

REGULAR MEETING – MARCH 10, 2009

The regular meeting of the Common Council of the City of Marshall was held on March 10, 2009 in the Professional Development Room at Marshall Middle School, 401 South Saratoga Street. The meeting was called to order at 5:30 P.M. by Mayor Byrnes. In addition to the Mayor 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; Thomas M. Meulebroeck, Finance Director/City Clerk; Jane DeVries, Deputy City Clerk; and Sheila Dubs arrived at 7:00 P.M.

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 MINUTES:

Boedigheimer moved, Sanow seconded, that the minutes of the regular meeting held on February 24, 2009 be approved as corrected and that the reading of the same be waived. All voted in favor of the motion.

PUBLIC HEARING - PROJECT Y52: T.H. 59 AND ONTARIO ROAD IMPROVEMENT PROJECT – PUBLIC HEARING ON IMPROVEMENT AND CONSIDER RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS:

This was the date and time set for a public hearing on T.H. 59 and Ontario Road Improvement Project No. Y52. Glenn Olson, Director of Public Works/City Engineer indicated that the project involves the replacement of the watermain and pavement reconstruction. The proposed project will reconstruct Ontario Road and described utilities from T.H. 59 north to vacated Hahn Road. Currently, the existing watermain along this portion of T.H. 59 North and Ontario Road is in poor condition and should be replaced. The extent to which the proposed utility work will destroy the existing pavement is substantial. Minor storm sewer may also be necessary during reconstruction of the street. The estimated cost of the watermain utility work on T.H. 59 and Ontario Road is \$398,000.

The existing pavement on Ontario Road is in very poor condition. Given the utility work and poor pavement condition, it will be most cost effective to totally reconstruct the Ontario Road pavement. The estimated cost to reconstruct Ontario Road with an 8-in. thick PCC pavement is \$640,000.

MMU is also requesting the replacement of the watermain utility along vacated and existing Hahn Road right-of-way from Ontario Road to C.S.A.H. 33. MMU will finance this work with an estimated cost of \$324,000. The City may consider the partial reconstruction of the storm sewer utility along Hahn Road in conjunction with the MMU project. The estimated cost this storm sewer work is \$18,000.

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

Reynolds moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3203, SECOND SERIES and that the reading of the same be waived. Resolution Number 3203, Second Series is a resolution Ordering Improvement and Preparation of Plans for T.H. 59 and Ontario

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Road Improvement Project No. Y52. All voted in favor of the motion.

PUBLIC HEARING - ORDINANCE AMENDING SECTION 86-106, I-1 LIMITED INDUSTRIAL DISTRICT, AND SECTION 86-107, I-2 GENERAL INDUSTRIAL DISTRICT, OF THE CODE OF ORDINANCES OF THE CITY OF MARSHALL AND CONSIDER ADOPTION OF ORDINANCE:

This was the date and time set for a public hearing on the ordinance amending Section 86-106, I-1 Limited Industrial District and Section 86-107, I-2 General Industrial District. Glenn Olson, Director of Public Works/City Engineer, indicated that on the Legislative and Ordinance Committee reviewed the request to amend the I-1 and I-2 Zoning Districts to include Auto Parts and Accessories Sales as a permitted use in the districts. He also indicated that there was discussion at the February 24, 2009 Council meeting to consider this request be considered at a conditional use permit.

Council Member Sanow indicated that the council would have more control if Auto Parts and Accessories Sales were permitted as a conditional use in an I-1 and I-2 Zoning District. Council Member Boedigheimer indicated that maybe everything listed as a permitted use should be changed to a conditional use if the council feels that they need more control. Doom moved, Ritter seconded, that the public hearing be closed. All voted in favor of the motion.

Boedigheimer moved, Doom seconded, the adoption of ORDINANCE NUMBER 606, SECOND SERIES and that the reading of the same be waived. Ordinance Number 606, Second Series is an ordinance Amending Section 86-106 – I-1 Limited Industrial District and 86-107 – I-2 General Industrial District of the Code of Ordinances of the City of Marshall. This ordinance provides for Auto Parts and Accessories Sales be a permitted use in these districts. Council Member Sanow was not in favor of this. He indicated that this should be permitted as a conditional use permit. The question was called. Voting in favor of the motion were: Boedigheimer, Doom, Reynolds and Ritter. Voting no were: Sanow, Byrnes and Hulsizer.

PUBLIC HEARING - ORDINANCE AMENDING SEC. 66-102, PUBLIC SITES AND OPEN SPACES, AND CONSIDER ADOPTION OF ORDINANCE:

This was the date and time set for a public hearing on the ordinance Amending Section 66-102, Public Sites and Open Spaces. Harry Weilage, Director of Community Services, indicated that the City's park land fees have not kept up with the demands of the costs of park land development. He indicated that it has been determined that the park development costs should not only be spread upon residential developments, but also to business (commercial) developments. The City is expanding both in its residential and commercial areas and needs additional park lands in areas not served by the current park system. Council Member Boedigheimer indicated that the Legislative and Ordinance Committee reviewed this ordinance and are in favor of the amendment. He also indicated that Ways and Means Committee met to discuss the proposed fee associated with this amendment. Council Member Ritter asked if any of this money could be used for the bike trail system. The Council would have the authority to make that decision. Council Member Doom indicated that the money should be used for park development. Boedigheimer 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 607, SECOND SERIES and that the reading of the same be waived. Ordinance Number 607, Second Series is an ordinance Amending Section 66-102, Public Sites and Open Spaces of the Code of Ordinances of the City of Marshall. This ordinance provides for the payment of park land development fees when any property within the city limits is subdivided and zoned residential or business (commercial), upon the sale of any lot within said subdivision. The fee for this process is included in the Fee Resolution

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adopted by the City of Marshall. All voted in favor of the motion.

CONSENT AGENDA - A. LG220 APPLICATION FOR EXEMPT PERMIT FOR SW GREAT DIVIDE CHAPTER ROCKY MOUNTAIN ELK FOUNDATION FOR A RAFFLE TO BE HELD ON APRIL 4, 2009 AT THE BEST WESTERN MARSHALL INN; B. LG220 APPLICATION FOR EXEMPT PERMIT FOR THE ROTARY CLUB OF MARSHALL FOR A RAFFLE TO BE HELD ON JUNE 2, 2009 AT THE MARSHALL GOLF CLUB; C. CONSIDERATION OF RENEWAL OF GROUP SELF-INSURED ACCIDENT PLAN FOR VOLUNTEERS; D. AUTHORIZATION TO DECLARE MISCELLANEOUS ITEMS AS SURPLUS PROPERTY; E. AUTHORIZATION TO DECLARE VEHICLES AS SURPLUS PROPERTY; F. TRAFFIC SAFETY ENFORCEMENT GRANTS; G. CONSIDER AUTHORIZATION FOR OUT OF STATE TRAVEL FOR ERIC KLENKEN FOR TRAFFIC SAFETY TRAINING (FUNDED BY TRAFFIC SAFETY); H. CONSIDER AUTHORIZATION TO CALL FOR PROPOSALS FOR JANITORIAL SERVICES FOR THE ARRIVAL/DEPARTURE BUILDING AT THE AIRPORT; I. CONSIDERATION OF APPROVAL BILLS/PROJECT PAYMENTS:

Council Member Boedigheimer requested that item c, which is consideration of renewal of group self-insured accident plan for volunteers be removed from the consent agenda.

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

BE IT RESOLVED, that the proper City personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the Application for Exempt Permit – LG220 for the S. W. Great Divide Chapter Rocky Mountain Elk Foundation for a raffle to be held at Best Western Marshall Inn, 1500 East College Drive, Marshall, Minnesota on April 4, 2009 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 the Rotary Club of Marshall for a raffle to be held at the Marshall Golf Club, 800 Country Club Drive, Marshall, Minnesota on June 2, 2009 and that the 30 day waiting period be waived.

Authorization be granted to the City of Marshall Department of Public Safety to dispose of surplus City property that has been abandoned or seized by the Marshall Police Department. This property has gone through the notification process and required period for disposal. This property will be auctioned using the State's On-Line auction process.

Authorization be granted to declare old holiday decorations as excess property and authorize the Community Services Department to dispose by advertising the sale of this property or by using the State's On-Line auction process.

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 approval for the Marshall Police Department to receive a grant up to \$1,500 for overtime for officers to do education and enforcement from May 18, 2009 through May 31, 2009 on seatbelt and child safety seats.

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Out-of-State travel be approved for Eric Klenken to attend the “National Conference on Highway Safety Priorities Lifesavers Conference: in Nashville, Tennessee on March 29, 2009 to April 1, 2009.

The proper city personnel be authorized to advertise for proposals for janitorial services for the Arrival/Departure Building at the Airport.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher no. 64294 through 64498.

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

Council Member Boedigheimer indicated that the Group Self-Insured Accident Plan for Volunteers was for January 1, 2009 to January 1, 2010. He was concerned with getting the renewal on a timelier manner and wanted to make sure that the city had insurance coverage effective January 1, 2009. Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that last year the City had requested the League of Minnesota Cities to provide this renewal at the same time the city receives the other insurance renewals. He also indicated that the City did have insurance effective January 1, 2009. Sanow moved, Reynolds seconded, to approve the renewal of the Group Self-Insured Accident Plan for Volunteers with the League of Minnesota Cities Insurance Trust for January 1, 2009 through January 1, 2010 at a premium of \$1,847.00. All voted in favor of the motion, except Boedigheimer who voted no.

CONSIDER AUTHORIZATION TO APPLY FOR THE 2009 ASSISTANCE OF FIREFIGHTER GRANT PROGRAM:

Marc Klaith, Fire Chief, was in attendance to request authorization to apply for the 2009 Assistance to Firefighter Grant Program. The department will be doing this as a regional grant with the other departments in Lyon County. The City of Marshall will be the fiscal agent for this grant. This Grant will be for new radio equipment for the fire apparatus, the Chief’s vehicles, and handheld radios. This equipment will make the fire department compliant with the Homeland Security Interoperability Communications by 2013. This grant will require a 15% match by the City of Marshall. The other communities will be responsible for their 15% match. The Marshall Fire Department needs are as follows:

Nine (9) 100-watt Dual head with headsets (includes one for the airport)	\$52,650.00
Eleven (11) 50-watt radios (includes two for the airport)	42,350.00
Twenty five (25) handheld radios (includes three for the airport)	93,250.00
Two (2) Base Stations (includes one for the airport)	3,000.00
Total	\$191,250.00

This grant will replace all of the radio equipment with an estimated cost to the City of \$28,687.00, which is their 15% match. DSI from Ivanhoe, Minnesota wrote a grant for the regional training about 4 years ago at a cost of \$600.00. The Lyon County Mutual Aid Association is willing to pay DSI the \$250.00 fee to start the grant process. The balance could be taken from the Marshall Fire Department budget. If awarded the department would be reimbursed through the grant.

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Doom moved, Reynolds seconded, that the proper city personnel be authorized to apply for the 2009 Assistance to Firefighter Grant Program for new radio equipment at an estimated cost of \$191,250.00. All voted in favor of the motion.

CONSIDER RESOLUTION AMENDING SPECIFIC FEES TO BE CHARGED BY THE CITY OF MARSHALL:

Ben Martig, City Administrator, briefly reviewed the proposed changes to the Fee Resolution. Per the recommendation of the Ways and Means Committee, Boedigheimer moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3204, SECOND SERIES and that the reading of the same be waived. Resolution Number 3204, Second Series is a resolution Approving Specific Fees to be Charged by the City of Marshall effective March 10, 2009. All voted in favor of the motion.

CONSIDERATION OF PARK FLOWER PLANTING PLAN AND RELATED STAFFING LEVELS:

Harry Weilage, Director of Community Services, indicated that over the past several years' flowers have been purchases to enhance and beautify downtown Marshall and the parks. The flow project is a large annual expense but there has been positive feedback from the residents and visitors related to this project. The flowers have also helped lessen the aesthetic impact of the loss of mature trees from the downtown area due to the recent Main Street redevelopment project. Mr. Weilage indicated that staff has provided four options ranging from reducing pots and one part-time staff person to having no flowers and reducing three part-time staff. Mr. Weilage is recommending option B which includes no pots, flowers at Legion Field, Liberty Park, Memorial Park, the planter box at 3rd Street and Main; the two planter boxes on 3rd Street and reduces two part-time staff. The savings for this option is approximately \$13,500. Council Member Hulsizer asked where the planters were located on 3rd Street. The planters on 3rd Street are by the Library and by Amerprise Financial Services Inc. Council Member Boedigheimer indicated that he was in favor of option C, which eliminates the planters on 3rd Street and provides for an additional savings of approximately \$2,950. Mr. Weilage indicated that they would get quotes for the flowers which would include both annuals and perennials. Mayor Byrnes suggested that the businesses be allowed to adopt a pot and maintain the flowers for the year. Mr. Weilage indicated that this could be an option along with declaring the pots as surplus property. Boedigheimer moved, Hulsizer seconded, the approval of Option C which includes no pots, flowers at Legion Field, Liberty Park, Memorial Park, the planter box at 3rd Street and Main and reduces two part-time staff. This option will provide for a savings of approximately \$16,452. All voted in favor of the motion.

DISCUSSION OF MINNESOTA MUNICIPAL UTILITIES ASSOCIATION (MMUA) LAND LEASE AGREEMENT AND ACTIVITY REPORT:

Ben Martig, City Administrator, indicated that the Minnesota Municipal Utility Association (MMUA) is requesting to expand their training facilities including props such as power poles and other. No buildings are proposed on the site. Kevin Thompson, representative from MMUA provided a brief update on the type of training that takes place at this facility. Doom moved, Ritter seconded, that Dennis Simpson, City Attorney, be authorized to prepare a lease addendum to allow for the expanded use of the Minnesota Municipal Utility Association. All voted in favor of the motion.

PUBLIC UTILITY BONDS, SERIES 2009 – RESOLUTION AUTHORIZING THE UTILITIES COMMISSION TO ORDER THE ISSUANCE AND SALE OF BONDS:

Brad Roos, General Manager Marshall Municipal Utilities, reviewed there 2009 Bonding request for authorization to issue bonds. MMU will issue 2009 Revenue Bonds for new construction along with refunding of previous bond issues. Terri Heaton, Springsted Inc., was in attendance to review the bonds. She indicated that this would be a 15-year bond issue. Council Member Sanow

was not sure that this was the time to be spending more money. He indicated that MMU needs to take a real look at what is needed. Council Member Hulsizer asked how bad the economy would have to be before MMU would reduce their long range plans. Mr. Roos indicated that they could get more projects for the dollar in 2009. Council Member Sanow indicated that the bond issue has several items that could be taken out. Council Member Boedigheimer indicated that they needed to support the decision made by the MMU Board. Ritter moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3205, SECOND SERIES and that the reading of the same be waived. Resolution Number 3205, Second Series is a resolution Approving the Issuance of Public Utility Revenue Bonds and Public Utility Revenue Refunding Bonds in One or More Series, and Authorizing Certain Actions to be Taken by the Marshall Municipal Utilities Commission with Respect to the Issuance of Such Bonds. All voted in favor of the motion, except Sanow and Hulsizer who voted no.

CONSIDER RESOLUTION TO AUTHORIZE (T-1) SERVICE AGREEMENT AND LEASE OF TRANSMISSION FACILITIES WITH MISSOURI BASIN MUNICIPAL POWER AGENCY:

Reynolds moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3206, SECOND SERIES and that the reading of the same be waived. Resolution Number 3206, Second Series is a resolution authorizing the proper city personnel to execute the Transmission Service Agreement (T-1). This agreement will expire on January 1, 2046. All voted in favor of the motion.

Reynolds moved, Sanow seconded, the adoption of adoption of RESOLUTION NUMBER 3207, SECOND SERIES and that the reading of the same be waived. Resolution Number 3207, Second Series is a resolution authorizing the proper city personnel to execute the Lease of Transmission Facilities. This lease will expire on January 1, 2046. All voted in favor of the motion.

Mayor Byrnes called for a 5-minute recess at 7:15 P.M. Council Member Sanow excused himself from the meeting at this time.

PROJECT Y56: DOWNTOWN ALLEY IMPROVEMENT PROJECT -- CONSIDER RESOLUTION RECEIVING REPORT AND CALL FOR HEARING ON IMPROVEMENT:

Glenn Olson, Director of Public Works/City Engineer, reviewed the Downtown Alley Improvement Project Y56. This project was initiated by Marshall Municipal Utilities to bury existing overhead power lines in this section of alleyway. The project involves the replacement of storm sewer, aggregate base and concrete surfacing in the alley of Block 8, Original Plat (Wooden Nickel Block) from North 4th Street to North 5th Street and also the replacement of portions of the alley surfacing in Block 9, Original Plat (behind City Hall).

Ritter moved, Doom seconded, the adoption of RESOLUTION NUMBER 3208, SECOND SERIES and that the reading of the same be waived. Resolution Number 3208, Second Series is a resolution Receiving the Feasibility Report and Calling for Hearing on Improvement for Project Y56 Downtown Alley Improvement. The public hearing will be held at 5:30 P.M. on April 14, 2009. All voted in favor of the motion

PROJECT Y28: BASELINE ROAD AND SUSAN DRIVE IMPROVEMENT PROJECT -- CONSIDER RESOLUTION RECEIVING REPORT AND CALL FOR HEARING ON IMPROVEMENT:

Glenn Olson, Director of Public Works/City Engineer, reviewed the Baseline Road and Susan Drive Improvement Project Y28. This project involves the construction/reconstruction of Baseline Road from Susan Drive to Nwakama Street and Susan Drive from Clarice Avenue to 1,350 feet west.

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Baseline Road construction / reconstruction shall consist of curb and gutter, sidewalk, aggregate base, pavement construction and miscellaneous work. Susan Drive improvements shall consist of sanitary sewer main and services, watermain services for Outlot B of J-C Boyer Addition, curb and gutter, sidewalk, aggregate base, pavement construction and miscellaneous work.

Doom moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3209, SECOND SERIES and that the reading of the same be waived. Resolution Number 3209, Second Series is a resolution Receiving the Feasibility Report and Calling for Hearing on Improvement for Project Y28 Baseline Road and Susan Drive Improvement. The public hearing will be held at 5:30 P.M. on April 14, 2009. All voted in favor of the motion

CONSIDER RESOLUTION DEDICATING CITY-OWNED PROPERTY FOR PUBLIC USE FOR PUBLIC UTILITY PURPOSES IN VARIOUS LOCATIONS FOR THE 2009 MMU ELECTRICAL CONVERSION PROJECT:

Glenn Olson, Director of Public Works/City Engineer, indicated that Marshall Municipal Utilities has requested easements for public utility purposes on certain properties for their 2009 Electrical Conversion Project. These easements are necessary for MMU to locate and construct facilities adjacent to and outside of current city right-of-ways. These easement areas will be utilized not only by MMU but other public utilities as well. Doom moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3210, SECOND SERIES and that the reading of the same be waived. Resolution Number 3210, Second Series is a resolution Dedicating City-Owned Property for Public Use for Public Utility Purposes contingent upon the City Attorney approval and recommendation especially on the recording of the ordinance and the related properties. This resolution provides for easements for public utility purposes on certain properties for the MMU 2009 Electrical Conversion Project. All voted in favor of the motion.

PROJECT Y23: REDWOOD RIVER RIPRAP PROJECT – CONSIDER CHANGE ORDER NO. 2 (FINAL) AND ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION:

Reynolds moved, Ritter seconded, the approval of Change Order No. 2 (final) with Rogge Excavating in the amount of \$6,660.10 and the acknowledgement of the final payment in the amount of \$12,900.22. The items on the final change order are the result of change in vegetation scope and work involved in the installation of riprap key at toe in the Downtown Park project area. All voted in favor of the motion.

CONSIDER RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS - 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:

Glenn Olson, Director of Public Works/City Engineer, reviewed Project Y32 The project (139-131-03) Windstar Street from T.H. 59 to Clarice Avenue, (139-132-01) Clarice Avenue from Windstar Street to Susan Drive. This project consists of three segments:

139-131-03 (Y32-Segment 1) - Improvements by the extension of Windstar Street, a designated minor arterial street, from T.H. 59 to approximately 300' east of the center line of Clarice Avenue. The portion of Windstar from T.H. 59 to Clarice Avenue has been designated as part of the Municipal State Aid System. The street construction includes grading, aggregate base, bituminous base, and bituminous surfacing. Utilities to be installed include storm sewer, sanitary sewer and watermain. Access to Windstar Street from T.H. 59 will also be improved under this development.

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139-132-01 (Y32-Segment 2) - Improvements by the installation of Clarice Avenue, a designated collector street, connecting Windstar Street to Boyer Drive. This section of roadway has been designated as a part of the Municipal State Aid System. The street construction includes grading, aggregate base, bituminous base and bituminous surfacing. Utilities to be installed include storm sewer, sanitary sewer and watermain.

139-132-01 (Y32-Segment 3) - This Feasibility Report, prepared as authorized by the City Council, covers the improvements by the installation of Clarice Avenue, a designated collector street, connecting Boyer Drive to Susan Drive. This section of roadway has been designated as a part of the Municipal State Aid System. The street construction includes grading, aggregate base, bituminous base and bituminous surfacing. Utilities to be installed include storm sewer, sanitary sewer and watermain.

Doom moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3211, SECOND SERIES and that the reading of the same be waived. Resolution Number 3211, Second Series is a resolution Approving Plans and Specifications and Ordering Advertisement for Bids for Project Y32 The project (139-131-03) Windstar Street from T.H. 59 to Clarice Avenue, (139-132-01) Clarice Avenue from Windstar Street to Susan Drive. These bids are to be received on April 7, 2009. All voted in favor of the motion.

CONSIDER AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH TKDA FOR 2009 AIRPORT CAPITAL IMPROVEMENT PROGRAM:

Boedigheimer moved, Reynolds seconded, that the proper city personnel be authorized to enter into a Professional Services Agreement with TKDA for 2009 Airport Capital Improvement Program for the Airport Layout Plan (ALP) and Environmental Assessment (EA), subject to legal review by City Attorney, Dennis Simpson. The proposed cost for this project is \$75,700 of which 95% is expected to be federally funded. All voted in favor of the motion.

MN/DOT LETTER OF SUPPORT FOR T.H. 23 ACCELERATION LANE:

Glenn Olson, Director of Public Works/City Engineer, reviewed the construction of an acceleration lane on T.H. 23 westbound from C.S.A.H. 7. He indicated that in the development of the future intersection of C.S.A.H. 7 and T.H. 23 it was recommended that an acceleration lane be constructed for traffic entering T.H. 23 from C.S.A.H. 7. An acceleration lane is an additional tapered lane that allows a vehicle entering from an adjacent roadway to increase its speed to safely merge with traffic. This project is scheduled for construction in 2011 under a Highway Safety Improvement Project (HSIP) through Lyon County. MN/DOT is reconstructing T.H. 23 through the City of Marshall to Russell in 2010. Mr. Olson indicated that it would seem prudent for MN/DOT to construct the acceleration during their 2010 project rather than place this section of roadway under construction for two consecutive construction seasons. Doom moved, Reynolds seconded, that the City of Marshall send a letter of support for construction of an acceleration lane on T.H. 23 westbound from C.S.A.H. 7 to MN/DOT requesting that this project be constructed during their 2010 project. All voted in favor of the motion.

CONSIDERATION OF MINNESOTA POLLUTION CONTROL AGENCY STIPULATION AGREEMENT:

Dennis Simpson, City Attorney, reviewed the Stipulation Agreement between Minnesota Pollution Control Agency (MPCA) and the City of Marshall. During the construction of the Downtown Alley Project Y03 and the Main Street Construction Project Y01, dry cleaner solvent was encountered. The City's environmental consultant advised the City as to their understanding as to

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proper handling and disposition of that environmental contaminant. Further, there were other environmental matters encountered during the Main Street Project, all of which resulted in MPCA filing or citing the City for violations. These violations were turned over to the City insurance carrier and the insurance carrier has designated and appointed environmental attorney Larry Espel to represent the City on these matters. Reynolds moved, Ritter seconded, that the proper city personnel be authorized to enter into the Stipulation Agreement between Minnesota Pollution Control Agency (MPCA) and the City of Marshall and the Settlement Agreement between the City of Marshall and Wenck Associates, Inc. The terms of the agreements set forth the final payment to be made by the City of Marshall in the amount of \$28,250. Of that amount, \$18,600 will be paid by Wenck Associates, Inc., and the remainder will be paid by the City of Marshall. All voted in favor of the motion.

CONSIDERATION OF CANCELING FARM LEASE WITH JASON BECKER AND ASSIGN THE LEASE TO WAYNE SCHREURS FOR ONE YEAR:

Dennis Simpson, City Attorney, indicated that Jason Becker had agreed to rent a 5-acre City owned parcel of property at a rate of \$112.00 per acre. This 5-acre parcel of property is immediately adjacent to the Sonstegard property recently purchased by the City of Marshall. The City of Marshall acquired the Sonstegard property subject to an existing lease, wherein Wayne Schreurs of Arco, Minnesota was renting that property at a rate of \$100.00 per acre for the year 2009. Jason Becker desires to assign his rights to lease the property to Wayne Schreurs at a rate of \$112.00 per acre. Wayne Schreurs is willing to farm that 5-acre parcel and is willing to pay the \$112 per acre rent. Doom moved, Reynolds seconded, that Jason Becker be allowed to assign his rental rights pursuant to the farm lease that was entered into with the City of Marshall on October 1, 2008 to Wayne Schreurs at a rate of \$112.00 per acre for 5 acres for the 2009 farming season. All voted in favor of the motion.

REVIEW OF PROPOSED M.E.R.I.T. CENTER LEASE:

Ben Martig, City Administrator, reviewed the proposed MERIT Center Lease. He indicated that MnWest leases a significant portion of the MERIT Center from the City of Marshall. The last lease payments received ended June of 2007. Since that time, the city was working with them on potential expansion that fell through and there were other reasons why the new lease was not addressed. The annual operating costs average approximately \$12,000 and the annual rent previously paid by MnWest plus the rental income from other tenants totaled about \$7, 800 per year. Council Member Boedigheimer indicated that the City should get the back rent. It was the general consensus of the City Council that Ben continues working on the MERIT Center Lease.

SUMMARY OF CITY ADMINISTRATOR'S EVALUATION:

Mike Reynolds, Chairperson of the Personnel Committee, provided a brief summary of the City Administrator' Evaluation. He indicated that the evaluation was very favorable.

COUNCILMEMBER COMMISSION/BOARD LIAISON REPORTS:

Reports by the Mayor and Council Members of the various Boards and Commissions were presented at this time:

Byrnes EDA discussed the Community Re-investment Fund; Fire Relief Association discussed the city contribution; Regional Development Commission meets on Thursday, March 12th.

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Hulsizer Library Board met on Monday, March 9th – the Spelling Bee was successful, they raised over \$2,000, she indicated that the air conditioner broke down last summer and there is an outstanding bill that the City has not paid. This will be checked out.

Doom Marshall Community Services Board met on March 4th.

Reynolds Hospital Board met but he was not able to attend; Utilities Commission – he attended a lobbying session meeting in Washington DC with Brad Roos.

Boedigheimer Airport Commission met last Monday they have three vacancies on this commission.

Ritter EDA met earlier today; Housing Commission met last week.

STAFF REPORTS:

Ben Martig, City Administrator, indicated that the EDA is working on marketing the former Middle School property and Block 11. He indicated that there are two potential investors that have an interest in Block 11. Mark Hanson will work on putting RFP's for consultants to help with the marketing of these two parcels. There will be a follow-up meeting in mid April to discuss the LGA cuts. There are several vacancies on the Boards and Commissions. On April 7th there will a meeting in regard to the 2010 census.

Glenn Olson, Director of Public Works/City Engineer, provided a brief update on the Saratoga Street Overpass.

Dennis Simpson, City Attorney, is continuing to work on the Maple Street Alley easements.

COUNCILMEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: Boedigheimer indicated that Ryan will be inducted into the Minnesota Airport Hall of Fame. Mayor Byrnes and three members of the Transportation Committee will be in Washington DC on March 31st and April 1st.

REVIEW OF PENDING AGENDA ITEMS:

There were no questions on pending agenda items.

BUILDING PERMITS:

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

Applicant	Location Address	Description of Work	Valuation
1. Swanson Construction	1404 East College Drive	Partial Reroof	\$9,000
2. Tutt Construction, Inc.	1203 Morningside Circle	Interior Remodel	\$48,000
3. Bornhoft Concrete of Marshall	708 West College Drive	Reside Storage Building	\$5,500
4. Rolland A. Dale	508 Kossuth Avenue	Reside, Door, Deck	\$10,000

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INFORMATION ONLY:

Other items included with the agenda packed for information purpose were: Certificate of Deposit, Safety Committee Minutes, and Airport Commission Minutes.

DETERMINATION BY CITY COUNCIL TO GO INTO CLOSED SESSION PURSUANT TO MINNESOTA STATUTE 13D.05 SUBD. 3(C)(3) THE PURCHASE OF THE MIDDLETON PROPERTY FOR THE TIGER LAKE EXPANSION PROJECT:

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

Those present at the closed session included: Mayor Byrnes, Council Members Reynolds, Boedigheimer, Ritter, Doom and Hulsizer. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Finance Director/City Clerk; and Sheila Dubs, Assistant to the City Administrator.

The Council came out of closed session at 8:53 P.M.

DETERMINATION BY CITY COUNCIL TO GO INTO CLOSED SESSION PURSUANT TO MINNESOTA STATUTE 13D.03 RELATED TO UNION CONTRACT NEGOTIATION:

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

Those present at the closed session included: Mayor Byrnes, Council Members Reynolds, Boedigheimer, Ritter, Doom and Hulsizer. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Finance Director/City Clerk; and Sheila Dubs, Assistant to the City Administrator.

The Council came out of closed session at 9:22 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