## REGULAR MEETING – SEPTEMBER 15, 2008

Ritter            Housing Commission met last week.

Sanow            Cable Commission discussed moving the studio to Scwhans new building on Main Street.

### **STAFF REPORTS - A. CITY ADMINISTRATOR:**

Ben Martig, City Administrator, indicated that the MMU Partnership proposal will be coming forward; on Tuesday there is a League of Minnesota Cities meeting on the formula for Local Government Aid; the City of Marshall is listed as the applicant on the grant application for the Library; the Housing Study is ready for review; the Governor was in town last week and meet with the personnel from Ralco Nutrition; there will be two interviews next week for the Assessor position; the Appreciation Breakfast will be held on Friday, October 3<sup>rd</sup>; and the Personnel Policy will be reviewed by the Personnel Committee.

### **COUNCIL MEMBER INDIVIDUAL ITEMS:**

Other items brought forth by the Mayor and Council Members included: the requirements for weed removal. Glenn Olson, Director of Public Works/City Engineer, indicated that his department will be meeting with personnel from the Street Department, Police Department and the Building Officials to discuss code enforcement. Review of the Wind Tower Ordinance needs to be reviewed by the Legislative and Ordinance Committee; the Employer Appreciation Supper for the Fire Department will be held on September 23<sup>rd</sup>; the review of speed limits on South Saratoga needs to be reviewed by the Legislative and Ordinance Committee; there is a concern on the number of dogs a person may have; there is an advertisement in the Construction Bulletin that the city has not authorized; and the Legislative and Ordinance Committee needs to discuss rental property licensing.

### **REVIEW OF PENDING AGENDA ITEMS:**

There were no questions on the pending agenda items.

### **DETERMINATION BY CITY COUNCIL TO GO INTO CLOSED SESSION PURSUANT TO MINNESOTA STATUTE 13D.05 SUBD. 3(C) FOR THE PURPOSES OF DISCUSSION AND DEVELOPMENT OF ITEMS NECESSARY FOR THE NEGOTIATIONS OF WEINER MEMORIAL MEDICAL CENTER:**

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

The council came out of closed session at 8:49 P.M.

Council Member Hulsizer excused herself from the meeting at this time.

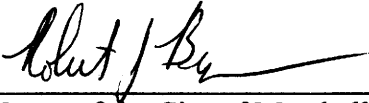
### **DETERMINATION BY CITY COUNCIL TO GO INTO CLOSED SESSION PURSUANT TO MINNESOTA STATUTE 13D.03 RELATED TO UNION CONTACT NEGOTIATIONS:**

Sanow moved, Ritter seconded, to go into closed session at 8:59 P.M. pursuant to Minnesota Statute 13D.03. All voted in favor of the motion.

The council came out of closed session at 9:13 P.M.

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

  
\_\_\_\_\_  
Mayor of the City of Marshall

ATTEST:

  
\_\_\_\_\_  
Financial Director/City Clerk

## REGULAR MEETING – OCTOBER 6, 2008

The regular meeting of the Common Council of the City of Marshall was held on October 6, 2008 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: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Shane Waterman, Assistant City Engineer; Harry Weilage, Director of Community Services; Kim Jergenson, Engineer Technician; Dale Howe, Building Official; Bob VanMoer, Wastewater Superintendent; Thomas M. Meulebroeck, Financial Director/City Clerk; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

### **APPROVAL OF THE AGENDA:**

It was the general consensus of the council that the agenda be approved with the addition of an update on the Quite Zone for the Railroad Crossings being discussed as the first item of new business.

### **APPROVAL OF MINUTES:**

Sanow moved, Boedigheimer seconded, that the minutes of the regular meeting held on September 15, 2008 be approved as corrected and that the reading of the same be waived. All voted in favor of the motion.

### **PUBLIC HEARING PROJECT Y42: CLUB 59 IMPROVEMENT PROJECT**

#### **A. PUBLIC HEARING ON PROPOSED ASSESSMENT; B. CONSIDER RESOLUTION ADOPTING ASSESSMENT:**

This was the date and time set for a public hearing for Club 59 Improvement Project Y42. Glenn Olson, Director of Public Works/City Engineer, indicated that this project provides for the installation of watermain, water services, sewer main and sewer services and incidental items serving the properties of the petitioners and adjacent areas. He indicated that if the property owner does not connect to either the water or sewer at this time then the assessment will be deferred without interest until such time that they connect. Comments on these assessments included:

Joyce Arends, 1424 Floyd Wild Drive, indicated that she was surprised at how much the cost is for this project. She indicated that during earlier discussions with Mike Johnson it was indicated that the cost would be approximately \$10,000.

Glenn Olson indicated that the total cost for this project was between \$14,000 to \$18,000 but that they were only being assessed approximately 60% of the cost. The homeowners are also responsible for the cost to hook up to the watermain and sanitary sewer system.

John Blowers, 1408 Floyd Wild Drive, indicated that the assessment was higher than expected and that their real estate taxes also doubled when they were annexed into the City of Marshall. He was also concerned about the hook up fee for the storm sewer. Mr. Olson indicated that there is no fee to hook up to the storm sewer but the homeowner is responsible for the cost from the curb stop to their home for water and sewer hook ups. Mr. Blowers asked about the removal of their current septic tanks. Mr. Olson indicated that the County and Health Department have guidelines.

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

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Doom moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3155, SECOND SERIES and that the reading of the same be waived. Resolution Number 3155, Second Series is a resolution Adopting the Assessment for Club 59 Addition Improvement Project Y42, setting the interest rate at 6.1% and the assessment being paid in equal annual installments extending over a period of 10 years. All voted in favor of the motion.

**PUBLIC HEARING PROJECT Y50: WEST REDWOOD/NORTH 4<sup>TH</sup> STREET IMPROVEMENT PROJECT – A. CONSIDER RESOLUTION AMENDING RESOLUTION #3149, SECOND SERIES – RESOLUTION DECLARING COST TO BE ASSESSED; B. PUBLIC HEARING ON PROPOSED ASSESSMENT; C. CONSIDER RESOLUTION ADOPTING ASSESSMENT:**

Glenn Olson, Director of Public Works/City Engineer, indicated that on September 15, 2008 Resolution Number 3149, Second Series Declaring Cost to be assessed was adopted. Subsequent discussions were held with MMU regarding cost participation, and it was determined the MMU cost participation should be reduced. In addition, certain properties were assessed at the maximum assessment amount of \$5,200 per parcel. It has been determined that two parcels were classified as commercial; therefore the maximum assessment amount does not apply and subsequently increases the total declared assessment amount to property owners.

Reynolds moved, Boedigheimer seconded, the adoption of RESOLUTION 3156, SECOND SERIES and that the reading of the same be waived. Resolution Number 3156, Second Series is a resolution Amending Resolution Number 3149, Second Series Declaring Cost to be Assessed and that the reading of the same be waived. Resolution Number 3156, Second Series provides for the cost participation for West Redwood / North 4<sup>th</sup> Street Improvement Project Y50 to be amended. All voted in favor of the motion.

This was the date and time set for a public hearing for West Redwood / North 4<sup>th</sup> Street Improvement Project Y50. Glenn Olson, Director of Public Works/City Engineer, indicated that this project provides for sanitary sewer and watermain replacement, subsurface drainage, street reconstruction and bituminous pavement on West Redwood Street from North 3<sup>rd</sup> Street to North 4<sup>th</sup> Street and on North 4<sup>th</sup> Street from West Redwood Street to West Marshall Street. There was a brief discussion on the three houses owned by the Schwan Food Company. They are currently empty but had been multi-unit apartments and were classified as residential properties; therefore there were only assessed the maximum amount of \$5,200 per parcel. Mr. Olson indicated that if a rental property has more than three units, it is classified as commercial property for assessments. Council Member Sanow was concerned if these houses were sold and the new owner's installed more than three rentals in each house they would then be considered commercial. Doom moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion.

Sanow moved, Doom seconded, that the Resolution Adopting the Assessment for West Redwood / North 4<sup>th</sup> Street Improvement Project Y50 be tabled until the October 13, 2008 council meeting to allow time to review the classification of the three houses owned by the Schwan Food Company on West Redwood between North 3<sup>rd</sup> Street and North 4<sup>th</sup> Street. All voted in favor of the motion.

**PUBLIC HEARING PETITION FOR VACATION OF UTILITY EASEMENTS (OUTLOT C OF LYON COUNTY CO-OP ADDITION) – A. PUBLIC HEARING ON PETITION;  
B. CONSIDER RESOLUTION GRANTING PETITION FOR VACATION OF EASEMENTS:**

This was the date and time for a public hearing on the vacation of utility easements for Outlot C of Lyon County Co-Op Addition. Glenn Olson, Director of Public Works/City Engineer, indicated that Kris Salhus, Real Estate Retrievers, has petitioned on behalf of Ron Rogge, current owner of 1220 Floyd Wild Drive, for the City to vacate any and all public utility easements over Outlot C of Lyon County Co-Op Addition. Some of the utility easements shown on the Lyon County Co-Op Addition plat have been previously vacated and the request is to vacate the public utility easements in Outlot C of Lyon County Co-Op Addition. When Lyon County Co-Op First Addition was platted, the easements in Lyon County Co-Op Addition were not vacated. Subsequent to Lyon County Co-Op First Addition being platted, the previous utility easements shown on the Lyon County Co-Op Addition were vacated. However, the written portion of the street and utilities dedication shown on the Lyon County Co-Op Addition Plat also indicated Outlots B and C are to be used as public utilities. In the previous vacation of utility easements, Outlot C was not included in the vacation of easements. Sanow 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 3159, SECOND SERIES and that the reading of the same be waived. Resolution Number 3159, 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 public utility easements in Outlot C of Lyon County Co-Op Addition. All voted in favor of the motion.

**AWARD OF BIDS - CONSIDER AWARDING BIDS FOR FARM LEASES:**

Bids were received, opened and read at 10:00 A.M. on October 1, 2008 for the Farm Leases on the City of Marshall agricultural properties. The three high bidders and the current tenants for each parcel were then given the opportunity to increase their bids at a verbal auction for each parcel at 1:00 P.M. on October 1, 2008. The final bid for each parcel is as follows:

Parcel 1  
14 Acres  
Airport N. Quadrant  
Michael Mortier  
Marshall, Minnesota  
\$125.00 per acre

Parcel 2  
9.47 Acres  
North of University  
Paul Deutz  
Marshall, Minnesota  
\$105.00 per acre

Parcel 3  
5.5 Acres  
County Road 7  
Sean Carmody  
Marshall, Minnesota  
\$130.00 per acre

Parcel 4  
5.0 Acres  
Channel Parkway  
Jason Becker  
Marshall, Minnesota  
\$112.00 per acre

Parcel 5  
142.4 Acres  
Airport  
Paul Wambeke  
Marshall, Minnesota  
\$193.00 per acre

Parcel 6  
\$84.9 Acres  
Wastewater  
Paul Wambeke  
Marshall, Minnesota  
\$78.00 per acre

Parcel 7  
18.19 Acres  
Parkway III  
Dan Gregoire  
Marshall, Minnesota  
\$170.61 per acre

Parcel 8  
31.1 Acres  
Parkway IV  
Gary & Cory Crowley  
Marshall, Minnesota  
\$162.38 per acre

Parcel 9  
9.59 Acres  
North of Truss Plant  
Gary & Cory Crowley  
Marshall, Minnesota  
\$154.20 per acre

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Parcel 10  
2.11 Acres  
Airport  
Craig Deutz  
Marshall, Minnesota  
\$100.00 per acre

Parcel 11  
60.73 Acres  
Airport  
Michael Mortier  
Marshall, Minnesota  
\$167.50 per acre

Ritter moved, Doom seconded, that the Farm Leases be awarded for three years beginning January 1, 2009 through December 31, 2011 as per the above identified properties. The rent for these farm leases is due by March 15<sup>th</sup> of each year. All voted in favor of the motion.

**APPROVAL OF CONSENT AGENDA - A. TEMPORARY ON-SALE LIQUOR LICENSE – MARSHALL AREA CHAMBER OF COMMERCE; B. TEMPORARY ON-SALE LIQUOR LICENSE – AMERICAN LEGION POST 113; C. CONSIDERATION OF RESOLUTION RENAMING DOWNTOWN PARK AND PARKING LOTS; D. INTRODUCTION OF ORDINANCE AMENDING SEC.74-86 “SPEED LIMITS”; E. CONSIDER AUTHORIZATION TO REQUEST FOR PROPOSALS FOR LEASE/RENTAL OF MOTOR GRADER FOR STREET DEPARTMENT; F. DECLARATION OF SURPLUS PROPERTY; G. REQUEST OUT-OF-STATE TRAVEL – C.A.T. TEAM; H. BILLS/PROJECT PAYMENTS; I. BUILDING PERMITS:**

Per the request of Council Member Boedigheimer item D, which is the introduction of an Ordinance Amending Section 74-86 on Speed Limits; and item E, which is Consider Authorization to Request Proposals for Lease/Rental of Motor Grader for the Street Department.

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

The approval of a Temporary On-Sale Liquor License for Marshall Area Chamber of Commerce to be used on October 27, 2008 at Dr. DeBrule's, 200 O'Connell Street for an after hours event. The fee for this license is \$30.00.

The approval of a Temporary On-Sale Liquor License for the American Legion Post 113 to be used on November 1, 2008 at Southwest Minnesota State University. The fee for this license is \$30.00.

The adoption of RESOLUTION NUMBER 3158, SECOND SERIES and that the reading of the same be waived. Resolution Number 3158, Second Series is a resolution Renaming the Downtown Parking Lots and the Downtown Park. The Downtown Parking Lots will be renamed as follows:

Parking lot currently known as “P” Lot will be renamed Whitney Lot

Parking lot currently known as “A” Lot will be renamed Addison Lot

Parking lot currently known as “R” Lot will be renamed Rose Lot

Parking lot currently known as “W” Lot will be renamed Wetherbee Lot

Parking lot currently known as “H” Lot will be renamed Baldwin Lot

The temporary parking lot on the former Marshall Junior High site will be named Blake Lot  
The Downtown Park will be renamed “Memorial Park”

Authorization be granted to declare the bicycles as surplus property and to approve disposal to the Department of Corrections for the Bikes to Kids Program

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Authorization be granted to out-of-state travel for C.A.T. members James Carver and Don Calvin to attend the HAZMAT Expo Conference in Las Vegas, NV from November 3 – 6, 2008.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 62270 through 62528.

All voted in favor of the motion.

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

	Applicant	Location/Address				Description of Work	Valuation
1.	REM Southwest Services, Inc.	1003	North	4th	Street	Replace Windows/Door	\$1,500
2.	MB Properties	1208		Canoga Park	Drive	Four-Unit Apartment	\$175,000
3.	Independent Lumber of Marshall, Inc.	602		Mercedes	Drive	Dwelling	\$245,000
4.	Granite City Roofing, Inc.	401	South	Saratoga	Street	Partial Reroof	\$445,800
5.	Granite City Roofing, Inc.	1300	East	Lyon	Street	Partial Reroof	\$249,900
6.	Charles D. and Judith Ann Michelson	1305	East	Fairview	Street	Garage	\$7,000
7.	Charles J. DeVos	607		Viking	Drive	Reroof	\$4,000
8.	Matthew Terferhr	705		Parkside	Drive	Reroof	\$7,000
9.	Jennifer McDonald	213		Deschepper	Street	Reroof	\$5,000
10.	Minnesota Cabinets, Inc.	405		Woodland	Way	Remodel Bath	\$3,000
11.	Steve Miller Southwest Insurance Services	311	South	O'Connell	Street	Signs	\$500
12.	Noah Houg	311	East	College	Drive	Sign	\$1,500
13.	Kesteloot Construction, Inc.	1009		Colombine	Drive	Replace Windows & Replace Deck	\$8,000
14.	Tom Tighe Construction	503		Lynd	Street	Install Door	\$600
15.	Timothy Swanson Construction	801	North	6th	Street	Garage	\$16,900
16.	Bradley J. Botsford	408		Elaine	Avenue	Dwelling addition	\$20,500
17.	Philip & Kari Buysse	108		McFarland	Circle	Basement Bedroom and Install Window	\$5,000
18.	Scott Stattleman	118	West	Maple	Street	Reroof	\$1,100
19.	Neal Ingbrigton	701	South	1st	Street	Install Window	\$700
20.	John E. Decramer	113		G	Street	Replace Windows	\$500
21.	Bladholm Construction, Inc.	400	West	Erie	Road	Electrical Room Addition	\$45,000
22.	Bladholm Construction, Inc.	110	North	11th	Street	Storage Garage	\$238,000
23.	Marshall Commercial Prop LLC	314	West	Main	Street	Remodel Front and Awning	\$7,200
24.	Marshall Commercial Prop LLC	300	West	Main	Street	Remodel Front and Awning	\$63,200



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25.	Marshall Commercial Prop LLC	430 West Main Street	Remodel Front	\$8,000
26.	James B. Marshall	601 Parkside Drive	Install Windows	\$1,000
27.	Gregory Matthys	111 E Street	Replace basement walls, Install Window	\$5,800
28.	Paul Whingelby	1206 West Main Street	Addition	\$63,500
29.	Bisbee Plumbing & Heating	1501 Stadium Street	Central Chiller Plant - Phase II	\$631,700
30.	Michael J. and Michele L. Leary	900 Birch Street	Bathroom Remodel	\$2,500
31.	Sign Productions, Inc.	230 West Lyon Street	Sign	\$4,000
32.	REM Southwest Services	1005 North 4th Street	Deck and ramp	\$11,600
33.	Astar-Hess Property Management	600-02 South 1st Street	Install Window, Replace Windows	\$1,200
34.	Kevin Kayser	409 Hudson Avenue	Deck	\$900
35.	Paul Beachem	602 North 5th Street	Reroof Garage & Enclose Patio	\$2,000
36.	James & Susan Nybo	410 Williams Street	Utility Shed	\$2,200
37.	Jose Gallardo	317 Timberlane Drive	Garage & Breezeway	\$3,200
38.	Four Seasons Companies, LLP	1215 West Main Street	Remodel	\$500
39.	Linda Rye	102 George Street	Reroof	\$6,000
40.	PR Ventures	1711 Thunderbird Road	Dwelling	\$150,000

Council Member Boedigheimer questioned what the recommendation was for the speed limit on Saratoga Street between the most southerly City limits line and just south of Denali Street. Glenn Olson, Director of Public Works/City Engineer, indicated that the recommendation is to be 40 mph. Boedigheimer moved, Sanow seconded, the introduction of an ordinance as corrected Amending Chapter 74 of the Code of Ordinances of the City of Marshall. This ordinance provides for Section 74-86 on speed limits. All voted in favor of the motion.

Council Member Boedigheimer is requesting that when the council receives the information on the proposals for lease / rental of a motor grader for the Street Department that they also be provided with the rates they paid last year and the number of hours used. He also requested that the local contractors be contacted. Doom moved, Sanow seconded, the proper city personnel be authorized to request proposals for the lease / rental of a motor grader for the Street Department. All voted in favor of the motion.

Glenn Olson, Director of Public Works/City Engineer, an update on the Quite Zone for the Railroad Crossings in the City of Marshall. It was indicated that the Quite Zone is regulated by the Railroad Company and Federal guidelines. The railroad company will only make changes if the change does not create more liability for them. They currently are required to blow the horn three times before each railroad crossing in the City of Marshall. The City of Marshall can request Burlington Northern Railroad to provide an action plan at each railroad crossing.

**DETERMINATION OF CITY COUNCIL TO GO INTO CLOSED SESSION PURSUANT TO MINNESOTA STATUTE 13D. 05 SUBD. 3(C)(1) FOR THE PURPOSES OF DISCUSSION AND DEVELOPMENT OF ITEMS NECESSARY FOR THE NEGOTIATIONS OF WEINER MEMORIAL MEDICAL CENTER (6:00 P.M.) A. AFSCME –SERENA VERGIN, BEV SEEHUSEN; B. NON-CONTRACT – CRIS KNOTT, TERESA BOECK:**

Sanow moved, Reynolds seconded, to go into closed session at 6:20 P.M. pursuant to Minnesota Statute 13D.05, Subd.3(c)(1). All voted in favor of the motion.

Council Member Ritter excused himself at this time.

Sanow moved, Reynolds seconded, to reconsider going into closed session. All voted in favor of the motion.

Dennis Simpson, City Attorney, indicated that there can be no more than 2 representatives per bargaining unit from the Avera (Weiner Memorial Medical Center) negotiating committees in the closed session. If there are more than this the meeting could not be closed. LuAnn Lessman had met with Ben Martig and expressed a concern with more people being at the hearing to relay information back to other employees. It was determined that there was a misunderstanding between Dennis Simpson and Ben Martig on the number of people allowed at the meeting. There were 5 staff members from Avera Marshall Medical Center and 18 other representatives in attendance.

Sanow moved, Doom seconded, to go into closed session at 6:30 P.M. pursuant to Minnesota Statute 13D.05, Subd.3(c)(1). All voted in favor of the motion.

At 6:51 P.M. the representatives from the Avera (Weiner Memorial Medical Center) bargaining units were excused from the meeting to allow Avera's negotiating committee to meet with the City Council.

The council came out of closed session at 7:15 P.M.

Mayor Byrnes called for a 5-minute recess.

**CONSIDER AUTHORIZATION TO PURCHASE DIGITAL MAMMOGRAPHY FOR AVERA MARSHALL MEDICAL CENTER:**

Mary Maertens, CEO Avera Marshall Medical Center, and Sharon Williams, Finance Director for Avera Marshall Medical Center, were in attendance at the meeting to review the request to purchase a Digital Mammography for Avera Marshall Medical Center. Sharon indicated that they are recommending purchasing the Digital Mammography from Hologic Selenia at a cost of \$355,425, which includes all options. Council Member Doom asked why they were purchasing new equipment if they are considering selling Avera Marshall Medical Center. Ms. Williams indicated that this is part of the Center's plan. Reynolds moved, Boedigheimer seconded, that Avera Marshall Medical Center be authorized to purchase a Digital Mammography from Hologic Selenia at a cost of \$355,425, which includes all options. All voted in favor of the motion.

**CALL FOR PUBLIC HEARING ON REQUEST TO MOVE DWELLINGS INTO A RESIDENTIAL DISTRICT – A. 601 HERITAGE PLACE; B. 602 HERITAGE PLACE; C. 612 HERITAGE PLACE:**

Dale Howe, Building Official, reviewed the request of Ron Schilling, Alluvus, LLC, to move a dwelling into the City from 3446 255<sup>th</sup> Avenue, Marshall to 601 Heritage Place; to move a dwelling from 1400 North Highway 59, Marshall to 602 Heritage Place and to move a dwelling from 412

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Veda Drive, Redwood Falls to 612 Heritage Place. These dwellings have been examined by the Building Official and found to be in reasonable condition to move and in reasonable compliance with the MN State Building Code. Mr. Schilling stated it is his intent to obtain Certificate of Occupancy for 604, 606 and 610 Heritage Place prior to the hearing on this request. Mr. Howe provided an update on these three dwellings and indicated that they are not completed at this time. Council Member Sanow indicated that these three dwellings were to be completed by October 1, 2008. Sanow moved, Boedigheimer seconded, that three public hearings be scheduled for 5:30 P.M. on October 20, 2008 to consider this request. All voted in favor of the motion.

### **REVIEW OF PROPOSED 2009 MARSHALL MUNICIPAL UTILITIES PARTNERSHIP AGREEMENT AND UPDATE ON CAPITAL IMPROVEMENT PLANS:**

Ben Martig, City Administrator, briefly reviewed the proposed 2009 Marshall Municipal Utilities Partnership Agreement. The items that he reviewed included: the Partnership Agreement; Fire Protection; Street Lighting; Alarm Monitoring Systems; Billing City Wastewater; Billing Surface Water Management; Professional Engineering Services; Joint Industrial Land; MMU Capital Funding Plan; Fiber Optic Utilization; and Information Sharing. Mr. Martig is recommending that all but the Fiber Optic Utilization be considered at the October 20, 2008 meeting. Reynolds moved, Doom seconded, that the 2009 Marshall Municipal Utilities Partnership Agreement be considered at the October 20, 2008 Council meeting. All voted in favor of the motion.

Brad Roos, Marshall Municipal Utilities General Manager, was in attendance at the meeting to discuss with the City Council MMU's 2009 estimated bonding and the projected bonding for 2009 – 2018.

### **CONSIDER APPROVAL OF 2009 EMPLOYEE HEALTH INSURANCE PLAN:**

Ben Martig, City Administrator, reviewed the 2009 Employee Health Insurance Plan with Blue Cross Blue Shield. Ben indicated that according to the presentation by Charles and Justin Krueger of Flexible Benefit Administrators, Inc., they are recommending staying with Blue Cross Blue Shield plan provided through the Southwest Government Service Cooperative with a change in the employee deductible. Considering the City's past history there is not an option to change carriers. Reynolds moved, Sanow seconded, that the 2009 Employee Health Insurance be renewed with Blue Cross Blue Shield with a \$5,000 single and \$10,000 family deductible plan with the city self-funding the additional deductible. All voted in favor of the motion.

### **CONSIDER RENEWAL OF CITY'S PROPERTY, AUTO LIABILITY, AND AIRPORT 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 10-1-08 to 10-1-09. The major changes addressed were:

1. Total property coverage increased by \$2,147,015. This increase in coverage and the increase of 2% in the rate charged by LMCIT from 2007/2008 are the reasons for the premium increase.
2. The General Liability Coverage had a 4% rate decrease; the Auto Physical Damage Coverage had a 2% rate decrease; the Auto Liability Coverage had a 3% increase; and the Excess Liability Coverage had a 4% rate decrease.
3. The Hartford Steam Boiler (mechanical breakdown) Coverage premium has increased by \$3,021 which is a 7% premium increase.

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4. The Airport Liability Coverage premium of \$4,840 provides for a 5.9% rate decrease. This coverage has a \$5,000,000 limit.
5. Total premium increase from 2007/2008 = \$6,110.

Sanow moved, Boedigheimer seconded, that the General Liability, Property, Auto and Liquor Liability be renewed with the League of Minnesota Cities at a cost of \$266,018. All voted in favor of the motion.

Sanow moved, Reynolds seconded, that the Airport Liability be renewed with ACE USA in the amount of \$9,840. This includes the renewal rate of \$4,840 plus an additional \$5,000 for Terrorism Coverage. Council Member Boedigheimer was not in favor of spending an additional \$5,000. All voted in favor of the motion, except Boedigheimer and Doom who voted no.

Sanow moved, Reynolds seconded, that the Boiler Coverage be renewed with Hartford Steam Boiler in the amount of \$29,706. All voted in favor of the motion.

### **CONSIDER ADOPTION OF RESOLUTION FOR THE DECLARATION OF OFFICIAL INTENT REGARDING THE REIMBURSEMENT OF EXPENDITURES WITH THE PROCEEDS OF TAX-EXEMPT BONDS:**

George Bowden and Kathleen Ashe from the Marshall Lyon County Library Board were in attendance at the meeting to discuss the request of the Marshall Lyon County Library to submit a grant application through the State of Minnesota for \$1,000,000. Thomas Meulebroeck, Financial Director/City Clerk, reviewed the resolution for Declaration of Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for the acquisition of Capital Equipment in 2008 and 2009. Tom indicated that in the General Fund Budget for 2008 there is approximately \$280,000 of capital expenditure items identified as potential capital equipment to be included in bonding for Capital Equipment Certificates. In 2008 there was authorization granted to purchase a street sweeper and that this be included in with the potential bonding. It is anticipated that in 2009 the bonding between the City and Marshall Municipal Utilities may exceed the \$10,000,000 for bank qualification. Per a discussion with Springsted they indicated that the City could include monies in the 2008 bonding for Capital Equipment Certificates, therefore the Fire Department is identified as potential equipment that could be bonded in 2008 for 2009. Council Member Boedigheimer indicated that the pay back on these bonds is 5 years and that any item that has an estimated life of less than 5 years should not be included. He stated that these items should be paid out of the cash flow or do not purchase them. Doom moved, Hulsizer seconded, that the resolution for Declaration of Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for the acquisition of Capital Equipment in 2008 and 2009 be delayed until the October 20, 2008 City Council meeting. All voted in favor of the motion.

### **CONSIDER RESOLUTION APPROVING THE LIBRARY GRANT APPLICATION:**

Boedigheimer moved, Hulsizer seconded, the adoption of RESOLUTION NUMBER 3160, SECOND SERIES and that the reading of the same be waived. Resolution Number 3160, Second Series is a resolution Approving the Library Grant. This is for a grant in the amount of \$1,000,000 through the State of Minnesota. All voted in favor of the motion.

### **CONSIDER ORDINANCE AMENDING SECTION 54-3 OF THE CITY CODE OF THE CITY OF MARSHALL, REGULATING THE DEFERRED PAYMENT OF SPECIAL ASSESSMENTS FOR SENIOR CITIZENS OVER THE AGE OF 65:**

Thomas Meulebroeck, Financial Director/City Clerk, reviewed the ordinance amending

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Section 54-3, (b) (4) of the City Code Regulating the Deferred Payment of Special Assessments for Senior Citizens over the Age of 65. The amendment to the ordinance provides for the Total Net Assets of the applicant to be increased from \$100,000 to \$150,000 which includes the homestead. He reviewed four (4) scenarios, prepared by the City Assessor's Office, of properties in various locations of the City of Marshall which reflects the increased values over the past 10 years.

Boedigheimer moved, Sanow seconded, the introduction of an ordinance Amending Section 54-3, (b) (4) of the City Code of the City of Marshall Regulating the Deferred Payment of Special Assessments for Senior Citizens Over the Age of 65. This ordinance would provide for the Total Net Assets to be increased to \$150,000 which includes the homestead. All voted in favor of the motion.

### **PROJECT Y45: SOUTHVUE DRIVE IMPROVEMENT PROJECT – CONSIDER CHANGE ORDER NO. 1:**

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order No. 1 with GM Contracting, Inc., for a decrease in the amount of \$4,607.49. He indicated that after the award of the contract to GM Contracting, Inc., the subcontractor, McLaughlin & Schulz, Inc., informed them of a shortage of the specified PG 58-34 oil for the asphalt for the project. After checking with MN/DOT and finding that there was a statewide shortage of this type of oil, alternatives were discussed to modify the requirements for the project. The result of this was to require the PG 58-34 oil in the top 3" of the asphalt paving and allow PG 58-28 oil in the bottom 3" of the pavement. The difference between the PG 58-34 and the PG 58-28 is the temperature rating for cracking that is better in the PG 58-34. The contractor has proposed a \$3.83/ton reduction in the cost of the asphalt for the lower 3" of the pavement. Doom moved, Sanow seconded, the approval of Change Order No. 1 with GM Contracting, Inc., for a decrease in the amount of \$4,607.49. All voted in favor of the motion.

### **PROJECT Y04: ARBOR COURT IMPROVEMENT PROJECT – CONSIDER CHANGE ORDER NO. 1:**

Sanow moved, Reynolds seconded, the approval of Change Order No. 1 with McLaughlin & Schulz, Inc., resulting in a contract increase in the amount of \$7,183.00 to be paid out of the Capital Improvements Project Fund 497-62066-5570 as well as an increase in contract time revising the substantial completion date from October 3, 2008 to October 10, 2008. The change order is for additional fill gravel work. All voted in favor of the motion.

### **PROJECT Y47: DESCHEPPER STREET IMPROVEMENT PROJECT – CONSIDER CHANGE ORDER NO. 1:**

Doom moved, Reynolds seconded, the approval of Change Order No. 1 with McLaughlin & Schulz Inc., resulting in a contract increase in the amount of \$3,274.70 to be paid from the Capital Improvements Project Fund 497-62066-5570, as well as an increase in contract time revising the substantial completion date from October 3, 2008 to October 10, 2008. The change order is a result of an additional 3" of excavation. All voted in favor of the motion.

### **REVIEW OF PROPOSED RESOLUTION OF SUPPORT FOR EAST BIKE AND PEDESTRIAN TRAIL PROJECT FUNDED THROUGH 2013 FEDERAL ATP FUNDS:**

Reynolds moved, Doom seconded, the adoption of RESOLUTION NUMBER 3161, SECOND SERIES and that the reading of the same be waived. Resolution Number 3161, Second Series is a Resolution of Support from Sponsoring Agency and Agreement to Maintain Facility. This resolution is for the Marshall Phase III, East Bike and Pedestrian Trail. 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            Fire Relief Association will be meeting on October 14<sup>th</sup> and the Regional Development Commission will be meeting on October 9<sup>th</sup>

Boedigheimer No report

Doom            Marshall Community Services Advisory Board met last week.

Hulsizer        Human Rights Commission discussed their budget and brochure.

Reynolds       Hospital Board met earlier today.

Sanow           Marshall Area Transit met, but Sanow was unable to attend.

**STAFF REPORTS - A. CITY ADMINISTRATOR:**

Ben Martig, City Administrator, provided a brief update on the following items: a new City Assessor will start on November 3<sup>rd</sup>; the M.E.R.I.T. Center expansion; there will be an open house at the Fire Department on Thursday, October 9, 2008 for Fire Safety Week; PrairieNet Wan discussed the web portal; there is a budget meeting scheduled for October 13<sup>th</sup>; the Safety Committee needs to set their priorities for 2009; there was a presentation on the Housing Study; Petters Aviation is the new FBO at the airport; and the pedestrian crossing on Highway 23 from Southwest Minnesota State University to the Marshall High School.

Glenn Olson, Director of Public Works/City Engineer, briefly discussed funding by MN/DOT for an over/under pass along Highway 23.

**COUNCILMEMBER INDIVIDUAL ITEMS:**

Other items brought forth by the Mayor and Council Members included: a meeting needs to be scheduled to discuss the storm water management for Tiger Lake and the North Industrial Park Area; the bus shelter is complete; the Liberty Park Dedication was held on October 3<sup>rd</sup>.

**REVIEW OF PENDING AGENDA ITEMS:**

The Personnel Committee meeting will be scheduled for the last week of October; Ways and Means Committee needs to schedule a meeting to discuss the Purchasing Policy; and the Legislative and Ordinance Committee will meet on October 23<sup>rd</sup> to discuss under age drinking.

**DETERMINATION OF CITY COUNCIL TO GO INTO CLOSED SESSION PURSUANT TO MINNESOTA STATUTE 13D.05 SUBD. 3(b) TO DISCUSS CURRENT LITIGATION JOE BOT DBA MARSHALL HOTEL VS. CITY OF MARSHALL, WESTERN COMMUNITY ACTION AGENCY AND SOUTHWEST MINNESOTA HOUSING PARTNERSHIP:**

Sanow moved, Hulsizer seconded, to go into closed session at 8:55 P.M. pursuant to Minnesota Statute 13D.05, Subd.3(b). All voted in favor of the motion.

The council came out of closed session at 9:01 P.M.

**DETERMINATION OF CITY COUNCIL TO GO INTO CLOSED SESSION PURSUANT TO MINNESOTA STATUTE 13D.05 SUBD. 2(b) TO DISCUSS WASTEWATER TREATMENT FACILITY EQUALIZATION BASIN LINER REPAIR:**

Sanow moved, Doom seconded, to go into closed session at 9:02 P.M. pursuant to Minnesota Statute 13D.05, Subd 2(b). All voted in favor of the motion.

The council came out of closed session at 9:30 P.M.

Sanow moved, Reynolds seconded, that Glenn Olson, Director of Public Works/City Engineer, be authorized to proceed with a proposal from R & G Construction for liner repairs to the Wastewater Treatment Facility equalization Basin at a cost not to exceed \$16,000 and the City cost would be 25% of that amount and that Bonestroo, R & G Construction and Simbeck each also pay 25%. All voted in favor of the motion.

Mr. Olson was also authorized to proceed with the proposal for Change Order No. 4 for the Wastewater Treatment Facility Equalization Basin Improvement Project as a cost not to exceed \$26,770, which provides for an extension of the under drain system in the area of the pond outlet and related repairs. Both proposals are to be returned to the City Council for final approval. All voted in favor of the motion.

**DETERMINATION OF CITY COUNCIL TO GO INTO CLOSED SESSION PURSUANT TO MINNESOTA STATUTE 13D.05 SUBD. 3(b) TO DISCUSS SUPPLEMENTAL ENVIRONMENTAL PROJECT FOR MPCA NEGOTIATIONS:**

Reynolds moved, Sanow seconded, to go into closed session at 9:32 P.M. pursuant to Minnesota Statute 13D.05, Subd 3(b). All voted in favor of the motion.

The council came out of closed session at 9:47 P.M.

Doom moved, Sanow seconded, that the meeting be adjourned. All voted aye.

Mayor of the City of Marshall

ATTEST:

Financial Director/City Clerk

## **SPECIAL MEETING – OCTOBER 13, 2008**

A special meeting of the Common Council of the City of Marshall was held on October 13, 2008 in the Council Chambers of the Marshall Municipal Building. Mayor Byrnes called the meeting to order at 5:30 P.M. In addition to Byrnes, the following council members were present: Hulsizer, Doom, Sanow, Reynolds and Ritter. Absent: Boedigheimer. City Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Rob Yant, Director of Public Safety; Marc Klaith, Fire Chief; Ray Hendrickson, representative from the Marshall Fire Department; Todd Picktorn, School District 413 Network Coordinator; and Thomas M. Meulebroeck, Financial Director/City Clerk.

### **CONSIDER RESOLUTION ADOPTING ASSESSMENT FOR WEST REDWOOD / NORTH 4<sup>TH</sup> STREET IMPROVEMENT PROJECT Y50:**

At the October 6, 2008 meeting, the City Council meeting conducted a public hearing on the proposed assessments for West Redwood / North 4<sup>th</sup> Street Improvement Project Y50. During the discussion, a question arose as to the appropriateness of applying the maximum residential assessment on the apartments on the south side of West Redwood Street. The proposed assessment roll included these properties with a residential classification covered under the \$5,200 maximum assessment. After discussion, City staff was directed to review previous assessment procedures with respect to apartments and whether or not they should be classified as commercial and not receive the maximum residential assessment allowance. After review of the proposed assessments in question and review of the properties through the City Assessor's office, it was found that the three properties on the south side of West Redwood Street (Parcels 27-677-146-0; 27-677-147-0; and 27-677-148-0) each contained five or more rental units, and therefore should be classified as commercial and not receive the maximum residential assessment allowance.

Sanow moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3162, SECOND SERIES and that the reading of the same be waived. Resolution Number 3162, Second Series is a resolution Adopting the Assessment for West Redwood / North 4<sup>th</sup> Street Improvement Project Y50, setting the interest rate at 6.1% and the assessment being paid in equal annual installments extending over a period of 10 years. All voted in favor of the motion.

### **2009 BUDGET WORKSHOP – SESSION II:**

Ben Martig, City Administrator, reviewed the 2009 budget time line.

As per the agreement with the Marshall School District, the City has an agreement for Todd Picktorn, School District 413 Network Coordinator, to assist the City with their Information Technology (IT) Systems and support. Todd addressed the recommendation for the City 2009 IT budget which included hardware, software and maintenance needs. The City allocation is \$24,500.

Marc Klaith, Fire Chief, and Rob Yant, Director of Public Safety, addressed the Fire and Ambulance Departments 2009 budget requests. Marc indicated that due to the current economic times the Fire Department has put a hold on hiring any additional staff at this time. Other items discussed included the City's contribution for the Fire Relief Association, the reduction in the



SPECIAL MEETING – OCTOBER 13, 2008

Insurance Fire Aid, communication equipment and the acquisition of a new fire truck. An addition to the Ambulance Building was the main focus of the ambulance budget.

Thomas M. Meulebroeck, Financial Director/City Clerk, reviewed the proposed 2009 budgeted General Fund revenues and expenditures and he highlighted some of the major changes and/or requests.

The equipment being suggested to be included in the proposed bonding for equipment certificates was reviewed along with the amount being requested for 2008 public improvement projects. This will be considered at a Ways and Means Committee meeting to be held on October 20, 2008 at 4:30 P.M.

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

## REGULAR MEETING – OCTOBER 20, 2008

The regular meeting of the Common Council of the City of Marshall was held on October 20, 2008 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order at 5:30 P.M. by President Pro-Tem Boedigheimer. In addition to Boedigheimer the following members were present: Hulsizer, Doom and Sanow. Absent: Byrnes, Reynolds and Ritter. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; 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 AGENDA:**

It was the general consensus of the council that the agenda be approved with the addition of item 10a which is the consideration of a Plumbers License for Ron Seaman dba Ron's Plumbing and Heating Service.

### **APPROVAL OF THE MINUTES:**

Doom moved, Sanow seconded, that the minutes of the regular meeting held on October 6, 2008 and the minutes of the special meeting held on October 13, 2008 be approved as presented and that the reading of the same be waived. All voted in favor of the motion.

### **PUBLIC HEARING ON REQUEST TO MOVE DWELLINGS INTO RESIDENTIAL AREA - 601 HERITAGE PLACE, 602 HERITAGE PLACE, AND 612 HERITAGE PLACE:**

This was the date and time set for a public hearing on the request to move dwellings into a residential district – 601 Heritage Place from 3446 255<sup>th</sup> Avenue, Marshall, Minnesota; 602 Heritage Place from 1400 North Highway 59, Marshall, Minnesota; and 612 Heritage Place from 412 Veda Drive, Redwood Falls, Minnesota. All three dwellings have been reviewed by the Building Official and found to be in reasonable condition to move and in reasonable compliance with the MN State Building Code. Dale Howe, Building Official, provided an update on 604 Heritage Place, 606 Heritage Place and 610 Heritage Place. He indicated that 606 Heritage Place is complete but that 604 Heritage Place and 610 Heritage Place are not complete at this time and have not received their Certificate of Occupancy. Comments on these requests included:

Norm Gregerson from Greig and Gregerson indicated that there is a need for this type of rental property.

Kim Christiansen, owner of KHC Construction, indicated that he has purchased the home located at 1400 North Highway 59, Marshall, Minnesota and wants it moved as soon as possible so that he can change the driveway to his business and add more space so he can more easily and safely load and unload equipment and materials.

Brenda VanNostrand, 603 Heritage Place, and Suzanne Crain, 605 Heritage Place, were in attendance at the meeting and indicated that they have provided a letter signed by the residents on Heritage Place indicating that they have not called Kay Nauman on Soucy Drive with any concerns. They indicated that Ron is the best landlord they have had and that he is always available for any questions or concerns.

Ron Schilling indicated that 604 Heritage Place needs a gas meter and that 610 Heritage Place needs to have the electrical completed. He indicated that both of these should be completed within 10 days. He indicated that there is a demand for this type of rental and that both of these houses are rented for next month. He indicated that this request is for 3 houses and that it is his intent for house at 612 Heritage Place to be completed this year; the house for 602 Heritage Place will be moved and set on blocks and the house for 601 Heritage Place will not be moved until April of 2009.

## REGULAR MEETING – OCTOBER 20, 2008

Mr. Schilling made reference to the City Code on moving buildings and indicated that he has complied with the requirements to move buildings.

There is still concern amongst Council Members that the houses that were approved in June to be moved onto Heritage Place are not complete and Certificate of Occupancy has not been issued by October 1<sup>st</sup> as required by the council.

Mr. Schilling indicated that he had received a list of items to be completed for 606 Heritage Place to receive a Certificate of Occupancy and once these items were complete he received another list for cosmetic items and was told that these were also required by the council.

Building Official Dale Howe indicated that life safety items are required to be completed in order to receive a Certificate of Occupancy. He also indicated that he did not receive any input from the City Council or city staff in regard to other items being required to be completed.

Mr. Schilling is requesting approval for these three houses so that he can get on the contractors list to have the basements started.

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

Boedigheimer made a motion that the request to move a dwelling to 601 Heritage Place from 1400 North Highway 59, Marshall, Minnesota be tabled until April, 2009. This motion died due to the lack of a second.

Doom made a motion that the request to move a dwelling to 601 Heritage Place from 3446 255<sup>th</sup> Avenue, Marshall, Minnesota be denied until the dwelling at 610 Heritage Place has received a Certificate of Occupancy. The motion died due to the lack of a second.

Sanow moved, Boedigheimer seconded, that the request to move a dwelling to 601 Heritage Place from 3446 255<sup>th</sup> Avenue, Marshall, Minnesota be denied. All voted in favor of the motion, except Doom who voted no.

Mr. Schilling indicated that the request to move a dwelling to 602 Heritage Place from 1400 North Highway 59, Marshall, Minnesota was not in their budget for this year. Their plan is to just move this dwelling and set it on blocks. He indicated that they need to complete 612 Heritage Place first.

Doom made a motion that the request to move a dwelling to 602 Heritage Place from 1400 North Highway 59, Marshall, Minnesota be approved contingent upon the dwelling at 604 Heritage Place being completed. This motion died due to the lack of a second.

Sanow moved, Hulsizer seconded, that the request to move a dwelling to 602 Heritage Place from 1400 North Highway 59, Marshall, Minnesota be denied. There was a brief discussion on the completion of all on site construction and required revision to the dwelling in conformance with City Code and to obtain a Certificate of Occupancy within 180 days of approval. The council wanted to know when the 180 days started. The question was called. Voting in favor of the motion were Sanow and Hulsizer; voting no were Boedigheimer and Doom. The motion did not pass.

Sanow moved, Doom seconded, that the request to move a dwelling to 612 Heritage Place from 412 Veda Drive, Redwood Falls, Minnesota be approved. Council Member Hulsizer requested

## REGULAR MEETING – OCTOBER 20, 2008

that all existing homes be required to have a Certificate of Occupancy before this dwelling can be moved. The motion was amended to require 604 Heritage Place and 610 Heritage Place to have a Certificate of Occupancy before the dwelling can be moved to 612 Heritage Place. All voted in favor of the motion.

Mr. Schilling brought up a point of order in regard to the motion for 602 Heritage Place being a tied vote; therefore this motion failed. It was indicated that this means that the house cannot be moved.

### **PUBLIC HEARING ON APPEAL OF TOBACCO LICENSE SUSPENSION:**

This was the date and time set for a public hearing on the appeal of a Tobacco License suspension for Ampride West. After recent compliance checks on August 28, 2008, Ampride West failed the compliance check by selling tobacco to a minor. Ampride had previously failed checks on November 15, 2006 and November 29, 2007. State statutes require suspension of the license for a period of at least seven days due to the multiple failures. Staff recommended council adopt a suspension of seven days which was amended by the council to be thirty days. The license has appeal the decision in writing as allowed under section 2-2 of the City Code.

Don Culligan, manager of Ampride C-Stores, indicated that they train their employees to card anyone who looks under 27 years old. They use the "We Card" system to train their employees for what to watch for and how to spot under age buyers. Mr. Culligan indicated that pulling their license 30 days will adversely affect their store. They have many regular customers who come into their store every day for gas, breakfast items, newspapers and tobacco products. These people will have to stop coming for their tobacco needs and very likely the food and gas. He indicated that they will lose a good percentage of them because over the course of 30 days many new habits will be formed. He indicated that everyday they turn down customers who want to buy tobacco products and do not have an ID with them.

Council Member Sanow indicated that he has been in this store several times and has seen customers purchase tobacco products without being carded. Council Member Boedigheimer indicated that he was recently carded in Las Vegas and that maybe they should card everyone.

Mr. Culligan asked if the council knew how old the participants who were used in sting were and if they looked their age or not. He was concerned that compliance participants may look order. Brian Gadd, Sergeant, indicated that Officer VanLeeuwe was responsible for organizing the compliance check. Council Member Sanow indicated that Chief Yant indicated to the council that the participants look their age.

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

Doom moved, Hulsizer seconded, that the 30 day suspension be effective at 5:00 A.M. on October 21, 2008. All voted in favor of the motion.

### **PUBLIC HEARING TO CONSIDER CHANGE IN FEE FOR ALCOHOL RELATED LICENSES:**

This was the date and time set for a public hearing to consider changing the fees for alcohol related licenses. Thomas M. Meulebroeck, Finance Director/City Clerk, briefly reviewed the request to raise the fees for alcohol related licenses. He indicated that due to the increase costs of fuel, supplies, equipment and compensation for employees the fees should be increased. The fees for alcohol related licenses have not been increased for 5 years. Comments included:

Chris Shover of Marshall Bowl indicated that the costs attached to licenses should include the

REGULAR MEETING – OCTOBER 20, 2008

costs of what it takes to issue and enforce the licenses and it is not meant to help the general fund.

Matt Schnoor of the Varsity pub felt that the fee was too high.

Council Member Boedigheimer indicated that the fee for an on-sale liquor license use to be \$10,000 per year.

Council Member Sanow indicated that the proposed increase represents a 5% increase, which is 1% for the past five year.

Chris Shover indicated that she does not agree with this logic.

Matt Schnoor indicated that when the liquor license fee was \$10,000 there were only 5 bars and now there are 14 on-sale liquor licenses issued.

There was a concern as to what other cities charge and that by volume the Off-Sale liquor store sells more than any bar and that they should give the city more money.

Council Member Boedigheimer indicated that he is not in favor of decreasing or raising the current alcohol related license fees.

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

Doom moved, Sanow seconded the approval of the increase in fees for the alcohol related licenses effective with licenses issued January 1, 2009. All voted in favor of the motion, except Boedigheimer who voted no.

**APPROVAL OF CONSENT AGENDA – A. REVIEW OF PROPOSED 2009 MARSHALL MUNICIPAL UTILITIES PARTNERSHIP AGREEMENT AND UPDATE ON CAPITAL IMPROVEMENT PLANS; B. BILLS/PROJECT PAYMENTS; C. BUILDING PERMITS:**

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

The approval of the Partnership Agreement for 2009 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 2009.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 62529 through 62699.

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.	MAAC Inc.	207	North	4th	Street	Demolish School Building	\$0
2.	Babcock Construction	713	North	6th	Street	Install Door	\$2,800

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3.	Robert A. Huschka	305	Sunrise Lane	Reroof	\$4,500
4.	Troy Holien and Kristin R. Neet-Holien	412	North 6th Street	Installed door and window	\$500
5.	Michelle R. Schoeneck	104	Fremont Street	Deck	\$2,500
6.	James Lozinski Construction	406	Donita Avenue	Exterior Remodel	\$15,000
7.	Richard Louwagie Construction	707	East College Drive	Install Window	\$1,200
8.	Rick Slagel Construction Inc	404	Charles Avenue	Install windows	\$8,000
9.	Mike Buysse Construction	108	North 1st Street	Reroof	\$1,500
10.	Mike Buysse Construction	1003	Emerald Court	Exterior Remodel	\$15,000
11.	True Value Home Center	606	Elizabeth Street	Dwelling	\$153,000
12.	Sussner Construction, Inc.	1410	South Saratoga Street	Warehouse	\$79,000
13.	Sussner Construction, Inc.	1302	Pinehurst Road	Reroof	\$28,000

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

Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that the Ways and Means Committee met to review the proposed 2008/2009 Capital Equipment list and indicated that it is their recommendation that items with an estimated life of less than 15 years be removed. Sanow moved, Doom seconded, the adoption of RESOLUTION NUMBER 3163, SECOND SERIES and that the reading of the same be waived. Resolution Number 3163, Second Series is a resolution Declaring the Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds. The amount of the equipment to be included under this resolution will not exceed a total of \$700,000. All voted in favor of the motion.

**CONSIDERATION OF RESOLUTIONS PROVIDING FOR THE ISSUANCE OF – A. SALE OF GENERAL OBLIGATION UTILITY AND IMPROVEMENT BONDS, SERIES 2008B; B. SALE OF GENERAL OBLIGATION EQUIPMENT CERTIFICATES OF INDEBTEDNESS, SERIES 2008C:**

Doug Green, Springsted Inc., was in attendance at the meeting and provided a brief overview of the \$1,950,000 General Obligation Utility and Improvements Bonds, Series 2008B and the \$760,000 General Obligation Equipment Certificates of Indebtedness, Series 2008C. Sanow moved, Hulsizer seconded, the adoption of RESOLUTION NUMBER 3164, SECOND SERIES and that the reading of the same be waived. Resolution Number 3164, Second Series is a resolution Providing for the Issuance and Sale of General Obligation Utility and Improvement Bonds, Series 2008B in the amount of \$1,950,000. The sale of these bonds will be on November 12, 2008. All voted in favor of the motion.

## REGULAR MEETING – OCTOBER 20, 2008

Doom moved, Hulsizer seconded, the adoption of RESOLUTION NUMBER 3165, SECOND SERIES and that the reading of the same be waived. Resolution Number 3165, Second Series is a resolution Providing for the Issuance and Sale of General Obligation Equipment Certificates of Indebtedness, Series 2008C. The amount of this bond issue for Capital Equipment will not exceed \$700,000. The sale of these bonds will be on November 12, 2008. All voted in favor of the motion.

President Pro-Tem Boedigheimer called for a 5-minute recess at 7:20 P.M.

### **ORDINANCE AMENDING SECTION 54-3 OF THE CITY CODE REGULATING THE DEFERRED PAYMENT OF SPECIAL ASSESSMENTS FOR SENIOR CITIZENS OVER THE AGE OF 65:**

Doom moved, Sanow seconded, the adoption of ORDINANCE NUMBER 601, SECOND SERIES and that the reading of the same be waived. Ordinance Number 601, Second Series is an Ordinance Amending Section 54-3 of the City Code of the City of Marshall, Minnesota, Regulating the Deferred Payment of Special Assessment for Senior Citizens over the Age of 65. This ordinance provides for the Total Net Assets of the applicant to be increased from \$100,000 to \$150,000, which includes the homestead. All voted in favor of the motion.

### **CONSIDER APPROVAL OF A PLUMBERS LICENSE FOR RONALD SEAMAN DBA RON'S PLUMBING & HEATING SERVICE:**

Sanow moved, Doom seconded, the approval of a Plumbers License for Ronald Seaman dba Ron's Plumbing & Heating Service contingent upon review and approval of the Department of Public Safety. This application was reviewed and approved by the Building Official. This license will expire on March 31, 2009 and the fee is \$80.00. All voted in favor of the motion.

### **CONSIDERATION AND APPROVAL OF SPECIAL ASSESSMENT DEFERRAL:**

Doom moved, Sanow seconded, the approval of Special Assessment Deferral for JoAnn F. Schultz at 623 Southview Drive, Marshall, Minnesota. Ms. Schultz is a fee simple owner of the property, is elderly, has very low income, and few assets, which all meet the requirements of the newly adopted ordinance. Interest shall accrue at the rate of 6.1% per annum from October 15, 2008. All voted in favor of the motion.

### **CONSIDERATION OF ORDINANCE AMENDING SECTION 74-86 "SPEED LIMITS":**

Kim Jergenson, Engineer Technician, reviewed the proposed ordinance amending section -74-86 on speed limits. This ordinance would provide for the speed limit along Saratoga Street between the most southerly City limits line and just south of Denali Street to be 40 mph. Brian Gadd, 400 Genesis Avenue, was not in favor of this change. He indicated that there is a lot of pedestrian and bicycle traffic in this area and the sidewalk only goes from Genesis to Windstar. Council Member Sanow indicated that according to State Statute speed limits cannot be reduced by more than 15 mph at a time; therefore the speed limit on this road needs to go from 55 mph to 40 mph. Sanow moved, Hulsizer seconded, the adoption of ORDINANCE NUMBER 602, SECOND SERIES and that the reading of the same be waived. Ordinance Number 602, Second Series is an ordinance Amending Section 74-86 "Speed Limits". This ordinance provides for the speed limits to be established as follows:

1. North Seventh Street between Redwood River Diversion Channel and Erie Road (County State Aid Highway No. 33): 55 mph.
2. Country Club Drive between South Fourth Street and County State Aid Highway No. 7: 40 mph.
3. Saratoga Street between the most southerly City limits line and just south of Denali Street: 40 mph.

All voted in favor of the motion.

**CONSIDERATION OF RESOLUTION AMENDING ASSESSMENT ROLL – 2008 CUL-DE-SAC / CIRCLE PROJECTS – A. PROJECT Y04: ARBOR COURT IMPROVEMENT PROJECT; B. PROJECT Y06: NUESE LANE IMPROVEMENT PROJECT; C. PROJECT Y35: MORNINGSIDE CIRCLE IMPROVEMENT PROJECT; D. PROJECT Y36: HORIZON CIRCLE IMPROVEMENT PROJECT; E. PROJECT Y37: SUNSET CIRCLE IMPROVEMENT PROJECT; F. PROJECT Y38: EMERALD COURT IMPROVEMENT PROJECT; AND G. PROJECT Y47: DESCHEPPER STREET IMPROVEMENT PROJECT:**

On September 2, 2008 the City Council adopted Resolution Number 3141, Second Series Adopting the Assessment Roll for the 2008 Cul-De-Sac / Circle Projects. Within each project is a line item for Sump Pump Connections and each property on the assessment roll was assessed a sump pump connection. It has since been determined that sump pump connections were not installed on all properties. Therefore the assessments have been recalculated and amended. Any increases to assessments resulting from the redistribution and recalculation were applied to the City participation. The only amendments to the assessment roll are for those properties in which the assessments decreased.

Doom moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3166, SECOND SERIES and that the reading of the same be waived. Resolution Number 3166, Second Series is a resolution Amending Resolution Number 3141, Second Series Adopting Assessment. This resolution provides for the Assessment Roll for the 2008 Cul-De-Sac / Circle Projects – Arbor Court Improvement Project Y04; Nuese Lane Improvement Project Y06; Morningside Circle Improvement Project Y35; Horizon Circle Improvement Project Y36; Sunset Circle Improvement Project Y37; Emerald Court Improvement Project Y38; and DeSchepper Street Improvement Project Y47 to be amended. All voted in favor of the motion.

**CONSIDER THE REQUEST OF TAMARA SNELL FOR A THREE-YEAR RENEWAL OF A CONDITIONAL USE PERMIT FOR HOME OCCUPATION FOR A MASSAGE THERAPY BUSINESS IN AN R-1 ONE-FAMILY RESIDENCE DISTRICT LOCATED AT 426 NORTH 5<sup>TH</sup> STREET:**

Dale Howe, Building Official, indicated that Tamara Snell is requesting a 3-year renewal of a Conditional Use Permit for a home occupation for a massage therapy business. This is the first request for renewal and there are not comments on file. Doom moved, Sanow seconded, the approval of the request from Tamara Snell for a three-year renewal of a Conditional Use Permit for a home occupation for a massage therapy business in an R-1 one-family residence district located at 426 North 5<sup>th</sup> Street. All voted in favor of the motion.

**INTRODUCTION OF PLAT AND CALL FOR PUBLIC HEARING ON PRELIMINARY PLAT OF LEGION FIELD ROAD SECOND ADDITION:**

The City has been working with owners, George Jacob and Charles Hess, concerning the replatting of certain properties southwest of West Main Street between 8<sup>th</sup> Street and 10<sup>th</sup> Street. This is a mixture of platted and unplatted areas and properties in need of definition. This plat is being developed to allow the sale of a previous unplatted areas of the City. Sanow moved, Doom seconded, the introduction of the preliminary plat of Legion Field Road Second Addition and that a public hearing be held on November 3, 2008. All voted in favor of the motion.

**CONSIDERATION OF CHANGE ORDER NO. 1 FOR NUESE LANE IMPROVEMENT PROJECT Y06:**

Doom moved, Hulsizer seconded, the approval of Change Order No. 1 for Nuese Lane



## REGULAR MEETING – OCTOBER 20, 2008

Improvement Project Y06 with McLaughlin & Schulz, Inc., resulting in a contract increase in the amount of \$6,240.00 to be paid out of the Capital Improvements Project Fund 497-62066-5570 as well as an increase in the contract time revising the substantial complete date from October 10, 2008 to October 17, 2008. The change order is for extra work required for concrete valley gutter, sidewalk and atruncated domes. This amount is within the 5% contingency included in the original total project cost. All voted in favor of the motion.

### **CONSIDERATION OF CHANGE ORDER NO. 1 FOR MORNINGSIDE CIRCLE IMPROVEMENT PROJECT Y35; HORIZON CIRCLE IMPROVEMENT PROJECT Y36; AND SUNSET CIRCLE IMPROVEMENT PROJECT Y37:**

Doom moved, Hulsizer seconded, the approval of Change Order No.1 for Morningside Circle Improvement Project Y35; Horizon Circle Improvement Project Y36 and Sunset Circle Improvement Project Y37 with McLaughlin & Schulz, Inc., resulting in a contract increase in the amount of \$350.00 for each of these projects to be paid from the Capital Improvements Project Fund 497-62066-5570, as well as an increase in the contract time revising the substantial completion date from October 10, 2008 to October 17, 2008. The change order is for the frame/ring adjustment for each project. This amount is within the 5% contingency included in the original total project cost. 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:

Boedigheimer M.E.R.I.T. Center met last Thursday and discussed future plans; Ways and Means Committee met earlier today.

Doom            No report.

Hulsizer        Library Board discussed a self-scanner system for the library.

Sanow          Cable Commission is reviewing the job descriptions for the Studio One employees.

### **STAFF REPORTS – A. CITY ADMINISTRATOR; B. DEMOLITION OF JR. HIGH UPDATE – SHANE:**

Ben Martig, City Administrator, provided a brief update on the following items: a budget meeting will be held at 5:00 P.M. on Wednesday, October 29, 2008; there will be a Hospital Board meeting on November 3<sup>rd</sup>; the Personnel Policy is being reviewed; the Sergeant LELS Union contract for 2008 is being finalized; Marshall Municipal Utilities is no longer providing alarm service – therefore other sources are being considered; there will be a Legislative and Ordinance Committee meeting on Thursday, October 23, 2008 to discuss underage drinking; and there will be an election forum on Monday, October 27<sup>th</sup>.

Kim Jergenson, Engineer Technician, provided an update on the demolition of the Junior High School. He indicated that the gym is gone. The hazmat crew is currently working inside and it will take them about three weeks to complete. The Sanitary Sewer that is under the Junior High has been rerouted.

Ben Martig, City Administrator, indicated that future use of the area will be discussed in January, 2009.

REGULAR MEETING – OCTOBER 20, 2008

**COUNCIL MEMBER INDIVIDUAL ITEMS:**

There were no Council Member individual items at this time.

**REVIEW OF PENDING AGENDA ITEMS:**

There were no questions on pending agenda items.

Doom moved, Sanow seconded, that the meeting be adjourned at 8:05 P.M. All voted in favor of the motion.

  
President Pro Tem

ATTEST:

  
Financial Director/City Clerk

SPECIAL MEETING – OCTOBER 29, 2008

A special meeting of the Common Council of the City of Marshall was held on October 29, 2008 in the Council Chambers 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, Doom, Sanow, Reynolds, Boedigheimer and Ritter. Absent: None. City Staff present included: Ben Martig, City Administrator; Glenn Olson, Director of Public Works/City Engineer; Rob Yant, Director of Public Safety; Harry Weilage, Director of Community Services; Thomas M. Meulebroeck, Financial Director/City Clerk; and Cathy Lee, Administrative Assistant.

**CALL FOR A SPECIAL COUNCIL MEETING ON NOVEMBER 7, 2008 TO CANVASS ELECTION RESULTS:**

Doom moved, Ritter seconded, that a special City Council meeting be scheduled for 7:30 A.M. on Friday, November 7, 2008 to canvass the election results from the General Election held on November 4, 2008. All voted in favor of the motion.

**2009 BUDGET WORKSHOP – SESSION III:**

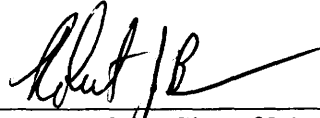
Ben Martig, City Administrator, reviewed the 2009 budget time line.

Rob Yant, Director of Public Safety, provided an overview of the proposed budget for the Police Department, C.A.T. (Chemical Assessment Team), Emergency Management, Animal Control, Ambulance Building, and the Fire Department.

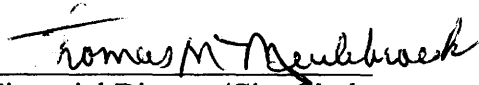
Harry Weilage, Director of Community Services, provided an overview of the proposed budget for Studio I, the Adult Community Center, Aquatic Center, Park Maintenance and Development, the Ice Arena, Municipal Band, Community Services Administration, Youth Services, Community Education and Recreation.

Glenn Olson, Director of Public Works/City Engineer, provided an overview of the proposed budget for the Municipal Building Maintenance, Engineering Department, Building Inspection/Zoning, Street Department, Airport Department, and the Public Ways Maintenance.

Upon motion by Reynolds, seconded by Doom, the meeting was adjourned at 8:20 P.M. All voted in favor of the motion.

  
\_\_\_\_\_  
Mayor of the City of Marshall

ATTEST:

  
\_\_\_\_\_  
Financial Director/City Clerk

## REGULAR MEETING – NOVEMBER 3, 2008

The regular meeting of the Common Council of the City of Marshall was held on November 3, 2008 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. Absent: none. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Marc Klaith, Fire Chief; 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 with the deletion of item 7, which is a presentation of the Community Web Portal; and the addition of item 5-1, which is to reconsider the liquor license fee.

### **APPROVAL OF THE MINUTES:**

Hulsizer moved, Doom seconded, that the minutes of the regular meeting held on October 20, 2008 and the minutes of the special meeting held on October 29, 2008 be approved as presented and that the reading of the same be waived. All voted in favor of the motion.

### **PUBLIC HEARING TO CONSIDER APPROVAL OF PRELIMINARY PLAT OF LEGION FIELD ROAD SECOND ADDITION:**

This was the date and time set for a public hearing on the Preliminary Plat for Legion Field Road Second Addition. Glenn Olson, Director of Public Works/City Engineer; indicated that the City is working with owners, George Jacob and Charles Hess, concerning the replatting of certain properties southwest of West Main Street between 8<sup>th</sup> Street and 10<sup>th</sup> Street. This is a mixture of platted and unplatted areas and properties in need of definition. The plat is being developed to allow the sale of a previous unplatted area of the City. Doom 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 for Legion Field Road Second Addition. This Preliminary Plat is for certain properties southwest of West Main Street between 8<sup>th</sup> Street and 10<sup>th</sup> Street. All voted in favor of the motion.

### **AWARD OF BIDS – CONSIDER AWARD OF PROPOSAL FOR RENTAL/LEASE OF MOTOR GRADER FOR STREET DEPARTMENT:**

Proposals were received, opened and read on October 22, 2008 for the lease/rental of one motor grader for the Street Department. The proposals received, opened and read were from:

Titan Machinery	Ziegler, Inc.
Marshall, Minnesota	Marshall, Minnesota
Case 865 DHP	Caterpillar 140M
Approximately 925 hours	Less than 500 hours
\$26,838.00	\$31,119.30

Glenn Olson, Director of Public Works/City Engineer, indicated that staff is recommending to award the lease of one motor grader with wing for a 6-month period beginning November 1, 2008 to Titan Machinery of Marshall, Minnesota in the amount of \$26,838.00, which includes sales tax.

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Council Member Boedigheimer indicated that over the past couple of years the City only used the rental units approximately 250 to 300 hours per year and therefore he was not sure the City needed to rent an additional unit. Mr. Olson indicated that by renting the additional motor grater with a wing the city saves the use of a truck and labor for one person. It was also indicated that they contacted local contractors to assist with snow removal but due to prior commitments they would not be able to put the City of Marshall first on their list.

Dave Larson from Ziegler was in attendance at the meeting and indicated that they would have a demo unit with more hours than the 500 as per the specifications. He also indicated that they would provide operator training because this unit has a joy stick and not a steering wheel.

Council Member Boedigheimer indicated that the unit bid by Titan Machinery does not meet specs.

Ritter moved, Doom seconded, that the proposal be awarded to Ziegler, Inc., Marshall, Minnesota in the amount of \$31,119.30 because this unit meets specs. All voted in favor of the motion, except Boedigheimer who voted no.

**PROJECT Y31 (139-131-02) WINDSTAR STREET FROM SCOTT STREET TO T.H. 59  
A. AGREEMENTS FOR DEFERRED ASSESSMENTS (ROBERT L. & PHYLLIS V. CARR AND GREGORY S. & NADINE R. TAYLOR); B. RIGHT OF WAY AND UTILITY EASEMENTS (ROBERT L. & PHYLLIS V. CARR AND GREGORY S. & NADINE R. TAYLOR); C. 1. RESOLUTION DECLARING INTENT REGARDING THE REIMBURSEMENT OF EXPENDITURES WITH THE PROCEEDS OF TAX-EXEMPT BONDS; 2. RESOLUTION ACCEPTING BID (AWARDING CONTRACT):**

Glenn Olson, Director of Public Works/City Engineer, indicated that the City of Marshall has initiated a public roadway and utility project, Project Y31 (139-131-02) Windstar Street from Scott Street to T.H. 59. This project is located on a Municipal State Aid System (MSAS) route and connects South Saratoga with T.H. 59. In order to award the construction contract for the project, these property owners need to grant a public right of way and utility easement over and across their property. Neither owner is ready, at this time, to develop the adjacent agricultural property for other purposes. As this project will not benefit the properties at this time, staff recommends the City defer these assessments for these properties until they are sold or a construction project is initiated under a future development contract with the City.

Boedigheimer moved, Reynolds seconded, that the proper city personnel be authorized to enter into an Agreement for Deferred Assessment with Robert L. & Phyllis V. Carr and an Agreement for Deferred Assessment between the City of Marshall and Gregory S. & Nadine R. Taylor. The assessments for these properties will be deferred without interest until such time that the property is sold or a construction project is initiated under a future development contract with the City. All voted in favor of the motion.

Glenn Olson, Director of Public Works/City Engineer, indicated that the need for an easement is for the purpose of the construction, operation, and maintenance of Windstar Street and public utilities on the property described within the Right of Way and Utility Easement. Parcel 1 is owned by Robert L. & Phyllis V. Carr and Parcel 2 is owned by Gregory S. & Nadine R. Taylor.

Doom moved, Sanow seconded, that the proper city personnel be authorized to enter into a Right of Way and Utility Easement with Robert L. & Phyllis V. Carr for Parcel #1 and Gregory

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S. & Nadine R. Taylor for Parcel #2 on Windstar Street from Scott Street to approximately 285 feet West of T.H. 59. All voted in favor of the motion.

Sanow moved, Doom seconded, the adoption of RESOLUTION NUMBER 3167, SECOND SERIES and that the reading of the same be waived. Resolution Number 3167, Second Series is a resolution Declaring the Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for Project Y31 (139-131-02) Windstar Street from Scott Street to T.H. 59. All voted in favor of the motion.

Bids were received, opened and read on October 28, 2009 for Project Y31 (139-131-02) Windstar Street from Scott Street to T.H. 59. The bids received, opened and read were from:

Duininck Bros. Inc.  
Prinsburg, Minnesota  
\$1,178,995.15

H & W Contracting  
Sioux Falls, South Dakota  
\$1,448 048.00

Kuechle Underground Inc.  
Kimball, Minnesota  
\$1,376,471.00

Monson Corporation  
Willmar, Minnesota  
\$1,285,919.40

Quam Construction Company Inc.  
Willmar, Minnesota  
\$1,348,265.35

R & G Construction Company  
Marshall, Minnesota  
\$1,126,962.15

RL Larson Excavating Inc.  
St. Cloud, Minnesota  
\$1,462,075.50

Doom moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3168, SECOND SERIES and that the reading of the same be waived. Resolution Number 3168, Second Series is a resolution Accepting Bid (Award Contract) for Project Y31 (139-131-02) Windstar Street from Scott Street to T.H. 59. The bid was awarded to R & G Construction Co., of Marshall, Minnesota in the amount of \$1,126,962.15. All voted in favor of the motion.

**CONSENT AGENDA – A. TEMPORARY ON-SALE LIQUOR LICENSE FOR THE CHAMBER OF COMMERCE FOR DECEMBER 1, 2008 AT BREMER BANK; B. CALL FOR A PUBLIC HEARING TO CONSIDER THE TRANSFER OF AN ON-SALE LIQUOR LICENSE FOR BEST WESTERN MARSHALL INN; C. CONSIDERATION TO AUTHORIZE BID LETTING FOR FIRE PUMPER TRUCK; D. BILLS/PROJECT PAYMENTS; E. BUILDING PERMITS:**

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

The approval of a Temporary On-Sale Intoxicating Liquor License for the Marshall Area Chamber of Commerce to be used on December 1, 2008 at Bremer Bank, 208 East College Drive, Marshall, Minnesota at a fee of \$30.00.

A public hearing be set for 5:30 P.M. on Monday, November 17, 2008 to consider the transfer of the On-Sale Intoxicating Liquor License from MT Business Center LLC dba Best Western Marshall Inn to Bingo LLC dba Best Western Marshall Inn, 1500 East College Drive, Marshall, Minnesota.

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The Marshall Volunteer Fire Department be authorized to advertise for bids to be received on December 5, 2008 for a Fire Pumper Truck.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 62700 through 62899.

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.	Alan W. and Michelle L. Castor	706	Sara	Circle	Replace Doors	\$4,500
2.	Brad Lindberg Construction	1401	Nwakama	Street	Sign	\$5,900
3.	Owl Construction	303	Athens	Avenue	Interior Remodel	\$7,000
4.	Sussner Construction, Inc.	1308	Peterson	Street	Replace doors	\$5,000
5.	Marshall Public Housing Commission	1310	Peterson	Street	Replace doors	\$5,000
6.	Sussner Construction, Inc.	1101	Winchester	Avenue	Install handrails	\$2,000
7.	Sussner Construction, Inc.	202 East	Main	Street	Replace handrails	\$2,000
8.	Sussner Construction, Inc.	117	Grimes	Street	Reroof and replace windows	\$11,800
9.	Sussner Construction, Inc.	309 East	Redwood	Street	Reroof and replace windows	\$11,800
10.	Sussner Construction, Inc.	205	Sunrise	Lane	Reroof and replace windows	\$11,800
11.	Sussner Construction, Inc.	202	B	Street	Reroof and replace windows	\$11,800
12.	Dennis Lozinski Construction	511 East	College	Drive	Reroof	\$9,000
13.	Steven E. DeBates	904	Birch	Street	Replace Doors	\$1,700

### RECONSIDER THE LIQUOR LICENSE FEE:

Sanow moved, Doom seconded, the City Council reconsider the increase in fees for alcohol related licenses that was approved at the October 20, 2008 City Council meeting. Council Member Sanow indicated that Mr. Darvy Ekness from the Wooden Nickel was not able to attend the public hearing due to health reasons and wanted to address the council in regard to the increase in fees for alcohol related licenses. All voted in favor of the motion.

Mr. Ekness indicated that according to State Statute the City cannot raise the liquor license fees to support the General Fund revenues. He indicated that the city provided a list of expenses related to liquor licenses but did not present any revenues that would offset these expenses. He also indicated that he checked with several other cities and Marshall is the highest. He indicated that the city should reduce their liquor license fee to be more in line with other cities.

Mayor Byrnes asked if this should be referred to the Ways and Means Committee. Council Member Boedigheimer indicated that the expenses provided were fixed costs associated with alcohol related offenses and did not include any revenue the city receives to offset these

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expenses and he was not in favor of raising or decreasing the liquor license fees. Council Member Ritter indicated that the fees maybe out of line.

Boedigheimer moved, Ritter seconded, that the fees for alcohol related licenses not be increased and remain the same as they were prior to the October 20, 2008 action of the City Council. All voted in favor of the motion, except Hulsizer who voted no.

### **CONSIDERATION OF SPECIAL VEHICLE PERMIT FOR DUSTIN NAWROCKI:**

Ben Martig, City Administrator, reviewed the request of Dustin Nawrocki to use an ATV for snow removal on two streets in the City of Marshall. This request is being recommended to be denied by the Department of Public Safety. Council Member Boedigheimer indicated that this is not different than a tractor with a bucket and indicated that the special vehicle permit should be restricted for snow removal only.

Brian Gadd, Marshall Police Department, indicated that ATV's are regulated by the Department of Natural Resources and there is no provision for them to be used on streets.

Ritter moved, Doom seconded, that the request from Dustin Nawrocki for a Special Vehicle Permit be denied. All voted in favor of the motion, except Boedigheimer and Sanow who voted no.

### **INTRODUCTION AND CALL FOR A PUBLIC HEARING FOR THE UNDER AGE DRINKING ORDINANCE:**

Sanow moved, Ritter seconded, the introduction of an ordinance amending certain sections of the Marshall City ordinances regulating admittance of underage persons from establishments providing alcohol beverages and called for a public hearing to be held at 5:30 P.M. on November 17, 2008. Notices will be sent to all of the current liquor license holders. All voted in favor of the motion.

### **CONSIDERATION OF RESOLUTION OF REQUEST FOR TRAFFIC INVESTIGATION TO DETERMINE REASONABLE AND SAFE SPEED – SOUTH SARATOGA STREET CITY LIMITS TO T.H. 23:**

Glenn Olson, Director of Public Works/City Engineer, indicated that at the last City Council meeting an ordinance was adopted amending the speed limit on Saratoga Street. He indicated there is a concern by a property owner requesting the speed limit to be left as is with 30 mph posted at the City limits line. Mr. Olson indicated that this issue was raised earlier in the years as a complaint from the traveling public not perceiving the necessity of a reduction of speed limit to 30 mph at the city limits line due to the reconstruction of South Saratoga Street and limited traffic in the area. Mr. Olson indicated that he reviewed the situation and agreed that there could be a transitional speed established for a reduction of speed from 55 mph on the county road system to 30 mph in the city limits. Additionally, if a transitional area is created, Engineering Standards recommend that maximum reduction by 15 mph for each increment. However, the previous posting from 55 mph to 30 mph was legal and enforceable. Mr. Olson indicated that Section 169 of the Minnesota Statutes regulates the placement of speed limits on all roads in the state. If a political subdivision wants to make changes to the speed limits other than those established by this statute, the city must send a resolution to the State (MN/DOT Willmar – Jon Henslin) to review the proposal. MN/DOT staff would conduct an engineering analysis and determine the appropriate speed limits authorized on that section. Mr. Olson indicated that he has contacted the Minnesota Department of Transportation and they will



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proceed with a traffic study and recommendation if the Council approves the necessary resolution.

Brian Gadd, 400 Genesis Avenue, indicated that this is a residential area and there are no sidewalks all the way to the city limits.

Ritter moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3169, SECOND SERIES and that the reading of the same be waived. Resolution Number 3169, Second Series is a resolution of Request for Traffic Investigation to Determine Reasonable and Safe Speed – South Saratoga Street City Limits to T.H. 23. All voted in favor of the motion, except Doom who voted no.

### **CONSIDERATION TO CALL FOR A PUBLIC HEARING ON THE REQUEST TO MOVE A DWELLING INTO A RESIDENTIAL DISTRICT AT 602 HERITAGE PLACE:**

Dale Howe, Building Official, provided an update 604 Heritage Place, 606 Heritage Place and 610 Heritage place. He indicated that 604 Heritage Place and 606 Heritage Place have received their Certificate of Occupancy; but that 610 Heritage Place has not received the Certificate of Occupancy because the heating is not complete at this time. He also indicated that 612 Heritage Place has been issued a building permit, but that construction cannot start until a Certificate of Occupancy has been issued for 610 Heritage Place.

Glenn Olson, Director of Public Works/City Engineer, indicated that Kim H. Christenson is requesting approval to move a dwelling within the City from 1400 North Highway 59, Marshall, Minnesota to 602 Heritage Place. This dwelling has been examined by the Building Official and found to be in reasonable condition to move and in reasonable compliance with the MN State Building Code.

Council Member Sanow requested that Mr. Schilling indicate which council member requested that additional items that needed to be completed before a Certificate of Occupancy would be issued for 606 Heritage Place.

Ritter moved, Doom seconded, that a public hearing be held at 5:30 P.M. on November 17, 2008 to consider the request of Kim H. Christensen to move a dwelling from 1400 North Highway 59, Marshall, Minnesota to 602 Heritage Place in Marshall. All voted in favor of the motion, except Sanow who voted no.

### **CONSIDERATION OF FINAL PAYMENT APPLICATION FOR M.A.T. BUS GARAGE PROJECT WITH ROADSIDE DEVELOPERS (DBA BISBEE PLUMBING & HEATING):**

Doom moved, Reynolds seconded, to approve the acknowledgement of the final payment application for the mechanical portion of the M.A.T. Bus Garage Project to Roadside Developers dba Bisbee Plumbing & Heating in the amount of \$5,021.00. All voted in favor of the motion.

### **CONSIDERATION OF 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

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trucks, the council will need to approve a resolution on a unanimous vote. Doom moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3170, SECOND SERIES and that the reading of the same be waived. Resolution Number 3170, Second Series is a resolution to Contract with Councilmember Daniel T. Ritter (Southwest Sanitation, Inc.,) 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.

### CONSIDERATION OF 2008 LELS SERGEANT CONTRACT:

Reynolds moved, Ritter seconded, that the proper city personnel be authorized to enter into the 2008 Labor Agreement with the Police Supervisors LELS #245. The Sergeants have agreed to a one-year (2008) contract with a 3.0% wage increase. No other significant changes were made to the contract. This wage increase is consistent with the wage increase negotiated with the two other bargaining units as well as the non-union wage increase for the same period of time. This labor agreement is consistent with Council's direction to Staff provided in closed session on September 15, 2008. All voted in favor of the motion.

### REVIEW OF PROPOSED COPIER/SCANNER FOR CITY HALL:

Ben Martig, City Administrator, indicated that the printer currently located in the City Administration Office was purchased by the city in approximately 1993. This printer has deficiencies in terms of speed and capability, and moreover, has a significant negative impact on staff time. Based on two demonstration models made available to the city for a period of 1-week each staff can increase copying/printing/scanning/faxing efficiencies and provide greater and faster level of customer service to the public. Using the technology currently available in City Hall, staff does have the capability to make color copies and access to scanning technology is limited at best. The current scanning devices allow for only one-sheet scanning. Job builds for council, board, and commission packets are cumbersome and involve extensive manual work with the City's current printer. Staff recommends Council consideration of a new printer/copier/scanner/fax to increase customer response time and internal efficiencies. All departments of City Hall and also the Police Department have tried the demonstration units and have expressed significant interest and support in this purchase. The City did receive quotes which include the trade-in of the existing printer in Administration. The quotes received were from:

Vendor	Davis Typewriter Sharp MX-6201N	Marco Sharp MX-6201N
Cost	\$16,062.00	\$15,725.00
Service Contract	Color .055 B & W .0074 Includes all supplies, excluding paper and staples Guaranteed rate for two years Response time – guaranteed four hours	Color .06 B & W .006 Includes all supplies, excluding paper and staples Guaranteed rate for four years Response time – guaranteed four hours
Speed	62 ppm B & W; 50 ppm Color	62 ppm B & W; 50 ppm Color
Delivery Time	1- 2 weeks	immediately
Extras	None	Includes saddle stitch finisher

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Vendor	Best Business Products Cannon ImageRunner C5185i	Northern Business Products Inc. Did not bid – they do not have a service technician in Marshall
Cost	\$16,569.00	
Service Contract	Color .079 B & W .011 Includes all supplies, excluding paper and supplies Guaranteed rate for three years Response time 2.2 hours	
Speed	51 ppm B & W; 51 ppm Color	
Delivery Time	Immediately	
Extras	None	

It was indicated that all three of the vendors are currently located in Marshall. Doom moved, Ritter seconded, that this be considered at the next regular meeting to be held on November 17, 2008. All voted in favor of the motion.

**CLOSED SESSION PURSUANT TO MINNESOTA STATUTE 13D.05 SUBDIVISION 3(C) FOR THE PURPOSES OF DISCUSSION AND DEVELOPMENT OF ITEMS NECESSARY FOR THE SALE OF WEINER MEMORIAL MEDICAL CENTER:**

Reynolds moved, Ritter seconded, to go into closed session at 7:02 P.M. pursuant to Minnesota Statute 13D.05, Subd.3(c). All voted in favor of the motion.

Mayor Byrnes called for a 5-minute recess.

The council came out of closed session at 8:10 P.M.

**CONSIDER RESOLUTION DEDICATING LAND AS PUBLIC RIGHT-OF-WAY AND UTILITY EASEMENT:**

Doom moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3171, SECOND SERIES and that the reading of the same be waived. Resolution Number 3171, Second Series is a resolution Dedicating City Owned Property as Public Right-of-Way and Utility Easement. The city recently acquired the 1 foot parcel of property described as Outlot B of Westmar Lots from Gregory S. & Nadine Taylor. The parcel of property is undevelopable and is best served as being part of the public right-of-way and also subject to utility easement. This action will removed the parcel of property from the tax rolls and will also remove any obligation to pay surface water management utility bill as well. All voted in favor of the motion.

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**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.

Hulsizer Human Rights commission met last week at SMSU.

Reynolds Personnel Committee is still working on the personnel policy – they have reviewed approximately ½ of the policy.

Ritter No report.

Sanow No report.

**STAFF REPORTS – A. CITY ADMINISTRATOR – 1. DISCUSSION OF CHARTER COMMISSION VACANCIES; 2, OTHER; B. PUBLIC WORKS DIRECTOR UPDATES:**

Ben Martig, City Administrator, briefly addressed the General Election to be held on November 4, 2008; informed the City Council that the new City assessor Lorna Sandvik began her employment with the City of November 3, 2008; and that the City Charter Committee needs to meet but prior to their meeting a new resolution and court order appointing Charter Committee members will need to be done.

Glenn Olson, Director of Public Works/City Engineer, briefly addressed the following construction projects:

Southview - the first lift of paving will be done this week and that the contractor has requested an extension of time on the contract but Mr. Olson denied this request.

West Redwood Street – the contractor requested an extension of time on the contract, but Mr. Olson denied the request.

Jr. High School Demolition is on schedule. The hazardous material will be removed by the end of the month and there will proceed with the demolition.

Club 59 Addition – staff is working with the property owners on the assessments for water and sewer projects in the area. The contractor requested an extension of time on the contract but Mr. Olson denied the request.

Menards is in the process of imitating water and sanitary sewer installation to the area.

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**COUNCIL MEMBER INDIVIDUAL ITEMS:**

The budget meeting schedule for November 26<sup>th</sup> was requested to be held on a different date.

**REVIEW OF PENDING AGENDA ITEMS:**

There were no questions on the pending agenda items.

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

  
\_\_\_\_\_  
Mayor of the City of Marshall

Attest:

  
\_\_\_\_\_  
Financial Director/City Clerk

## SPECIAL MEETING - NOVEMBER 7, 2008

A special meeting of the Common Council of the City of Marshall was held on November 7, 2008 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order at 7:30 A.M. by Mayor Byrnes. In addition to Byrnes the following members were present: Hulsizer, Doom, Sanow, Reynolds, Boedigheimer and Ritter. Absent: none. Staff present included: Thomas M. Meulebroeck, Financial Director/City Clerk.

The purpose of this special meeting was to canvas the ballots of the General Election held on November 4, 2008.

Election returns as filed by the election judges for the General Election held on November 4, 2008 were provided by the Finance Director/City Clerk, Thomas M. Meulebroeck. The summary of the votes cast for the Mayor and Council Members were as follows for said election:

	WARD ONE	WARD TWO	WARD THREE	TOTAL
<b>MAYOR</b>				
BOB BYRNES	1,383	1,552	1,294	4,229
WRITE INS	382	624	530	1,536
OVER VOTES	1		2	3
UNDER VOTES	260	238	247	745
<b>TOTAL VOTED</b>	<b>2,026</b>	<b>2,414</b>	<b>2,073</b>	<b>6,513</b>

### Write Ins


Dan Ritter	320	450	447	1,217
Charles Sanow	23	49	42	114
Steve Ritter		48	7	55
Ritter		35		35
Other	27	28	24	79
<b>TOTAL WRITE INS FOR MAYOR</b>	<b>370</b>	<b>610</b>	<b>520</b>	<b>1,500</b>

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	WARD ONE	WARD TWO	WARD THREE	TOTAL
<b>CITY COUNCIL</b>				
CHARLES R. SANOW	936			936
JOHN DECRAMER	804			804
LARRY DOOM		2,062		2,062
DAN RITTER			1,617	1,617
WRITE INS	10	23	60	93
UNDER VOTES	276	329	396	1,001
<b>TOTAL VOTES FOR CITY COUNCIL</b>	<b>2,026</b>	<b>2,414</b>	<b>2,073</b>	<b>6,513</b>
 REGISTERED VOTERS 7:00 AM	 2,309	 2,719	 2,449	 7,477
NEW REGISTRATIONS	580	435	464	1,479
<b>TOTAL ELIGIBLE VOTERS</b>	<b>2,889</b>	<b>3,154</b>	<b>2,913</b>	<b>8,956</b>
 <b>%VOTED/ELIGIBLE VOTERS</b>	 70.13%	 76.54%	 71.16%	 72.72%

Doom moved, Reynolds seconded, that Robert Byrnes be declared duly elected as Mayor; Charles Sanow be declared duly elected as Council Member for Ward I; Larry Doom be declared duly elected as Council Member for Ward II; and Dan Ritter be declared duly elected as Council Member for Ward III and that the term for all of these elected positions expire on December 1, 2012. All voted in favor of the motion.

Doom moved, Ritter seconded, that the meeting be adjourned. All voted aye.

  
 Mayor of the City of Marshall

ATTEST:

  
 Financial Director/City Clerk

## SPECIAL MEETING – NOVEMBER 12, 2008

A special meeting of the Common Council of the City of Marshall was held on November 12, 2008 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 arrived at 5:37 P.M., Boedigheimer arrived at 5:47 P.M. and Ritter. Absent: None. Staff present included: Ben Martig, City Administrator; Harry Weilage, Director of Community Services; Mark Hanson, EDA Director; Scott VanMoer, Liquor Store Manager; and Thomas M. Meulebroeck, Financial Director/City Clerk.

The purpose of this special meeting was to consider the award of sale for the G.O. Utility and Improvement Bonds Series 2008B and the G.O. Equipment Certificate of Indebtedness Series 2008C. The meeting was also the 4<sup>th</sup> Budget Session for 2009.

The consideration of an amendment to Addendum A of Agreement for Continuing Disclosure Services and amendment to Addendum B of Agreement for Arbitrage and Rebate Monitoring Services with Springsted Incorporated were added to the agenda.

Terri Heaton, Springsted Inc., reviewed with the City Council the Moody's Rating Report for the City. Ms. Heaton then reviewed the bids that were received on the two bond issues. The interest rate received on both bond issues was approximately 50 basis points less than estimated.

### **AWARDING THE SALE OF GENERAL OBLIGATION UTILITY AND IMPROVEMENT BONDS, SERIES 2008B, FIXING THEIR FORM AND SPECIFICATIONS; DIRECTING THEIR EXECUTION AND DELIVERY; AND PROVIDING FOR THEIR PAYMENT:**

Sanow moved, Doom seconded, the adoption of RESOLUTION NUMBER 3172, SECOND SERIES and that the reading of the same be waived. Resolution Number 3172, Second Series is a resolution Awarding the Sale of \$1,950,000 General Obligation Utility and Improvement Bonds, Series 2008B, Fixing Their Form and Specifications; Directing Their Execution and Delivery; and Providing for Their Payment. These bonds were sold to Wells Fargo Brokerage Services, LLC/Cronin & Company, Inc., at a price of \$1,957,749.40; net interest cost of \$417,813.10 and a true interest rate of 3.9227%. All voted in favor of the motion.

### **AWARDING THE SALE OF GENERAL OBLIGATION UTILITY AND IMPROVEMENT BONDS, SERIES 2008C, FIXING THEIR FORM AND SPECIFICATIONS; DIRECTING THEIR EXECUTION AND DELIVERY; AND PROVIDING FOR THEIR PAYMENT:**

Sanow moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3173, SECOND SERIES and that the reading of the same be waived. Resolution Number 3173, Second Series is a resolution Awarding the Sale of \$645,000 General Obligation Equipment Certificates of Indebtedness, Series 2008C, Fixing Their Form and Specifications; Directing Their Execution and Delivery; and Providing for Their Payment. These bonds were sold to Wells Fargo Brokerage Services, LLC/Cronin & Company, Inc., at a price of \$636,647.90; net interest cost of \$140,219.15 and a true interest rate of 4.0202%. All voted in favor of the motion.



## SPECIAL MEETING – NOVEMBER 12, 2008

Terri Heaton, Springsted, Inc., reviewed the Amendment to Addendum A of Agreement for Continuing Disclosure Services and the Amendment to Addendum B of Agreement for Arbitrage and Rebate Monitoring.

Sanow moved, Reynolds seconded the approval of the Amendment to Addendum A of Agreement for Continuing Disclosure Services with Springsted Incorporated. This addendum adds the \$1,950,000 General Obligation Utility and Improvement Bonds, Series 2008B and the \$645,000 General Obligation Equipment Certificates of Indebtedness, Series 2008C to the original agreement. There is no additional fee for the Disclosure Services. All voted in favor of the motion.

Doom moved, Reynolds seconded, the approval of the Amendment to Addendum B of Agreement for Arbitrage and Rebate Monitoring with Springsted Incorporated. This addendum adds the \$1,950,000 General Obligation Utility and Improvement Bonds, Series 2008B and the \$645,000 General Obligation Equipment Certificates of Indebtedness, Series 2008C to the original agreement. The Arbitrage and Rebate Monitoring fee is based on a rate of \$3,100 over 5 years. All voted in favor of the motion.

### **2009 BUDGET WORKSHOP – SESSION 4:**

At this time several outside agencies made their request for appropriations from the City's 2009 Budget. The requests were as follows:

Sherry Ristau from the Southwest Initiative Foundation is requesting \$7,500.

Carol Purrington and Becky Wyffels from Marshall Area Fine Arts Council (MAFAC) provided a brief review of their Performance Series and Exhibits. They are requesting \$3,000.

Ellayne Conyers a representative from Lyon County Historical Society indicated that they are requesting \$16,500 for 2009. She indicated that they are working on raising money for a new permanent location; they would like to have about 40,000 square feet and that they are open 11 months out of the year. The Downtown Christmas Tree Lighting is scheduled for December 8, 2008. Christy Coudron reviewed the financial information for the Lyon County Historical Society.

Roger Madison representative from the MN Amateur Sports Commission indicated that they are requesting \$25,000 from the City of Marshall for 2009. He indicated that they are currently an unorganized group but they are filing for a 501 3 c status.

Ben Martig, City Administrator, indicated that the League of Minnesota Cities approved a 3.75% increase in the dues schedule for 2009. Ben also addressed the Coalition of Greater Minnesota Cities dues which were \$22,472 for the City of Marshall for 2008.

Mark Hanson, EDA Director, addressed the 2009 Budget for EDA Administration. He requested the part-time staff to be increased to 30 hours per week and an increase in the amount of monies transferred from EDA-CRIF to the EDA Administration.

SPECIAL MEETING – NOVEMBER 12, 2008

Mayor Byrnes called for a 5-minute recess at 6:57 P.M.

Glenn Olson, Director of Public Works/City Engineer, provided an update on the following projects:

Southview Improvement Project should be paved by Thursday, if there is no rain.

Redwood Street Improvement Project – Redwood Street will be gravel for the winter and North 3<sup>rd</sup> Street and North 4<sup>th</sup> Street will both be paved before winter.

Jr. High demolition continues with the asbestos removal.

Airport – a brief report was given on the proposal received from a service out of Brookings, South Dakota for EAS (Essential Air Services).

At this time Ben Martig, City Administrator, and Scott VanMoer, Liquor Store Manager, provided a power point presentation on the request for a study to consider alternatives to the current store – i.e. location, a potential new store and display areas.

Ben Martig, City Administrator, briefly reviewed the General Government Services Organizational Chart, the budget requests for Administration, Assessing, and the MERIT Center. He also addressed the meeting space and handicap accessibility for the Municipal Building and the potential of considering alternate locations for City Council meetings.

Thomas M. Meulebroeck, Finance Director/City Clerk, reviewed the Finance/Clerk's Department budget request and an additional position in the Finance/Clerk's Department.

Council Members Sanow and Boedigheimer requested there be a closed meeting to discuss the EDA Director Position.

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

  
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Mayor of the City of Marshall

ATTEST:

  
\_\_\_\_\_  
Financial Director/City Clerk

JOINT CITY COUNCIL/WMMC BOARD OF DIRECTORS MEETING  
NOVEMBER 17, 2008

A Joint City Council/WMMC dba AVERA Marshall Regional Medical Center Board of Directors meeting of the City of Marshall was held on November 17, 2008 in the Education Rooms (3<sup>rd</sup> Floor) of the AVERA Marshall Regional Medical Center. The meeting was called to order at 4:07 P.M. by Mayor Byrnes. In addition to Byrnes the City Council Members present were: Hulsizer, Doom, Sanow, Reynolds, Boedigheimer and Ritter. Absent: none. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney 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 year ending June 30, 2008. The report was accepted by the Avera Marshall Regional Medical Center Board of Directors.

A 5-minute recess was called at 4:35 P.M.


Ritter moved, Reynolds seconded, to go into closed session at 4:37 P.M. pursuant to Minnesota Statute 13D.05, Subd.3(c) for the purpose of discussion and development of items necessary for the sale of Weiner Memorial Medical Center. All voted in favor of the motion.

The council came out of closed session at 5:01 P.M.

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

  
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Mayor of the City of Marshall

ATTEST:

  
\_\_\_\_\_  
Financial Director/City Clerk

## REGULAR MEETING – NOVEMBER 17, 2008

The regular meeting of the Common Council of the City of Marshall was held on November 17, 2008 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: Ben Martig, City Administrator; Glenn Olson, Director of Public Works/City Engineer; Rob Yant, Director of Public Safety; Harry Weilage, Director of Community Services; Mark Hanson, EDA Director; Shane Waterman, Assistant City Engineer; Dale Howe, Building Official; Thomas M. Meulebroeck; Finance Director/City Clerk; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

### **APPROVAL OF THE AGENDA:**

It was the general consensus of the council that the agenda be approved with item 5a, which is consideration of approval for a Sunday Liquor License for the Best Western Marshall Inn being pulled from the consent agenda and being the first item of new business.

Ben Martig, City Administrator, took this opportunity to introduce and welcome the new City Assessor, Lorna Sandvik.

### **MAYOR'S PROCLAMATION WELCOMING FOREIGN EXCHANGE STUDENTS FOR 2008/2009:**

At this time Mayor Byrnes read the Mayor's Proclamation Welcoming the following Foreign Exchange Students for 2008/2009:

Alina Maria Schwartz from Austria  
Johannes Abraham from Switzerland  
Ann Jeanett Hasto from Norway  
Beatrice Kulawig from Germany  
Ingeborg Lanali from Norway  
Elena Rimmele from Germany  
Ralph Weber from Germany  
Annuscha Zielonka from Germany

Ritter moved, Sanow seconded, to adopt the Mayor's Proclamation Welcoming Foreign Exchange Students for 2008/2009. All voted in favor of the motion.

### **APPROVAL OF THE MINUTES:**

Reynolds moved, Doom seconded, that the minutes of the regular meeting held on November 3, 2008 be approved as corrected and that the minutes of the special meeting held on November 7, 2008 and the minutes of the special meeting held on November 12, 2008 be approved as presented and that the reading of the same be waived. All voted in favor of the motion.

### **PUBLIC HEARING AND CONSIDER APPROVAL OF UNDER AGE DRINKING ORDINANCE:**

This was the date and time set for a public hearing on the proposed Under Age Drinking Ordinance. Ben Martig, City Administrator indicated that the primary change for the ordinance includes restrictions of those under 21 from being in the establishment licensed to sell intoxicating liquor between the hours of 10:00 P.M. and 1:00 A.M. There are exceptions provided for those businesses that receive less than 30% gross annual revenues from the sale of

## REGULAR MEETING – NOVEMBER 17, 2008

intoxicating liquor. Additionally, there is an exception for private parties and also for those under 21 who may be working at the establishment. There is also a provision that would allow for under 21 being in a separate area of an establishment licensed for the sale of intoxicating liquor if there is a structural separation and control of liquor so that none is sold, held or consumed in that area. This ordinance would also restrict loitering in public right-of-way or parking lot adjacent to an establishment licensed under Chapter 6 after the lawful closing hour.

There was a brief discussion on what the penalty would be for a violation of the ordinance. City Attorney Dennis Simpson indicated that a violation would be considered a misdemeanor.

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

Boedigheimer moved, Sanow seconded, the adoption of ORDINANCE NUMBER 603, SECOND SERIES and that the reading of the same be waived. Ordinance Number 603, Second Series is an ordinance Amending Certain Sections of Marshall City Ordinances Regulating Admittance of Underage Persons to Establishments Providing Alcoholic Beverages. This ordinance is effective January 1, 2009. All voted in favor of the motion.

### **PUBLIC HEARING ON THE TRANSFER OF AN ON-SALE INTOXICATING LIQUOR LICENSE FOR THE BEST WESTERN MARSHALL INN:**

This was the date and time set for a public hearing on the transfer of an On-Sale Intoxicating Liquor License from MT Business Center LLC dba Best Western Marshall Inn at 1500 East College Drive, Marshall, Minnesota to Bingo LLC dba Best Western Marshall Inn. Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that the Best Western Marshall Inn has been turned back to the bank and that Kelly Inn has been operating the Best Western Marshall Inn as a management company under the current liquor license. This transfer is being requested contingent upon the sale of the Best Western Marshall Inn being finalized. Mr. Meulebroeck indicated that all of the taxes are current. Reynolds moved, Ritter seconded, that the public hearing be closed. All voted in favor of the motion.

Reynolds moved, Sanow seconded, the approval of the transfer of an On-Sale Liquor License from MT Business Center LLC to Bingo LLC dba Best Western Marshall Inn, 1500 East College Drive, Marshall, Minnesota contingent upon the sale of the Best Western Marshall being finalized. All voted in favor of the motion.

### **PUBLIC HEARING ON REQUEST TO MOVE DWELLING INTO A RESIDENTIAL DISTRICT AT 602 HERITAGE PLACE:**

This was the date and time set for a public hearing on the request to move a dwelling from 1400 North Highway 59, Marshall, Minnesota to 602 Heritage Place. This dwelling has been reviewed by the Building Official and found to be in reasonable condition to move and in reasonable compliance with the MN State Building Code.

Glenn Olson, Director of Public Works/City Engineer, indicated that Mr. Christensen is requesting to move the house that is located on his property at 1400 North Highway 59 to outside the city limits and later have it moved to 602 Heritage Place. Comments on this request included:

REGULAR MEETING – NOVEMBER 17, 2008

Council Member Sanow wanted to know why the request was to move this house out of town and then back to 602 Heritage Place at a later date and by approving this are we guarantying that this house will be moved to 602 Heritage Place. Mr. Olson indicated that the owner needs to make sure that this house fits the location and for the foundation to be complete. Mr. Olson also indicated that this request is to eventually move the house to 602 Heritage Place.

Council Member Boedigheimer asked who the current owner was. Mr. Olson indicated that this house is owned by Mr. Kim Christensen.

Deb Picht, 612 Soucy Drive, indicated that this request has been denied twice so why would it be approved at this time. She also indicated that Mr. Schilling had been given a list of cosmetic items that have not been completed in this addition.

Kay Nauman, 608 Soucy Drive, indicated that Mr. Schilling owns the property and Mr. Christensen owns the house. She also indicated that the last time this request came before the City Council Mr. Christensen was not in a hurry to move this house, so what has changed. Mr. Christensen indicated that he recently sold some other property; therefore he needs more space for temporary storage.

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

Doom moved, Reynolds seconded, that Kim Christensen be allowed to move a dwelling into 602 Heritage Place from 1400 North Highway 59, Marshall, Minnesota 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, Electrical Permit, and Sanitary Sewer Connection Permit.
2. Complete all on site construction and required revision to the dwelling in conformance with City Code and obtain a Certificate of Occupancy within 180 days of moving the dwelling to 602 Heritage Place.
3. A Certificate of Occupancy be issued for 612 Heritage Place before this house can be moved to 602 Heritage Place.

All voted in favor of the motion;

**CONSENT AGENDA A. CONSIDERATION OF APPROVAL FOR SUNDAY LIQUOR LICENSE FOR THE BEST WESTERN MARSHALL INN; B. CONSIDERATION OF APPROVAL TO ADVERTISE FOR BIDS FOR THE PICK UP OF GARBAGE FOR VARIOUS CITY LOCATIONS; C. CONSIDERATION OF APPROVAL FOR MINNESOTA LAWFUL GAMBLING LG220 APPLICATION FOR EXEMPT PERMIT; D. CONSIDERATION OF APPROVAL FOR TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR PRAIRIE HOME HOSPICE; E. CONSIDERATION OF APPROVAL FOR TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR SMSU FOR DECEMBER 5, 2008 AND FEBRUARY 2, 2009; F: CONSIDERATION OF APPROVAL DECLARING EXCESS PROPERTY AND APPROVING DISPOSAL TO THE DEPARTMENT OF CORRECTIONS FOR THE BIKES TO KIDS PROGRAM AND/OR TO THE MARSHALL SCHOOLS FOR POSITIVE REWARD PROGRAMS; G. CONSIDERATION OF AMENDMENT NO. 1 TO "COOPERATION AGREEMENT" WITH THE PUBLIC HOUSING COMMISSION; H. CONSIDERATION OF APPROVAL OF BILLS/PROJECT PAYMENTS; I. CONSIDERATION OF APPROVAL OF BUILDING**

REGULAR MEETING – NOVEMBER 17, 2008

**PERMITS REVIEW:**

It was the general consensus of the council that the agenda be approved with item 5a, which is consideration of approval for a Sunday Liquor License for the Best Western Marshall Inn being pulled from the consent agenda and being the first item of new business.

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

That the proper city personnel be authorized to advertise for bids for the pickup of garbage and trash for various city locations. These bids are to be received at 1:00 P.M. on December 5, 2008.

BE IT RESOLVED, that the proper City personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the Application for Exempt Permit – LG220 for Southwest Minnesota State University Foundation for a raffle to be held at SMSU RA Facility, 1501 State Street, Marshall, Minnesota on February 28, 2009 and that the 30 day waiting period be waived.

The approval of a Temporary On-Sale Intoxicating Liquor License for Prairie Home Hospice to be used on January 31, 2009 at SMSU Conference Center, 1501 State Street, Marshall, Minnesota at a fee of \$30.00.

The approval of a Temporary On-Sale Intoxicating Liquor License for Southwest Minnesota State University Foundation to be used on December 5, 2008 at SMSU Gymnasium, 1501 State Street, Marshall, Minnesota at a fee of \$30.00 and for February 20, 2009 at SMSU Conference Center, 1501 State Street, Marshall, Minnesota at a fee of \$30.00.

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. Authorization be granted to declare the bicycles as surplus property and to approve disposal to the Department of Corrections for the Bikes to Kids Program and/or to the Marshall Schools for Positive Reward Programs.

The proper city personnel be authorized to enter into Amendment No. 1 to Cooperation Agreement between the City of Marshall and the Public Housing Commission of the City of Marshall.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 62900 through 63106.

All voted in favor of the motion.

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

Number	Contractor	Location Address	Description of Work	Amount
1.	Bruce M. Grow	207 North 7th Street	Reroof	\$3,900
2.	Schlenner Construction Co.	604 Kathryn Avenue	Kitchen Remodel	\$35,000
3.	Gil M. Sook	1306 Westwood Drive	Install window, Interior Remodel	\$3,000
4.	James Lozinski Construction	1101 Cheryl Avenue	Reroof	\$7,500
5.	Alluvus, LLC	612 Heritage Place	Move In Dwelling	\$92,000
6.	Vlaminck Construction	1211 Westwood Drive	Reroof, Replace Door	\$3,500

## REGULAR MEETING – NOVEMBER 17, 2008

7.	Gregory S. Taylor	122	East	Main	Street	Partial Reroof	\$300
8.	James Lozinski Construction	119	East	Main	Street	Reroof and Replace Steps	\$4,000
9.	Edward VanNevel	204	North	6th	Street	Reroof	\$6,000
10.	Nicholas N. Carrow	515		Harriett	Drive	Exterior Stairs	\$500

### **CONSIDERATION OF APPROVAL FOR SUNDAY LIQUOR LICENSE FOR THE BEST WESTERN MARSHALL INN:**

Reynolds moved, Doom seconded, the approval of a Sunday Liquor License for the Best Western Marshall Inn at a fee of \$200. This license is contingent upon the sale of the property to Bingo LLC dba Best Western Marshall Inn and is effective the date the sale becomes final. This license will expire on December 31, 2008. All voted in favor of the motion.

### **PRESENTATION OF THE COMMUNITY WEB PORTAL:**

Mark Hanson, EDA Director, was in attendance at the meeting to provide a demonstration of the Community Web Portal. He indicated that this Community Web Portal was completed through a collaborative effort between the Economic Development department and Webtomix. He also indicated that upon the Economic Development department's requests continual updates will occur. The PrairieNet Wide Area Network (PNWAN) partners (City of Marshall, MMU, Marshall School District, and Lyon County) have access to the community website portal and also have access to continued maintenance and updating. The cost for each member/partner is \$5,505. This covers the maintenance to the web portal and front page web redesigns. A plan is in place to recruit additional PNWAN partners for potential contributions i.e. Chamber of Commerce, Convention & Visitors Bureau and other cities in the region.

### **PRESENTATION OF SAFE ROUTES TO SCHOOL GRANT APPLICATION.**

Shane Waterman, Assistant City Engineer, indicated that the Safe Routes to School (SRTS) program, a 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. Using a multidisciplinary approach, the Safe Routes program works with schools, students, and parents at a grass roots level to identify improvements that will make biking and walking to and from school a routine part of Minnesota's students' experience. 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 health 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.

The Community Services Department will submit (sponsor) an application for grant funding with an estimated project cost of \$165,000. SRTS projects are funded at 100% with no local match required. The SRTS Program is a reimbursable grant program, meaning that recipients of the funds will front the cost of the project and will be reimbursed during the course of the project. The proposed project will expand and improve the sidewalk infrastructure leading from the Parkway Housing Additions to the West Side Elementary School. Grant recipients will be notified in March, 2009.

This project is supported by the Marshall Community Services Advisory Board, Marshall YMCA, Pioneering a Healthier Marshall Coalition, the Marshall Safety Coalition, School District 413, and MN/DOT.



**CONSIDERATION OF FINAL PAYMENT APPLICATION WITH MEARS ELECTRIC FOR THE M.A.T. BUS GARAGE PROJECT:**

Sanow moved, Ritter seconded, to approve the acknowledgement of the final payment application for the electric portion of the M.A.T. Bus Garage Project to Mears Electric in the amount of \$12,545.00. This will be paid from account number 804-41923-5520. Council Member Boedigheimer requested that the name of the fund be included along with the fund number for easier reference. All voted in favor of the motion.

**CONSIDERATION OF CHANGE ORDER NO. 2 (FINAL) AND ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION FOR BITUMINOUS OVERLAY PROJECT Y48:**

Doom moved, Reynolds seconded, the approval of Change Order No. 2 (final) with McLaughlin & Schulz, Inc., for an increase in the amount of \$636.55 and the acknowledgement of the final payment in the amount of \$10,303.92 contingent upon receipt of all required closeout forms. This change order is for a change in the total unit price items of work. All voted in favor of the motion.

**CONSIDERATION OF CHANGE ORDER NO. 1 (FINAL) AND ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION FOR BITUMINOUS CHIP SEAL PROJECT Y49:**

Ritter moved, Sanow seconded, the approval of Change Order No. 1 (final) with McLaughlin & Schulz, Inc., for a decrease in the amount of \$12,875.20 and the acknowledgement of the final payment in the amount of \$4,455.39 contingent upon receipt of all required closeout forms. This change order is for a change in the total unit price items of work. All voted in favor of the motion.

**CONSIDERATION OF AGREEMENT FOR DEFERRED ASSESSMENT – CLUB 59 ADDITION IMPROVEMENT PROJECT Y42:**

Doom moved, Reynolds seconded, that the proper city personnel be authorized to enter into an Agreement for Deferred Assessment for the Club 59 Addition Improvement Project Y42 with Daniel & Tammy Stattelmann for Lot 5, Block 1, Club 59 Addition in the amount of \$17,290.66 and for Lot 6, Block 1, Club 59 Addition in the amount of \$17,290.66. All voted in favor of the motion.

**CONSIDERATION OF AMENDMENT TO GRANT OF EASEMENT – CITY SALE TO CHRISTENSEN:**

Doom moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3174, SECOND SERIES and that the reading of the same be waived. Resolution Number 3174, Second Series is a resolution Authorizing Amendment to Grant to Easement. This resolution provides for an amendment to Grant of Easement for the property owned by the City of Marshall that was sold to Kim H. & Barbara J. Christensen. The amendment to easement limits the existing easement to public utility purposes and also limits the geographic scope of the easement to include only the west 15 feet and the south 15 feet of the lot to be conveyed to Kim H. & Barbara J. Christensen. All voted in favor of the motion.

Mayor Byrnes called for a 5-minute recess at 7:04 P.M.

**UPDATE OF SALE OF CITY PROPERTY TO FLINT HILLS RESOURCES, LLC:**

Dennis Simpson, City Attorney, provided an update of the sale of City property to Flint Hills Resources, LLC. He indicated that it has been recommended that the surveyor have the

## REGULAR MEETING – NOVEMBER 17, 2008

plat amended so as to include Flint Hills Resources, LLC as the property owner who will then sign the plat and submit it for recording.

### **COUNCIL MEMBER COMMISSION/BOARD LIAISON REPORTS:**

Reports by the Mayor and Council Members of the various Boards and Commission were presented at this time:

Byrnes            EDA met last week and were provided with the Community Web Portal demonstration.

Boedigheimer Airport Commission met last week.

Doom            Marshall Community Services and the Adult Community Center Commission met last week.

Hulsizer        Library Board met last week at the Cottonwood library.

Ritter           No report

Sanow           Cable Commission and the Insurance Advisory Committee met last week.

### **STAFF REPORTS – A. CITY ADMINISTRATOR – 1. UPDATE ON COPIER PURCHASE; 2. UPDATE ON PAY EQUITY REPORTING:**

Ben Martig, City Administrator, indicated that letters have been sent to local vendors to rebid the copier for the City of Marshall (Council Member Boedigheimer indicated that this was not fair to the vendors that had already submitted a bid to have to rebid) and the Pay Equity Report is due the end of January, 2009. Ben also indicated that the next budget meeting will be held at 5:00 P.M. on Tuesday, November 25, 2008; the Truth and Taxation meeting will be held on December 3, 2008; the Personnel Committee is continuing to review the Personnel Policy; the Safety Committee is working on compliance issues; the Technology Committee will meet later this week; Ben will meet with the Council Members that requested to review the EDA position; there will be a planning session scheduled for January or February; there is an EDA Summit on Friday, November 21<sup>st</sup> from 10:00 A.M. to 2:00 P.M.; the trail plan was received today; funding options are being considered for Midwest Aviation to be bought back from Petters Aviation; the \$250 mileage reimbursement for the Assessor position will be retro active to the start date for this position; and he indicated that there is a Coalition of Greater Minnesota Cities meeting in Willmar on Thursday and Friday.

### **COUNCIL MEMBER INDIVIDUAL ITEMS:**

There were no Council Member individual items.

Glenn Olson, Director of Public Safety/City Engineer, and Dennis Simpson, City Attorney, provided an update on the replacement of the Wastewater Liner. Mr. Simpson indicated that there is an agreement in place and Mr. Olson indicated that the work can be done this fall provided all parties agree to execute the agreement.

Glenn Olson, Director of Public Works/City Engineer, provided an update on the following projects:

Southview Improvement Project has bituminous up to the final lift.

REGULAR MEETING – NOVEMBER 17, 2008

Redwood Street Improvement Project – Redwood Street will be gravel for the winter.

Windstar Project – the notice to proceed has been issued.

Jr. High demolition continues and will be completed this fall.

Airport – FAA and MN/DOT officials will be at the airport on Friday reviewing CIP and funding. He also provided a brief report on the proposal received from a service out of Brookings, South Dakota for EAS (Essential Air Services).

**REVIEW OF PENDING AGENDA ITEMS:**

The Wastewater Fund Balance and Utility Billing presentation has been moved to February, 2009 and the Ways and Means Committee will be reviewing the purchasing policy after January 1<sup>st</sup>.

**DETERMINATION BY CITY COUNCIL TO GO INTO CLOSED SESSION PURSUANT TO MINNESOTA STATUTES 13D.03 SUBD. 1(B) RELATED TO LELS POLICE OFFICER AND AFSCME CONTRACT NEGOTIATIONS:**

Ritter moved, Reynolds seconded, to go into closed session at 7:45 P.M. pursuant to Minnesota Statute 13D.03, Subd. 1(b) related to LELS Police Officer and AFSCME Contract negotiations. All voted in favor of the motion.

The council came out of closed session at 8:11 P.M.

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

  
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Mayor of the City of Marshall

ATTEST:

  
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Financial Director/City Clerk

## SPECIAL MEETING – NOVEMBER 25, 2008

A special meeting of the Common Council of the City of Marshall was held on November 25, 2008 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order by Mayor Byrnes at 5:03 P.M. In addition to Byrnes the following members were present: Hulsizer, Doom, Sanow, Reynolds arrived at 5:30 P.M., and Ritter. Absent: Boedigheimer. Staff present included: Ben Martig, City Administrator; Glenn Olson, Director of Public Works/City Engineer; Bob VanMoer, Wastewater Superintendent; and Thomas M. Meulebroeck, Financial Director/City Clerk.

### **2009 BUDGET WORKSHOP – SESSION 5:**

This was the date and time set for Session 5 of the 2009 Budget Workshops.

Wendy Wendt, Marshall Lyon County Library Director, reviewed the proposed 2009 budget for the Marshall Lyon County Library and it was suggested that the increase in health and dental insurance and the increase in fuel expense be reviewed for potential changes in the budget amount. She also indicated that they have applied for a grant through the State of Minnesota in the amount of \$1,000,000 for construction. She indicated that this grant request has been forwarded to the Commissioner of Education but they have not received a response. Ritter asked if a zero bill for garbage was offered how would the budgeted amount be used. Wendy indicated this amount would be used for materials for the library.

Glenn Olson, Director of Public Works/City Engineer and Bob VanMoer, Wastewater Superintendent, reviewed the Wastewater Budget. The revenues discussed included Phosphorus surcharge plus charges for lab services that they do for other communities. They indicated that an on-call time was included in the budget.

Glenn Olson, Director of Public Works/City Engineer, reviewed the proposed for Surface Water Utility. Mr. Olson also reviewed the proposed projects for 2009.

Ben Martig, City Administrator, reviewed the proposed budget for the M.E.R.I.T. Center.

Mr. Martig provided a summary budget and capital requests. He indicated that there is a \$873,440 deficit of which \$487,000 reflects the amount bonded for in 2008 for a new fire truck within the General Fund budget. He also briefly reviewed items that could be removed from the budget which included personnel, operating and capital outlay. The Data Processing budget was briefly reviewed.

Thomas M. Meulebroeck, Finance Director/City Clerk, reviewed the Insurance Reserve, Debt Service and Special Revenue Funds.

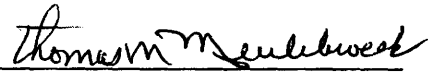
The Truth and Taxation Hearing is scheduled for Wednesday, December 3, 2008 at 5:30 P.M. Ben briefly reviewed his plan for presentation at this hearing.

SPECIAL MEETING – NOVEMBER 25, 2008

Doom moved, Reynolds seconded, that the meeting be adjourned at 8:20 P.M. All voted in favor of the motion.

  
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Mayor of the City of Marshall

ATTEST:

  
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Financial Director/City Clerk

## REGULAR MEETING – DECEMBER 1, 2008

The regular meeting of the Common Council of the City of Marshall was held on December 1, 2008 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: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Mark Hanson, EDA Director; Thomas M. Meulebroeck, Finance Director/City Clerk; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

Thomas M. Meulebroeck, Financial Director/City Clerk, administered the Oath of Office to Robert J. Byrnes re-elected Mayor and to Charlie Sanow, Larry Doom and Daniel Ritter, re-elected Council Members.

### **APPROVAL OF THE AGENDA:**

It was the general consensus of the council that agenda be approved with item number 17, which is the determination by City Council to go into closed session pursuant to Minnesota Statute 13D.03 Subd. 1 (b) related to LELS Police Officer and AFSCME Contract Negotiations being removed from the agenda.

### **APPROVAL OF THE MINUTES:**

Doom moved, Sanow seconded, that the minutes of the Joint City Council WMMC Board of Director meeting held on November 17, 2008, the minutes of regular meeting held on November 17, 2008 and the minutes of the special meeting held on November 25, 2008 be approved as presented and that the reading of the same be waived. All voted in favor of the motion.

**CONSENT AGENDA – A. PLUMBERS LICENSE FOR DEVLON WERKMAN DBA WERKMAN MECHANICAL, LLC; B. TEMPORARY ON-SALE LIQUOR LICENSE FOR SMSU BOOSTER CLUB FOR FEBRUARY 24, 2009; C. MARSHALL AQUATIC CENTER RENOVATION PROJECT – ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION TO POOL CONSTRUCTION, INC.; D. FY 2009 WASTEWATER SERVICE USER RATES – CALL FOR PUBLIC HEARING; E. FY 2009 SURFACE WATER MANAGEMENT UTILITY RATES – CALL FOR PUBLIC HEARING; G. CONSIDERATION OF APPROVAL BILLS/PROJECT PAYMENTS; H. CONSIDERATION OF APPROVAL OF BUILDING PERMITS REVIEW:**

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

The approval of a Plumbers License for Devlon Werkman dba Werkman Mechanical, LLC at a fee of \$80.00. This license will expire on March 31, 2009.

The approval of a Temporary On-Sale Intoxicating Liquor License for Southwest Minnesota State University Booster Club to be used on February 24, 2009 at the Southwest Minnesota State University Conference Center.

The acknowledgement of the Final Payment Application in the amount of \$4,530.00 to Pool Construction, Inc. for the Marshall Aquatic Center Renovation Project in accordance with the contract including previously approved change orders.

A public hearing be held at 5:30 P.M. on December 15, 2008 to consider the proposed Wastewater User Rates for 2009.

## REGULAR MEETING – DECEMBER 1, 2008

A public hearing be held at 5:30 P.M. on December 15, 2008 to consider the proposed Surface Water Management Utility Rates for 2009.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 63107 through 63275.

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.	D&G Excavating, Inc.	515	North	7th	Street	Demo	\$0
2.	Weiner Memorial Medical Center	300	South	Bruce	Street	Interior Remodel	\$7,500
3.	Timothy D. & Darcy Wall	902		Boxelder	Avenue	Install Window	\$1,000
4.	Karl J. Hanson	1002		Emerald	Court	Move In Garage	\$8,500
5.	Meier Electric, Inc.	330	North	O'Connell	Street	Generator pad and screen	\$26,500
6.	Dennis Lozinski Construction	507		Garden	Circle	Reroof	\$7,500
7.	Constance Mathiowetz	1204		Westwood	Drive	Replace Window	\$300
8.	Vlaminck Construction	1204		Parkside	Drive	Reroof	\$4,500
9.	Amanda Stattelmann	417	North	4th	Street	Adding Bathroom	\$1,500
10.	Dressen Construction	1403	West	College	Drive	Reroof Warehouse	\$27,000
11.	Occupant	311	East	College	Drive	Sign	\$1,000
12.	William F. Ziegenhagen	100	North	Highway 59		Exterior Door	\$300
13.	North Star Building Systems	400	West	Erie	Road	Equipment Shelter	\$7,000
14.	James Lozinski Construction	905		Hackberry	Drive	Replace Door	\$400

### SUMMARY OF ECONOMIC DEVELOPMENT SUMMIT (MARK HANSON):

Mark Hanson, EDA Director, provided a summary of the Economic Development Summit held on Friday, November 21, 2008. The Summit included members from the Marshall Economic Development Authority, Marshall Mayor and City Council, Marshall Industries Foundation, Marshall Area Chamber of Commerce, and the Lyon County Commissioners. A tour was provided to the following locations: Block 11, Tiger Lake Storm Water Area, Menards and Windstar new construction, Amateur Sports site and development area, City property north of SMSU, Town Garages, Inc., new City Industrial Park properties; Parkway III, Airport (bridge placement – Madrid); former Middle School Site. Mark indicated that the City of Marshall would be the “Feature City” for the month of January in the Prairie Business magazine.

### ADULT COMMUNITY CENTER (HARRY WEILAGE) A. APPROVAL OF AGREEMENT WITH MARSHALL AREA SENIOR CITIZENS, INC.; B. APPROVAL OF ANNUAL LEASE AGREEMENT WITH LUTHERAN SOCIAL SERVICES (LSS):

Doom moved, Reynolds 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, 2009 through December 31, 2009 at a rate of \$550.00 per month. All voted in favor of the motion.

## REGULAR MEETING – DECEMBER 1, 2008

Doom moved, Reynolds 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, 2009 through December 31, 2009 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.

### **RECONSIDERATION OF AMENDMENT NO. 2 TO THE FIRST DEVELOPMENT CONTRACT FOR CARR ESTATES ADDITION (GLENN):**

Glenn Olson, Director of Public Works/City Engineer, indicated that the City has received an invoice for the exclusive option for the purchase of Lots 1, 2 and 3 of Block 1 of Carr Estates. The First Development Contract called for an option for purchase of Lots 1, 2 and 3 of Block 1 of Carr Estates for a period of five years. The five-year period ended July 7, 2008. Amendment No. 2 to the First Development Contract for Carr Estates provides for the exclusive option for the purchase of the lots indefinitely at a option fee of \$1,000 for the period from July 2008 to June 2009 and an annual renegotiation of annual option fee thereafter. The City is still interested in the potential development of an overhead roadway at the intersection of T.H. 23 and it would benefit the City to have an option on these lots so that construction of homes on those lots would not impede the development of the overpass.

Doom moved, Boedigheimer seconded, that the proper city personnel be authorized to enter into Amendment No. 2 to the First Development Contract for Carr Estates to provide for the exclusive option for the purchase of the lots indefinitely at a option fee of \$1,000 for the period from July 2008 to June 2009 and an annual renegotiation of annual option fee thereafter. All voted in favor of the motion.

### **CONSIDERATION OF AGREEMENT FOR DEFERRED ASSESSMENT. PROJECT Y42: CLUB 59 ADDITION IMPROVEMENT PROJECT (GLENN):**

Ritter moved, Boedigheimer seconded, that the proper city personnel be authorized to enter into an Agreement for Deferred Assessment for the Club 59 Addition Improvement Project Y42 with Paul & Karen Thooft for Lot 4, Block 1, Club 59 Addition in the amount of \$17,290.66. All voted in favor of the motion.

### **CONSIDERATION OF RESOLUTION FOR MUNICIPAL STATE AID STREET FUNDS ADVANCE (GLENN) – A. PROJECT Y32: (139-131-03) WINDSTAR STREET FROM T.H. 59 TO CLARICE AVENUE, (139-132-01-A PORTION OF) CLARICE AVENUE FROM WINDSTAR STREET TO BOYER DRIVE, AND (139-132-01-A PORTION OF) CLARICE AVE. FROM BOYER DRIVE TO SUSAN DRIVE; B. PROJECT Y33: (139-132-02) CLARICE AVENUE FROM SUSAN DRIVE TO T.H. 23:**

Glenn Olson, Director of Public Works/City Engineer, indicated that plans have been developed for major street construction on Windstar Street and Clarice Avenue from T.H. 59 to T.H. 23. These streets have been designated and approved as Municipal State Aid eligible streets. In order to fund the street improvements through Municipal State Aid System (MSAS), adequate funds are not currently available. The state allows the advance of future State Aid funds for this construction. Doom moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3175, SECOND SERIES and that the reading of the same be waived. Resolution Number 3175, Second Series is a Municipal State Aid Street Funds Advance Resolution. This resolution provides for the City of Marshall to request an advance of Municipal State Aid System funding in the amount of \$1,765,550. This advance will be repaid in equal installments over the next five years from future MSAS disbursements. All voted in favor of the motion.

### **CONSIDERATION OF APPROVAL OF INSURANCE RENEWALS (TOM):**

Thomas Meulebroeck, Finance Director/City Clerk, provided a brief update on the dental insurance. He indicated that the Insurance Advisory Committee reviewed a proposal from



REGULAR MEETING – DECEMBER 1, 2008

MetLife for dental insurance, but they were not in favor of making any changes at this time. Per the recommendation of the Insurance Advisory Committee, Sanow moved, Reynolds seconded that the dental insurance be renewed with Delta Dental at \$36.15 per month for single coverage and \$97.35 per month for family coverage; life insurance be renewed with USABLE at \$2.00 per month for single and \$2.98 per month for family; and the long-term disability insurance with Madison National Life at .425%/\$100 of wages per employee per month. All voted in favor of the motion.

**CONSIDER ANNUAL RENEWAL OF TRANSPORTATION AGREEMENT FOR 2008 WITH WESTERN COMMUNITY ACTION FOR TRANSIT OPERATIONS. (TOM):**

Thomas M. Meulebroeck, Finance Director/City Clerk, reviewed the Transportation Agreement for 2009 with Western Community Action for Transit Operations. The change in this contract from the year 2008 is in Section II B.2, which reflects the City's projected share of cost in a new vehicle to be \$12,400. Reynolds moved, Ritter seconded, the proper city personnel be authorized to enter into the Transportation Agreement for 2009 with Western Community Action for the Transit Operations. All voted in favor of the motion.

**CONSIDERATION OF APPROVAL OF MAYOR APPOINTMENT OF CITY ATTORNEY, MARSHALL CITY CHARTER §3.03:**

Mayor Byrnes recommended that Dennis Simpson be appointed as City Attorney for a two year term from December 1, 2008 to November 30, 2010. Ritter moved, Doom seconded, that Dennis Simpson be appointed as City Attorney and the approval of the Memorandum of Understanding. All voted in favor of the motion.

**CONSIDERATION OF APPROVAL OF PROPOSED COPIER/SCANNER FOR CITY HALL. (CITY ADMINISTRATOR BEN MARTIG):**

Ben Martig, City Administrator, indicated that the Council had previously approved to consider the purchase of a copier/scanner at the November 17, 2008 meeting. However, it was discovered that one of the requests for a quotation was not received by a local vendor and therefore, the vendor did not have an opportunity to submit a quotation. As a result, the City rejected all previous quotations received for the copier/printer/scanner unit. The City has received new quotes as of November 24, 2008. The new quotes received are as follows:

Vendor	Davis Typewriter Sharp MX-6201N	Marco Sharp MX-6201N
Cost	\$12,700.00	\$12,827.00
Service Contract	Color .053 B & W .0057 Includes all supplies, excluding paper and staples Guaranteed rate for four years Response time – guaranteed four hours	Color .06 B & W .006 Includes all supplies, excluding paper and staples Guaranteed rate for four years Response time – guaranteed four hours
Speed	62 ppm B & W; 50 ppm Color	62 ppm B & W; 50 ppm Color

## REGULAR MEETING – DECEMBER 1, 2008

Vendor	Best Business Products Cannon ImageRunner C5185i	A & B Business, Inc. Sharp MX-6201N
Cost	\$16,093.00	\$13,900.00
Service Contract	Color .079 B & W .011 Includes all supplies, excluding paper and supplies Guaranteed rate for three years Response time 2.2 hours	Color .06 B & W .006 Guaranteed rate for four years Response time 4 hours
Speed	51 ppm B & W; 51 ppm Color	
Vendor	Northern Business Products Inc. Did not bid – they do not have a service technician in Marshall	

Ritter moved, Sanow seconded, that the bid be awarded to Davis Typewriter Company, Inc. for a Sharp MX-6201N printer/copier/scanner/fax in the amount of \$12,700.00. The Maintenance Agreement was also approved. All voted in favor of the motion, except Boedigheimer who voted no.

### **AMENDING THE SALARIES AND COMPENSATIONS OF THE MAYOR AND COUNCILMEMBER'S – CALL FOR A PUBLIC HEARING:**

At the November 25, 2008 City Council budget work shop the Council had suggested a possible revision to the ordinance setting the Mayor and Council wages at 3% increase due to a possible reduction to city employees below 3.0%. Sanow moved, Ritter seconded, the introduction of an ordinance Amending the salaries and Compensation of the Mayor and Council Members and call for a public hearing to be held on December 15, 2008. This ordinance provides for salaries of the Mayor and Council Members effective January 1, 2009 to be reconsidered. Voting in favor of the motion were: Byrnes, Hulsizer, Sanow and Ritter. Voting no were Boedigheimer, Doom and Reynolds.

### **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 Airport Commission met on November 21, 2008 and discussed funding for the airport and it was indicated that the bridge across from Madrid is not included.

Doom            Adult Community Center sent letters for a dinner on December 14<sup>th</sup>.

Hulsizer        No report.

Reynolds       No report.

Ritter           No report.

REGULAR MEETING – DECEMBER 1, 2008

Sanow            Insurance Advisory Commission items were acted on earlier in the meeting;  
Marshall Area Transit bus garage has 2 vehicles that will be parking outside.

**STAFF REPORTS - A. CITY ADMINISTRATOR CITY COUNCIL MEETINGS  
FUTURE MEETING ROOM:**

Ben Martig, City Administrator, indicated that the budget is being finalized and the Truth and Taxation meeting will be held on Wednesday, December 3, 2008. The levy is proposed to be 3 ½%. There was an employee benefit meeting last week; the personnel policy is continued to be reviewed. Ben indicated that they are reviewing meeting rooms for the City Council and need to review scheduling issues. Email updates will be provided to Council Members on the Friday after Council meetings. There will be a closed Joint City Council / Hospital Board meeting on December 8, 2008 at 5:00 to discuss the sale of the hospital.

**COUNCILMEMBER INDIVIDUAL ITEMS:**

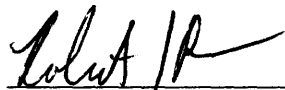
Council Member Boedigheimer indicated that a Legislative and Ordinance Committee meeting needs to be scheduled. Mayor Byrnes indicated that the committee appointments will remain the same unless someone requests a change.

**REVIEW OF PENDING AGENDA ITEMS:**

Council Member Sanow wanted to know how long the budget workshop would last on December 3<sup>rd</sup>.

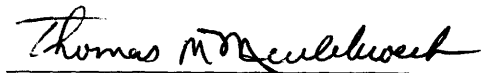
Glenn Olson, Director of Public Works/City Engineer, indicated that he has received a signed agreement from Sovereign Air for scheduled air service from Marshall to Minneapolis. The Airport Commission will be reviewing this agreement on December 8, 2008.

Upon motion by Reynolds, seconded by Doom, the meeting was adjourned at 6:37 P.M. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

TRUTH IN TAXATION PUBLIC HEARING  
DECEMBER 3, 2008

The Truth In Taxation Public Hearing was held on Wednesday, December 3, 2008 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: Doom, Sanow, Boedigheimer and Ritter. Absent: Hulsizer and Reynolds. Staff in attendance at the meeting included: Ben Martig, City Administrator and Thomas M. Meulebroeck, Finance Director/City Clerk. There were approximately 45 residents in attendance.

The purpose of this Truth In 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 2009. Mayor Byrnes indicated that no action would be taken at this meeting. He indicated that the preliminary levy was between 17% to 18%; but they are now recommending about a 3 1/2% maximum levy increase from 2008 to 2009. The final general fund budget will be presented to the City Council for approval at the December 15, 2008 meeting.

Ben Martig, City Administrator, provided to the City Council and others in attendance at the meeting a power point presentation which included:

- Levy Estimate
- Property Tax Statement
- Local Tax Summary (Residential Values)
- Local Tax Summary (Commercial/Industrial Values) – without value increases
- Local Tax Summary (Commercial/Industrial Values) – with 15% value increase
- How property taxes are determined
- Property Tax Class Rates – State of Minnesota
- Tax Capacity – City of Marshall
- Building Permit Summary – 1998 to YTD November, 2008
- Construction by Class – Apartments, Commercial, Industrial, Residential – Estimated
- Market Values 1999 - 2008
- Levy Limits
- Local Government Aid
- State Aid and Property Tax Levy – 2000 - 2009
- State Aids – LGA, HACA and Transit Aid 2000-2009
- Preliminary Property Tax Levy for 2009
- How is my “City” Tax Dollar Spent
- General Fund Revenues / Expenditures – 1999 - 2009
- General Fund Revenue and Other Financial Sources – 1999 - 2009
- Revenue Comparisons – 2007 – 2009
- Expenditure Comparisons – 2007 - 2009
- Capital Outlay – Request for 2009 General Fund

Comments from those in attendance at the meeting included:

Marvin Bahn, 415 South 4<sup>th</sup> street was concerned with the value and tax increase. He indicated that since he purchased his home in 2001 the valuation of his home and the taxes have increased every year. He indicated that he is retired and cannot keep up with the increase in taxes.

TRUTH IN TAXATION PUBLIC HEARING  
DECEMBER 3, 2008

Doug Hamilton indicated that he has been in Marshall for over 22 years and is also concerned with the market value increase of his property and the tax increase. Mr. Hamilton provided a copy of a letter of objection to the proposed tax levy for 2009 that has been provided to business within the City and encouraged to sign and submit to the City.

Pat Foley was concerned with the large increase for Commercial/Industrial properties.

Randy Warnter was concerned with property value increases which then affect the amount of taxes to be paid.

Christy from Savvy Salon & Spa is a new business and indicated that according to their tax statement their value increased 455%. This is a reflection of new construction. Christy indicated that she was not aware of this when she was projecting her business operating expenses.

John Sandberg, 716 South 4<sup>th</sup> Street, indicated that his valuation went up \$6,000 each year for the past 2 years. He indicated that everyone should be treated equal.

Lester Lenz, 417 North 7<sup>th</sup> Street, indicated that his value increased 57.56%.

Mike Dulas, Chairman of the Marshall Area Chamber of Commerce Board of Directors read a statement from the Chamber and encouraged the City to use fiscal restraints in the City's budget process. A copy of the letter was provided to the City for public record.

Doug Mosch indicated that he has addressed concerns with value and change in taxes at the Board of Review.

Chad Wyffels owner of Borch's Sporting Goods, 1309 East College Drive, is concerned with a 15% increase on commercial property value when these values are based on other commercial sales. There were 4 or 5 commercial sales that were used in the determination of the value change. Mr. Wyffels expressed a concern with businesses getting a high increase in value when someone benefited from the sale of these properties.

Steve Hatelsted, Olson & Johnson Trucks, expressed his concern with the increase in commercial property value.

Paul Wingleby owner of Paul's Automotive, 1206 West Main Street, addressed the concern with the increase in value of his commercial property.

Scott Williams was concerned with the City being able to add employees, increasing wages and benefits when business can't afford too.

Ron Labat was also concerned with the proposed increase in personnel services for 2009 which he also addressed last year at the Truth In Taxation meeting.

TRUTH IN TAXATION PUBLIC HEARING  
DECEMBER 3, 2008

Bill Ziegenhagen was concerned with an increase of 15% and the levy increase.

Chuck Bladholm expressed his concern with the increase in his commercial property value.

Russ Labat indicated that the City should be concerned with having to do as much or more but with less.

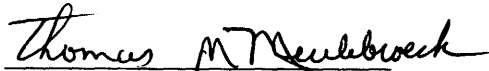
Mayor Byrnes called for a 5-minute recess at 7:37 P.M.

The public hearing was continued after the recess with an update and feedback from the Council Members.

Upon motion made by Ritter, seconded by Sanow, the truth in taxation public hearing was adjourned. All voted in favor of the motion.

  
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Mayor of the City of Marshall

Attest:

  
\_\_\_\_\_  
Finance Director/City Clerk

SPECIAL MEETING – DECEMBER 3, 2008

A special meeting of the Common Council of the City of Marshall was held on December 3, 2008 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order by Mayor Byrnes at 7:50 P.M. In addition to Byrnes the following members were present: Doom, Sanow, Boedigheimer and Ritter. Absent: Hulsizer and Reynolds. Staff present included: Ben Martig, City Administrator and Thomas M. Meulebroeck, Financial Director/City Clerk.

**2009 BUDGET WORKSHOP – SESSION 5:**

Ben Martig, City Administrator, indicated with a levy increase of 2.23% there is still a budget shortfall of \$386,000 within the General Fund.

The City Council continued their review of the proposed General Fund Budget for 2009. It was the general consensus of the City Council that the proposed wage adjustment for 2009 be set at 1½%.

The list of 2009 requested capital expenditures was reviewed and there were a number of items recommended by the City Council to be removed from the 2009 budget.

Based on the change in the proposed wage increase for 2009, the reductions in capital expenditures, City staff is to continue their review of the proposed 2009 General Fund Budget and to present their recommendations at a budget meeting scheduled for 5:30 P.M. on December 10, 2009.

The meeting was declared adjourned at 9:12 P.M.

  
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Mayor of the City of Marshall

ATTEST:

  
\_\_\_\_\_  
Financial Director/City Clerk

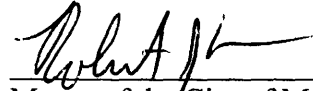
JOINT CITY COUNCIL / AVERA MARSHALL REGIONAL MEDICAL CENTER  
DECEMBER 8, 2008

A Joint City Council/WMMC dba AVERA Marshall Regional Medical Center Board of Directors meeting of the City of Marshall was held on December 8, 2008 in the Library (3<sup>rd</sup> Floor) of the AVERA Marshall Regional Medical Center. The meeting was called to order at 5:10 P.M. by Mayor Byrnes. In addition to Byrnes the City Council Members present were: Hulsizer, Doom, Sanow, Reynolds, Boedigheimer and Ritter. Absent: none. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney and Thomas M. Meulebroeck, Financial Director/City Clerk.

Reynolds moved, Doom seconded, to go into closed session at 5:11 P.M. pursuant to Minnesota Statute 13D.05, Subd.3(c) for the purpose of discussion and development of items necessary for the sale of Weiner Memorial Medical Center. All voted in favor of the motion.

The Council came out of closed session at 7:15 P.M.

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

  
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Mayor of the City of Marshall

ATTEST:

  
\_\_\_\_\_  
Financial Director/City Clerk



## SPECIAL MEETING – DECEMBER 10, 2008

A special meeting of the Common Council of the City of Marshall was held on December 10, 2008 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, Ritter and Boedigheimer arrived at 5:40 P.M. Absent: none. Staff present included: Ben Martig, City Administrator; Glenn Olson, Director of Public Works/City Engineer; Rob Yant, Director of Public Safety; Harry Weilage, Director of Community Services; and Thomas M. Meulebroeck, Financial Director/City Clerk.

### **2009 BUDGET WORKSHOP – SESSION 6 - A. REVIEW CAPITAL EXPENDITURE AMENDMENTS; B. REVIEW GENERAL FUND AND ECONOMIC DEVELOPMENT AUTHORITY FUND; C. DISCUSS FINAL 2009 DRAFT ADJUSTMENTS; D. DISCUSS ACTIONS AND CONTINGENCIES FOR POTENTIAL LOCAL GOVERNMENT AID REDUCTIONS:**

Ben Martig, City Administrator, briefly reviewed the EDA Budget; the Capital Expenditures and Personnel segments of the General Fund Budget.

Rob Yant, Director of Public Safety, requested that the two squad cars be added back into the 2009 budget. He addressed the maintenance / down time of the vehicles if the vehicles are not replaced as they have been in the 3 year rotating cycle.

Glenn Olson, Director of Public Works/City Engineer, is requesting that \$1,500 be included in the 2009 budget to complete an evaluation on the Exhaust System at the Street Department to determine if they are compliant.

Ben Martig, City Administrator, and Glenn Olson, Director of Public Works/City Engineer, addressed the potential administration/engineering revenue for 2008. They indicated that there could be another \$100,000 received in 2008 to bring the total to \$425,000. Glenn is estimating approximately \$605,000 for 2009.

The recommended changes to the 2009 General Fund Budget included the changes to the revenues by reducing \$62,287 from the Current Ad Valorem Taxes, and an increase of \$300,000 to Admin. & Eng for the 429 Public Improvement Projects. The expenditure adjustments included the addition of a vehicle to the Police Department for \$27,200, to the Data Processing Budget \$20,000 for the replacement of computer equipment, to the Street Department \$1,500 be added to professional services for an evaluation of the ventilation system at the Street Department, that the Police Department vehicle maintenance budget be reduced by \$7,000 and that the General Fund budget be balanced with the balancing amount being placed in an account for capital equipment replacements.

Other items discussed included: Park Development, the potential wage adjustment for 2009, and the designating of some of the General Fund - Fund Balance for potential capital purchases.

There was a brief discussion on who is responsible for the repairs for the Library roof and other improvement/repairs to the building; the cable franchise fees in relationship to the expenditures for the Cable operations; the City Council receiving regular reports on the revenues and expenditures for the Convention and Visitors Bureau; and the comparison of year to date expenditures in relationship to the 2008 General Fund budget and when should budget

SPECIAL MEETING – DECEMBER 10, 2008

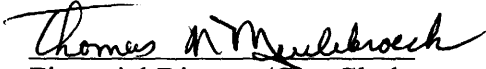
adjustments be made and how often. The Council was advised that there would be some budget adjustments coming forth at the December 15, 2008 City Council meeting..

Council Member Boedigheimer indicated that he is opposed to a 14.5% Surface Water increase for 2009.

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 – DECEMBER 15, 2008

The regular meeting of the Common Council of the City of Marshall was held on December 15, 2008 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: Ben Martig, 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; Marc Klaith, Fire Chief; Mark Hanson, EDA Director; Bob VanMoer, Wastewater Superintendent; Thomas M. Meulebroeck, Financial Director/City Clerk; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

### **APPROVAL OF THE AGENDA:**

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

### **APPROVAL OF THE MINUTES:**

Reynolds moved, Ritter seconded, that the minutes of the regular meeting held on December 1, 2008, the minutes of the Truth and Taxation meeting held on December 3, 2008, the minutes of the special City Council budget workshop held on December 3, 2008; the minutes of the Joint Special City Council/Avera Marshall Regional Medical Center meeting held on December 8, 2008 and the minutes of the special City Council budget workshop held on December 10, 2008 be approved as presented and that the reading of the same be waived. All voted in favor of the motion.

### **PUBLIC HEARING – CONSIDERATION OF 2009 MAYOR AND COUNCIL WAGES:**

The council adopted an ordinance on July 21, 2008 Amending the Salaries and Compensation of the Mayor and Councilpersons for the City of Marshall. This ordinance provides for 3% increase for 2009. During the Council budget meetings it was suggested that the council reconsider this increase in light of the city financial situation. 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 604, SECOND SERIES and that the reading of the same be waived. Ordinance Number 604, Second Series is an ordinance Amending the Salaries and Compensation of the Mayor and Councilpersons for the City of Marshall, Minnesota. This ordinance provides for the salary of the Mayor to be \$687.17 per month and the salary for the Council Members to be \$434.64 per month effective January 1, 2009. All voted in favor of the motion, except Boedigheimer who voted no.

### **PUBLIC HEARING – WASTEWATER USER RATE FY 2009 AND 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 2009. The proposed rates have been calculated based on a financial analysis of the Wastewater Utility Fund prepared by Springsted's Incorporated. In the Fall of 2007, Springsted's reviewed the Wastewater Treatment Facility Budget and a five-year projection of the Wastewater Utility Fund. Based upon current costs and projections of capital improvement needs, it was determined that a 4% increase in each of the next five years will keep the fund stable. Sanow moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion.

## REGULAR MEETING – DECEMBER 15, 2008

Sanow moved, Doom seconded, the adoption of RESOLUTION NUMBER 3176 SECOND SERIES and that the reading of the same be waived. Resolution Number 3176, Second Series is a resolution Revising the User Rates for Wastewater Service effective January 1, 2009 with a 4.00% increase. All voted in favor of the motion.

### **PUBLIC HEARING – SURFACE WATER MANAGEMENT UTILITY RATES – ADOPTION OF RESOLUTION REVISING THE USER RATES FOR SURFACE WATER MANAGEMENT UTILITY RATES:**

This was the date and time set for a public hearing on the Surface Water Management Utility rates for the year 2009. The proposed rates have been calculated based on a financial analysis of the SWMU Fund prepared by Springsted's Incorporated in the fall of 2007. At that time, Springsted's reviewed the SWMU Budget and a five-year projection of the SWMU Fund was completed. 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 \$3.12 Reynolds moved, Doom seconded, that the public hearing be closed. All voted in favor of the motion, except Boedigheimer who voted no.

Doom moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3177, SECOND SERIES and that the reading of the same be waived. Resolution Number 3177, Second Series is a resolution Revising the User Rates for Surface Water Management Utility effective January 1, 2009 with a 14%. All voted in favor of the motion, except Boedigheimer who voted no.

### **AWARD BIDS – CONSIDER AWARD OF BID FOR REFUSE HAULING SERVICES AND A RESOLUTION TO CONTRACT WITH A COUNCIL MEMBER FOR REFUSE HAULING SERVICES:**

The following bids were received, opened and read on December 5, 2008 for the pickup of garbage and junk at numerous City of Marshall locations for the 2-year period January 1, 2009 through December 31, 2010.

#### **UNIT BID SCHEDULE OF UNIT PRICES PER LOCATION**

<u>LOCATION</u>	<u>JOB DESCRIPTION</u>	Waste Management Inc.	Southwest Sanitation Service
1. Wastewater Treatment Plant	Twice per week, two (2) one-yard containers	\$ 2,300.16	\$ 3,967.16
	Twice per week, one (1) one and one-half yard containers	\$ 1,700.16	Included Above
2. Municipal Airport	Once a week, one (1) one yard container	\$ 600.00	\$ 598.00
	Twice a week, one (1) three yard container	\$ 1,300.08	\$ 1,324.48
3. Street Department Shops	Once per week, one (1) one yard container	\$ 600.00	\$ 602.48

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4. Main Street between College Drive and 5th St. & 3 <sup>rd</sup> St. between Main St. & Lyon St.	Ten (10) sidewalk containers, once (1) per week. Pickup before 6:00 A.M.	\$ 24.00	\$ 124.00
5. Municipal Liquor Store	Two (2) times per week, one (1) one and one-half yard container	\$ 1,848.00	\$ 1,313.04
6. Municipal Building	Five (5) days per week two (2) 30 gallon containers	\$ 374.88	\$ 506.30
7. Senior Citizen Center Building	Two (2) times per week, one (1) one yard container	\$ 1,200.00	\$ 1,281.20
Sub Total		\$ 9,974.28	\$ 9,770.66
Sales Tax		\$ 1,694.04	\$ 661.01
<b>TOTAL BID</b>		\$11,638.32	\$11,431.67
<b>ALTERNATES</b>			

PROVIDE THE FEE PER CONTAINER FOR THE FOLLOWING "ON CALL SAME DAY SERVICE" FOR THE FOLLOWING LOCATIONS:

	<u>Per Container Fee</u>	
A. One (1) yard container:		
A (1) Municipal Airport	\$14.00	\$13.05
B. One and one-half (1 ½) yard container:		
B (1) Fire Station	\$11.00	\$11.05
C. Three (3) yard container:		
C (1) Legion Field Park	\$21.00	\$19.20
C (2) Justice Park	\$21.00	\$23.40
C (3) Softball Complex	\$19.00	\$19.81
C (4) Swimming Pool	\$19.00	\$19.88
C (5) Independence Park – Baseball Complex	\$23.00	\$21.00
C (6) Park Maintenance Shop	\$15.00	\$15.10
D. Six (6) yard container:		
D (1) Independence Park	\$42.00	\$41.80

## FEE FOR ALTERNATE BID FOR RECYCLING:

1. Wastewater Treatment Plant	On Call	NC	NC
2. Municipal Building	On Call	NC	NC
3. Independence Park (Baseball Complex)	On Call	NC	NC

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4. Legion Park (Baseball Complex)	On Call	NC	NC
5. Municipal Liquor Store	Recyclable corrugated cardboard 4 times/week	NC	NC
6. Swimming Pool	On Call	NC	NC

Doom moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3178, SECOND SERIES and that the reading of the same be waived. Resolution Number 3178, Second Series is a Resolution to Contract with a Council Member for Refuse Hauling Services under Minnesota Statutes §§ 471.88, subd. 5 and 471.89, subd. 2. This contract is awarded to Southwest Sanitation Service for a two year period beginning January 1, 2009 in the amount of \$11,431.67. The contract also provides for a fee per container for “on call same day service” and the fee for recycling. All voted in favor of the motion, except Ritter who abstained.

## CONSIDER AWARD OF BID FOR NEW FIRE ENGINE FOR THE MARSHALL FIRE DEPARTMENT:

Bids were received, opened and read on December 5, 2008 for a new Fire Engine and equipment. Bids received, opened and read were from:

Proposal “A” is the purchase of a new pumper with the trade-in of the existing pumper.

General Safety Equipment LLC Wyoming, Minnesota Trade-in of \$5,000 Net bid of \$411,974.00	Custom Fire Oseeola, Wisconsin Trade-in of \$3,500 Net bid of \$444,480.00	Pierce Manufacturing Rochester, Minnesota Trade-in of \$5,000 Net bid of \$516,749.00
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Proposal “B” is the purchase of a new pumper without trade-in.

General Safety Equipment LLC Wyoming, Minnesota \$416,974.00	Custom Fire Oseeola, Wisconsin \$447,980.00	Pierce Manufacturing Rochester, Minnesota \$521,749.00
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Proposal “C” is for the purchase of our existing pumper only. There were not bids received.

Bids for the loose tools package were from:

Heiman Fire Equipment Ashton, Iowa \$26,733.05	Alex Air Apparatus Alexandria, Minnesota \$27,780.00 (Incomplete bid package)	Front Line Plus Fire & Rescue Monticello, Minnesota \$17,265.95 (Incomplete bid package)
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Bids for the “Jaws of Life”, which includes the spreader, cutter, rams, power unit and hose assembly were from:

Metro Fire Ham Lake, Minnesota \$19,560.00	Alex Air Apparatus Alexandria, Minnesota \$21,686.00	Jefferson Fire Safety Middleton, Wisconsin \$22,632.00
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Boedigheimer moved, Sanow seconded, that bid for the purchase of the new pumper be awarded to General Safety Equipment LLC, Wyoming, Minnesota in the amount of \$411,974.00; the bid for the purchase of the loose goods package be awarded to Heiman Fire Equipment, Inc., Ashton, Iowa in the amount of \$26,733.05; the bid for the “Jaws of Life” be awarded to Alex Air Apparatus, Inc., Alexandria, Minnesota in the amount of \$21,686.00 and that the Fire Department be authorized to advertise for sale the existing pumper. All voted in favor of the motion.

**CONSENT AGENDA – A. APPROVAL OF THE SAFE & SOBER GRANT;  
B. APPROVAL FOR BODY VEST GRANT FOR POLICE DEPARTMENT;  
C. AUTHORIZATION TO DECLARE VEHICLES AS SURPLUS PROPERTY;  
D. RENEWAL OF MUTUAL AID AGREEMENT WITH STATE OF MINNESOTA IN-CAR COMPUTER; E. ANNUAL RENEWAL OF THE 2009 LICENSES - ON-SALE INTOXICATING LIQUOR, SUNDAY LIQUOR, OFF-SALE BEER, ON-SALE BEER, TOBACCO, TOWING AND STORAGE; F. RESOLUTION DESIGNATING 2007 BUDGETED EXPENDITURES AS FUTURE EXPENDITURES AS OF DECEMBER 31, 2007; G. RESOLUTION AMENDING BUDGET AMOUNTS FOR FISCAL YEAR ENDING DECEMBER 31, 2008; H. AUDIT ENGAGEMENT LETTER WITH ABDO EICK & MEYERS LLP FOR 2009; I. AGREEMENTS RELATING TO PAYING AGENCY, REGISTRAR AND TRANSFER AGENCY WITH US BANK FOR: GENERAL OBLIGATION EQUIPMENT CERTIFICATES OF INDEBTEDNESS, SERIES 2008 C AND FOR GENERAL OBLIGATION UTILITY AND IMPROVEMENT BONDS, SERIES 2008B; J. NEW POSTAGE MACHINE RENTAL AND SERVICE AGREEMENT WITH CLARITUS; K. CONSIDERATION OF APPROVAL BILLS/PROJECT PAYMENTS; L. CONSIDERATION OF APPROVAL OF BUILDING PERMITS REVIEW:**

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

The adoption of RESOLUTION NUMBER 3179, SECOND SERIES and that the reading of the same be waived. Resolution Number 3179, Second Series is a resolution Authorizing Acceptance of a Traffic Safety Award. This resolution provides for 2008 Safe and Sober Challenge Grant in the amount of \$4,500.00.

The receipt of \$3,352.00 from the federal government for the Bureau of Justice Assistance (BJA) for the 2008 Bulletproof Vest Partnership.

Authorization be granted to the Department of Public Safety to dispose of surplus City property – nine (9) vehicles. These vehicles will be auctioned using the State’s On-Line auction process. Those vehicles that don’t receive the minimum bid will be taken to Becker Iron & Metal for disposal.

The renewal of the MN Radio Joint Powers Radio Usage Agreement between the State of Minnesota and the Department of Public Safety for the three mobile computer terminals at a rate of \$30.00 per month per car for a total annual cost of \$1,080.

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The approval of the following license renewals for 2009 contingent upon certificates of insurance being received 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
Express Way of Marshall	Freedom Valu Center/Erickson Oil
Hy-Vee Food Store	Hy-Vee Gas Station
La Mexicana	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 (\$75.00 per year)**

American Legion	Ampride Main
Ampride West	Casey's General Store
Cattoor Oil/Phillipps 66	County Fair
Express Way of Marshall	Freedom Value Center
Hy-Vee Food Store	Hy-Vee Gas Station
Marshall Golf Club	Marshall Liquor Store
Marshall Tobacco Inc	Sam's Place
Super America	Varsity Pub
Wal Mart	

**TOWING AND STORAGE LICENSE APPLICATION (\$190.00 per year)**

Southwest Towing and Recovery



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The adoption of RESOLUTION NUMBER 3180, SECOND SERIES and that the reading of the same be waived. Resolution Number 3180, Second Series is a resolution Designating 2007 Budget Expenditures as Future Expenditures as of 12-31-07.

The adoption of RESOLUTION NUMBER 3181, SECOND SERIES and that the reading of the same be waived. Resolution Number 3180, Second Series is a resolution Amending Budget Amounts for Fiscal Year Ending December 31, 2008.

The proper city personnel be authorized to enter into an engagement letter with Abdo, Eick & Meyers, LLP to perform the audit services for the City of Marshall's 2008 Financial statements, They are estimating the gross fee, including expenses will be approximately \$34,655.

The proper city personnel be authorized to enter Agreements Relating to Paying Agency, Registrar and Transfer Agency for General Obligation Equipment Certificates of Indebtedness, Series 2008C and for General Obligation Utility and Improvement Bonds, Series 2008B. The fee for this is approximately \$500 per bond issue per year and is paid from the respective Debt Service Fund.

The proper city personnel be authorized to enter into an agreement with Claritus for the Postage Meter Rent and Service Agreements for an IM330 Postage Meter for 63 months at of fee of \$95.00 per month.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 63276 through 63467.

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.	North Star Mutual Insurance Company	202	Jewett	Street	Reroof	\$13,400

**CONSIDERATION OF APPROVAL OF STORAGE LEASE AGREEMENT. (CHIEF ROB YANT):**

Request for proposals for a three-year contract were received by the Marshall Police Department for storage space for vehicles that are abandoned, seized or evidence that need to be stored on a facility controlled by the Police Department rather than the company with the towing contract. Proposals received were from:

George Jacob  
3600 square feet  
Sandstone floor  
\$5,400 per year

George Jacob  
4080 square feet  
Sandstone floor  
\$6,120 per year

Bill Ziegenhagen  
3000 square feet  
Cement floor  
\$9,000 per year

Carr Properties  
2500 square feet  
Concrete floor  
\$12,500 per year

Carr Properties  
2500 + 350 square feet  
Concrete floor  
\$14,250 per year

Bill Ziegenhagen  
6600 square feet  
Cement floor  
\$18,000 per year

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Carr Properties	Marshall Machine
3075 + 359 square feet	5600 square feet
Concrete floor	Concrete floor
\$17,170 per year	\$21,600 for 1 <sup>st</sup> year
	Plus 3% each year

Wilson O'Brien	Wilson O'Brien	Wilson O'Brien
1344 square feet	2240 square feet	3072 square feet
Concrete floor	Concrete floor	Concrete floor
Purchase price of	Purchase price of	Purchase price of
\$42,900 + \$250 per year	\$57,900 + \$250 per year	\$72,900 + 250 per year

Rob Yant, Director of Public Safety, is recommending a one-year lease with George Jacob for the 3600 square foot unit at a cost of \$5,400 so that the department can explore other options. This unit would hold 21 vehicles and it comes with two remotes and two keys.

Ritter moved, Sanow seconded, that the proper city personnel be authorized to enter into a three-year lease with George Jacob for the 3600 square foot unit at a cost of \$5,400 per year. All voted in favor of the motion.

**CONSIDERATION OF RESOLUTION FOR INTERNAL LOAN TO THE EDA (EDA DIRECTOR MARK HANSON):**

On January 29, 2007 the Economic Development Authority in and for the City of Marshall entered into that certain Loan and Grant Agreement and issued in connection therewith an Infrastructure Promissory Note to Schwan's Development Corporation. The Agreement and Note were in furtherance of the Authority's activities to promote affordable housing by the construction of the Parkway Addition II as described in the Agreement. One of those funding mechanisms was a \$750,000 infrastructure loan from Schwan's Development Corporation to the Economic Development Authority. The loan was 0% interest and was to be paid back as each of the 82 residential lots were developed. The loan is due in full upon the sale of the lots or December 31, 2008, whichever event occurs first. The progress of the development has been slower than anticipated. To date, 16 lots have been sold. The sale of each lot has included a payment to Schwan's Development Corporation in the amount of \$9,146.35 per lot. However, there is a remaining principal balance due to Schwan's Development Corporation in the amount of \$603,658.40 which is due in full on or before December 31, 2008.

Ritter moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3182, SECOND SERIES and that the reading of the same be waived. Resolution Number 3182, Second Series is a resolution Authorizing an Internal Loan to the Economic Development Authority in and for the City of Marshall. This resolution provides for a loan from the Tax Increment Financing to the Economic Development to pay off the loan to Schwan's Development Corporation in the amount of \$603,658.40. It is the intent that this loan to the Authority is for 10 years with a \$9,146.35 per lot sold being reimbursed to the TIF account or until all the lots in the Parkway Addition II are sold, with an interest rate on the loan of 0% simple interest per annum. All voted in favor of the motion.

**CONSIDERATION OF WAIVER OF 21-DAY REVIEW AND REJECTION AUTHORITY RELATED TO THE ECONOMIC DEVELOPMENT AUTHORITY APPROVAL OF A CRIF LOAN TO MIDWEST AVIATION (EDA DIRECTOR MARK HANSON):**

Sanow moved, Ritter seconded, to approve the waiver of the 21-day review and Rejection Authority related to the Economic Development Authority Approval of a CRIF Loan to Midwest

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Aviation in the amount of \$470,000. This will be used to help rebuild two engines, repurchase the company from Petters and various costs associated with the repurchase. All voted in favor of the motion.

Council Member Hulsizer left the meeting at 6:25 P.M.

**CONSIDERATION OF CHANGE ORDER NO. 3 (FINAL) AND  
ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION FOR PROJECT X74 /  
S.A.P. 139-112-05: NORTH 3<sup>RD</sup> STREET RECONSTRUCTION AND BRIDGE  
REPLACEMENT PROJECT:**

Sanow moved, Reynolds seconded, the approval of Change Order No. 3 (final) with R & G Construction Company for an increase in the amount of \$26,103.30 and the acknowledgement of the final payment in the amount of \$98,636.36 contingent upon receipt of all required closeout forms. This change order is a result of the final measurements and changes in item quantities during construction, for the removal of a tree and for the installation of a tile line in front of 501 East College Drive to correct drainage problems due to the sidewalk and curb elevations. All voted in favor of the motion.

**CONSIDERATION OF POND AND STORM SEWER EASEMENT AND TEMPORARY  
CONSTRUCTION EASEMENT PROJECT Y31: (139-131-02) WINDSTAR STREET  
FROM SCOTT STREET TO T.H. 59:**

Glenn Olson, Director of Public Works/City Engineer, indicated that Robert L. and Phyllis V. Carr are the owners of property adjacent to the Windstar Street Project. The City needs to acquire a Pond and Storm Sewer Easement. This easement is necessary for the retention and initial treatment of storm water from Windstar Street and surrounding areas. The City of Marshall will be responsible for the construction of said pond and construction and maintenance of any storm sewer piping installed by the City of Marshall, if any, within said easement. Costs for said construction will be in accordance with the then current City of Marshall Special Assessment Policy. The City of Marshall also needs to acquire a Temporary Construction Easement over the Pond and Storm Sewer Easement area, as well as adjacent property for the construction of the permanent pond and pipe installation. The City of Marshall will be responsible for returning said property to similar conditions as found prior to the construction of said pond and construction of any storm sewer piping installed by the City of Marshall. Said temporary construction easement will be in effect until the completion of said pond and storm sewer piping construction or November 1, 2009, whichever comes first.

Doom moved, Sanow seconded, that the proper city personnel be authorized to enter into a Pond and Storm Sewer Easement and a Temporary Construction Easement with Robert L. and Phyllis V. Carr, owners of the property adjacent to the Windstar Street Project. All voted in favor of the motion.

**CONSIDERATION OF PURCHASE OF REAL PROPERTY FOR FUTURE USE OF  
CITY PARK LOCATED ADJACENT TO WINDSTAR STREET:**

Glenn Olson, Director of Public Works/City Engineer, indicated that the City has been working with developers for the past two years to try to acquire property in order to provide a public park south of T.H. 23. A study of residential development in the City recommended a 30-acre park located south of T.H. 23. After discussion and direction to investigate development involved with an Amateur Sports Commission facility located near the new high school, the recommendation was to decrease the size of this park to about one-half the size and make it a neighborhood park for children and residents of the area. The City will be responsible for the special assessments for the improvements adjacent to Windstar Park, and there will be no future park dedication fees in the remaining quarter-section owned by the Carrs, in lieu of the Carrs' donation of land value. Funds for the purchase of this property are expected to come from

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unallocated general fund reserves with potential reimbursement from project funds. Development costs are expected to be a public/private partnership, including City funds and private donations.

Doom moved, Ritter seconded, that the proper city personnel be authorized to enter into a Purchase Agreement with Robert L. & Phyllis Carr for a 12.47 acre parcel located south of T.H. 23 south of Windstar Street in the amount of \$110,000 and other consideration. Mr. Carr has requested an appraisal of this property and that the additional value of the land will be considered as a gift portion for Carr's. All voted in favor of the motion.

### **CONSIDERATION OF RESOLUTION APPROVING THE FINAL PLAT OF ADM INDUSTRIAL PARK:**

Ritter moved, Doom seconded, the adoption of RESOLUTION NUMBER 3183, SECOND SERIES and that the reading of the same be waived. Resolution Number 3183, Second Series is a resolution Approving the Final Plat of ADM Industrial Park contingent upon the following:

1. Payment of all fees according to the First Development Contract for ADM Industrial Park in the amount of \$2,804.46 according to the current "Resolution Approving Specific Fees to be Charged by the City of Marshall" (Resolution Number 3098, Second Series).

2. The Title being completed.

All voted in favor of the motion.

### **CONSIDERATION OF CHANGE ORDER NO. 1 FOR PROJECT Y50: WEST REDWOOD STREET/NORTH 4<sup>TH</sup> STREET IMPROVEMENT PROJECT:**

Doom moved, Reynolds seconded, the approval of Change Order No. 1 with Gaub, Inc., for an increase in the amount of \$2,950.00. This change order is for a 12" x 8" reducer needed to make the connection to the existing 12" watermain stubbed south on South 4<sup>th</sup> Street from West Marshall Street and for an 8" x 6" reducer and two (2) 6" 90 degree bends were needed to make the connection to the existing watermain at the intersection of North 3<sup>rd</sup> Street and West Redwood Street. All voted in favor of the motion.

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

### **CONSIDERATION OF RESOLUTION ADOPTING THE 2009 BUDGET:**

Ben Martig, City Administrator, briefly reviewed the 2009 Budget. He indicated that after the Truth in Taxation hearing the city cut many capital items and placed a wage freeze for city employees. He did indicate that the budget still includes improvements to the elevator and ambulance garage. He also indicated that there is \$5,000 budgeted for the Whitney Statute, but there needs to be \$25,000 in donations raised for this project.

Ritter moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3184 SECOND SERIES and that the reading of the same be waived. Resolution Number 3184, Second Series is a resolution Adopting a Budget for 2009. This resolution provides for General Fund revenues of \$10,942,553 and expenditures of \$11,429,553, which includes a fire truck of \$487,000 that the City issued bonds for in 2008, and of which the revenues will be supported with a tax levy of \$3,266,566. All voted in favor of the motion.

**CONSIDERATION OF RESOLUTION APPROVING 2008 TAX LEVY COLLECTIBLE IN 2009:**

Doom moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3185 SECOND SERIES and that the reading of the same be waived. Resolution Number 3185, Second Series is a resolution Approving 2008 Tax Levy, Collectible in 2009. This resolution provides for a tax levy as follows:

General Fund	\$ 2,739,006
Library	527,550
PERA Employer Contribution Special Levy	43,413
Debt Service 1996 Storm Sewer Improvement District Bonds	54,994
Debt Service 2006 Storm Sewer Improvement District Bonds	142,170
Debt Service 2002 "A" Airport Improvement Bonds	203,457
Debt Service 2002 "B" Parkway Improvement Bonds	31,413
Debt Service 2005 "A" G. O. Public Improvement Bonds	78,725
Debt Service 2006 "B" G. O. Public Improvement Bonds	32,652
Debt Service 2007 "C" G. O. Public Improvement Bonds	136,097
Debt Service 2007 "D" G. O. Equipment Certificates	112,198
Debt Service 2008 G. O. Equipment Certificates	94,580
Debt Service 2009 G. O. Equipment Certificates	50,000
Economic Development Authority	126,329
<b>TOTAL LEVY</b>	<b><u>\$4,372,584</u></b>

All voted in favor of the motion.

**CONSIDERATION OF COMPENSATION ADJUSTMENTS RELATED TO CITY APPRAISER AND ASSESSING TECHNICIAN:**

Ben Martig, City Administrator indicated that the Director of General Services/City Assessor resigned his position on 12-31-07, although recruitment efforts began immediately, the position of City Assessor was not filled until 11-03-08. In the interim, the Appraiser and Assessing Technician took on additional responsibilities related to commercial and industrial property inspections, meetings with the County and State officials on sales data to use for 2008 assessments, valuations for all classes of property within the City, and Local Board of Review and Equalization preparations and presentation of information to City citizens, property owners, Lyon County (County Assessor), and City Council. The Appraiser and Assessing Technician worked closely with the County Assessor and the State Department to ensure the City's legal compliance. The additional work performed by the Appraiser and Assessing Technician is consistent with work that was previously, and is now, being completed by the City Assessor.

Ritter moved, Reynolds seconded, the approval of additional compensation for the City's Appraiser and Assessing Technician in the amounts of \$659.40 and \$228.25 respectively for additional work responsibilities taken on out of class in the absence of a City Assessor during 2008. All voted in favor of the motion.

**CONSIDERATION OF ADOPTION OF 2009 WAGE SCHEDULE:**

Ben Martig, City Administrator, briefly reviewed the 2009 wage schedule. He indicated that the 2009 wage schedule provides for no increase in general wages from 2008 to 2009. Council Member Sanow asked if anyone is being paid above the wage schedule. Glenn Olson, Director of Public Works/City Engineer, indicated that this has happened in his department in the past. Mr. Martig indicated that this would not happen going forward. Doom moved, Ritter seconded, the approval of the 2009 Wage Schedule for the Full-time and regular part-time employees. This schedule provides for no change from the 2008 Wage Schedule. All voted in favor of the motion.

**CONSIDER RESOLUTION APPROVING SPECIFIC FEES TO BE CHARGED BY THE CITY OF MARSHALL:**

At this time there was a brief discussion on the fees charged by Studio One and whether or not Studio One should be allowed to video tape private events. Boedigheimer moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3186, SECOND SERIES and that the reading of the same be waived. Resolution Number 3186, Second Series is a resolution Approving Specific Fees to be Charged by the City of Marshall effective January 1, 2009. All voted in favor of the motion.

**CONSIDERATION OF APPROVAL OF ALARM SERVICE AGREEMENTS:**

Ben Martig, City Administrator, indicated that Marshall Municipal Utilities is ending their alarm services effective January 1, 2009. Mr. Martig indicated that he reviewed the options in comparison to Heartland and indicated that Living Connected, Inc., will be the best option. Council Member Boedigheimer indicated that the City of Marshall does not own the Marshall Transit Building. Doom moved, Ritter seconded, that the proper city personnel be authorized to enter into an agreement with Living Connected, Inc., for Alarm Services effective January 1, 2009 contingent upon review by the City Attorney Dennis Simpson. All voted in favor of the motion.

**CONSIDERATION OF 2009 REGULAR CITY COUNCIL DATES, TIME AND LOCATION:**

Doom moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3187, SECOND SERIES and that the reading of the same be waived. Resolution Number 3187, Second Series is a resolution Establishing Meeting Time for City Council Meetings. This resolution provides for the City Council meetings to be held at 5:30 P.M. on the second and fourth Tuesday of each month at the Board Room of the Marshall Middle School located at 401 South Saratoga Street. All voted in favor of the motion.

**APPOINTMENT OF COUNCILMEMBER'S TO  
BOARDS/COMMISSIONS/COMMITTEES – MAYOR BYRNES:**

Mayor Byrnes indicated that since there we no new Council Members the appointments to the various boards, commissions and committees would not change. Mayor Byrnes did add one new committee, which is:

Regional Radio Board: Robert Byrnes and Charlie Sanow.

**SELECTION OF PRESIDENT PRO TEM BY COUNCIL:**

Council Member Mike Boedigheimer was nominated as the President Pro-Tem, therefore Sanow moved, Ritter seconded, that nominations cease and that a unanimous ballot be cast for Mike Boedigheimer as the President Pro-Tem for the City Council. All voted in favor of the motion.

**COUNCILMEMBER COMMISSION/BOARD LIAISON REPORTS:**

Byrnes            EDA met and discussed the CRIF Loan for Midwest Aviation

Boedigheimer Airport Commission –Mr. Boedigheimer was unable to attend therefore, Glenn Olson, Director of Public Works/City Engineer, provided an update on the potential scheduled air service.

Doom            Marshall Community Services Advisory Board – there was a presentation on the Bike and Walking Trail.

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Reynolds      Hospital Board met earlier today.

Ritter          No report.

Sanow          No report.

**STAFF REPORTS – A. CITY ADMINISTRATOR:**

Ben Martig, City Administrator, reviewed the LGA cuts and State deficit. He indicated that according to the League of Minnesota Cities there would be a reduction of 9% to 35% in the second half of the LGA payments. Ben indicated that he had met with city employees and provided them with the proposed budget changes for 2009. He also indicated that the budget reports are due to the State of Minnesota; the pay equity report is due by January 30<sup>th</sup>; a priority work plan needs to be completed for 2009; the Personnel Policy needs to be completed; and the draft for the MERIT Center lease needs to be reviewed. He also reviewed the federal fund request that Ed Cain is seeking for the MERIT Center and for Highway 23 projects.

Glenn Olson, Director of Public Works/City Engineer, provided an update on the Highway 23 projects that have been included in the potential funding.

**COUNCILMEMBER INDIVIDUAL ITEMS:**

Other items brought forth by the Mayor and Council Members included: a Legislative and Ordinance Committee meeting needs to be scheduled and a meeting needs to be scheduled to discuss the Railroad Whistle issue.

**REVIEW OF PENDING AGENDA ITEMS:**

There were no comments on the pending agenda items.

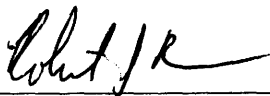
**DETERMINATION BY CITY COUNCIL TO GO INTO CLOSED SESSION PURSUANT TO MINNESOTA STATUTE 13D.05 SUBD. 3 (B) TO DISCUSS SUPPLEMENTAL ENVIRONMENTAL PROJECT FOR MPCA NEGOTIATIONS:**

Ritter moved, Reynolds seconded, to go into closed session at 8:27 P.M. pursuant to Minnesota Statute 13D.05, Subd.3(b) to discuss supplemental environmental project for MPCA negotiations.

The council came out of closed session at 8:52 P.M.

The Planning Commission currently has 2 vacancies to fill.

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