

REGULAR MEETING – MARCH 24, 2009

The regular meeting of the Common Council of the City of Marshall was held on March 24, 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 and Boedigheimer. Absent: Ritter. 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; Mark Hanson, EDA Director; Bob VanMoer, Wastewater Superintendent; Thomas M. Meulebroeck, Finance Director/City Clerk; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

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

APPROVAL OF THE MINUTES:

Doom moved, Reynolds seconded, that the minutes of the regular meeting held on March 10, 2009 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

AWARD OF BIDS - CONSIDER RESOLUTION ACCEPTING BID (AWARD CONTRACT). A. PROJECT Y57: 2009 BITUMINOUS RESURFACING ON VARIOUS CITY STREETS; B. PROJECT Y58. 2009 BITUMINOUS CHIP SEALING ON VARIOUS CITY STREETS:

Bids were received, opened and read on March 10, 2009 for the 2009 Bituminous Resurfacing on Various City Streets Project Y57. The bids received, opened and read were from:

McLaughlin & Schulz, Inc.
Marshall, Minnesota
\$195,927.50

Duininck Bros., Inc.
Prinsburg, Minnesota
\$199,333.00

Reynolds moved, Doom seconded, the adoption of RESOLUTION NUMBER 3212, SECOND SERIES and that the reading of the same be waived. Resolution Number 3212, Second Series is a resolution Accepting Bid (Award Contract) for the 2009 Bituminous Resurfacing on Various City Streets Project Y57. This bid was awarded to McLaughlin & Schulz, Inc., Marshall, Minnesota in the amount of \$195,927.50. All voted in favor of the motion.

Bids were received, opened and read on March 10, 2009 for the 2009 Bituminous Chip Sealing on Various City Streets Project Y58. The bids received, opened and read were from:

Caldwell Asphalt Co., Inc.
Hawick, Minnesota
\$49,633.60

Moorseal, Inc.
Marshall, Minnesota
\$53,619.00

McLaughlin & Schulz, Inc.
Marshall, Minnesota
\$58,602.20

Astech Asphalt Surface Technologies Corp.
Brooklyn Center, Minnesota
\$65,897.80

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Doom moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3213, SECOND SERIES and that the reading of the same be waived. Resolution Number 3213, Second Series is a resolution Accepting Bid (Award Contract) for 2009 Bituminous Chip Sealing on Various City Streets Project Y58. This project was awarded to Caldwell Asphalt Co., Inc., Hawick, Minnesota in the amount of \$49,633.60. All voted in favor of the motion.

AWARD OF BIDS FOR EQUIPMENT FOR THE WASTEWATER TREATMENT FACILITY –A. CRANE TRUCK; B. COMMERCIAL LAWN MOWER:

Bids were received, opened and read on March 16, 2009 for a new complete Service Crane Truck package for the Wastewater Treatment Facility. The bids received, opened and read were from:

	Proposal A	Proposal B	Proposal C	Proposal D	Comments
Gene Steffy's Fergus Falls, Minnesota	No bid	\$32,961.75	No bid	\$3,000	2009 Dodge Ram 4500
Truck Utility Inc. St. Paul, Minnesota	\$69,619.05	No bid	\$31,473.95	No bid	Astoria IMT Ford F-450 4X4
ABM Equipment & Supply Hopkins, Minnesota	\$63,328.10	No bid	\$29,512.22	No bid	Brand FX Liftmoore Ford F-450
Nelson Auto Center Fergus Falls, Minnesota	No bid	\$33,299.99	No bid	\$3,000	2009 Ford F-450
City of Cottonwood Cottonwood, Minnesota	No bid	No bid	No bid	\$5,750	Purchase used Truck

- Proposal A – Furnish one (1) new service crane truck including chassis, service body, and electric crane.
- Proposal B – Furnish one (1) new service crane truck including chassis only.
- Proposal C – Furnish one (1) new service body and electric crane (installed).
- Proposal D – Purchase one (1) used service crane truck from the City of Marshall Wastewater Treatment Facility.

Doom moved, Sanow seconded, that the bid for a new complete Service Crane Truck package for the Wastewater Treatment Facility be awarded to ABM Equipment and Supply, Hopkins, Minnesota in the amount of \$63,328.10 and the sale of the City's existing 1996 Chevrolet Crane Truck to the City of Cottonwood for \$5,750.00. All voted in favor of the motion.

Bids were received, opened and read on March 16, 2009 for a new Mid Mount Zero Turn Commercial Lawn Mower for the Wastewater Treatment Facility. The bids received, opened and read were from:

Patzer's Hardware Hank Toro Marshall, Minnesota \$11,722.46	Kesteloot Enterprise Grasshopper Marshall, Minnesota \$11,608.50 – Side discharge \$11,928.00 – Rear discharge
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Schuellers Bad Boy Mowers
Bad Boy
Redwood Falls, Minnesota
\$12,481.80

MTI Distributing
Toro
Brooklyn Center, Minnesota
\$12,072.84

Geilows
Toro
Milwaukee, Wisconsin
\$11,820.39

Bob VanMoer, Wastewater Superintendent, indicated that the low bid that meets all the minimum requirements was received from Kesteloot Enterprises in the amount of \$11,608.50 including tax. He also indicated that Kesteloot Enterprises offered a second bid that included an option for a rear discharge mower deck for an additional \$319.50. Bob indicated that the rear discharge mower provides for a nicer cut.

Matt Schueller from Schuellers Bad Boy Mowers was in attendance and indicated that they have two models, one gas and one diesel, if the City was interested in trying them out. There was a brief discussion on rebidding to allow other vendors to bid a rear discharge mower deck.

Sanow moved, Reynolds seconded, that the bid to purchase a new Mid Mount Zero Turn Commercial Lawn Mower and 72" Deck for the Wastewater Treatment Facility be awarded to Kesteloot Enterprises in the amount of \$11,928.00 which includes sales and the optional rear discharge deck. All voted in favor of the motion, except Boedigheimer who voted no and Doom who abstained.

**AWARD OF BID FOR COMMERCIAL LAWN MOWER FOR THE PARKS
DEPARTMENT:**

Quotes were received, opened and read in February, 2009. The quotes received, opened and read were from:

D & M Implement Inc.
Marshall, Minnesota
\$16,005.00

Patzer's Hardware Hank
Marshall, Minnesota
\$16,140.76

Sanow moved, Reynolds seconded, that the Parks Department be authorized to purchase a John Deere Commercial Lawn Mower from D & M Implement Inc., Marshall, Minnesota in the amount of \$16,005.00. This is a replacement of the 2001 mower. The existing mower will go to the Airport for use and the Airport mower will be traded in. All voted in favor of the motion, except Doom who abstained.

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APPROVAL OF CONSENT AGENDA – A. ANNUAL RENEWAL OF PLUMBERS LICENSES; B. ANNUAL RENEWAL OF REFUSE HAULERS LICENSES; C. ANNUAL RENEWAL OF CONSUMPTION AND DISPLAY LICENSES; D. TEMPORARY ON-SALE LIQUOR FOR LYND ALL SCHOOL REUNION; E. NEW PLUMBERS LICENSE FOR SCOTT RICK DBA RICK PLUMBING & HEATING; F. AUTHORIZATION TO DECLARE MISCELLANEOUS ITEMS AS SURPLUS PROPERTY; G. AUTHORIZATION TO DECLARE BICYCLES AS SURPLUS PROPERTY; H. CONSIDERATION OF APPROVAL BILLS/PROJECT PAYMENTS.

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

The annual renewal of Plumbers Licenses for the period April 1, 2009 through March 31, 2010 at a fee of \$80.00 for the following applicants:

Scott Williams dba **Bisbee Plumbing & Heating**
Robney Bruflat dba **Bruflat Plumbing & Heating**
Joseph Brust dba **Brust Mechanical Contracting Co., LLC**
Robert Skeie dba **Commercial Plumbing & Heating 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.**
John Jenniges Sr., dba **Jenniges Plumbing & Heating, Inc.**
Jefferey Roguske dba **Lake Country Mechanical Inc.**
Travis Lorenz dba **Pipe Dreamz Plumbing & Heating**
Troy McChesney dba **McChesney Mechanical Inc.**
Mike Paulson dba **Mike's Plumbing & Heating**
Ricky Myhre dba **Minnwest 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**
Devlon Werkman dba **Werkman Mechanical, LLC**
David Wilking dba **Wilk's Plumbing, LLC**

The annual renewal of Refuse Haulers Licenses for the period April 1, 2009 through March 31, 2010 at a fee of \$160.00 for the following applicants:

Southwest Sanitation Inc. Waste Management

The annual renewal of the Consumption and Display Licenses for the period April 1, 2009 through March 31, 2010 at a fee of \$130.00 for the following applicants:

Daily Grind Prairie Event Center
Southwest Minnesota State University

The approval of a Temporary On-Sale Liquor License for the Lynd All School Reunion to be used on June 27, 2009 at Southwest Minnesota State University. The fee for this license is \$30.00.

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The approval of a Plumbers License for Scott Rick dba Rick Plumbing and Heating to expire on March 31, 2009. The fee for this license is \$80.00.

Authorization be granted to the City of Marshall Department of Public Safety to dispose of surplus City property. This property will be auctioned using the State's On-Line auction process. Items that don't receive the minimum bid will be disposed of.

Authorization to declare bicycles from the Department of Public Safety as surplus City property. These bicycles will be donated to Bikes for Kids Program of the Department of Corrections, where they will be refurbished and provided to low income kids.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 64499 through 64644.

All voted in favor of the motion.

PRESENTATION OF CHANGES TO RECYCLING PROGRAM (PAUL HENRIKSEN, LYON COUNTY ENVIRONMENTAL ADMINISTRATOR):

Paul Henriksen, Lyon County Environmental Administrator, was in attendance at the meeting to provide information on the changes to the Recycling Program. Paul indicated that Lyon County began a weekly curbside recycling program in 1990. This program, over time, has seen a decrease in participation. To increase the county wide recycling rate, the County Commissioners contracted to provide single sort collection. While the county experienced an increase in participation and amounts collected, they did not see the increases that other communities saw when they switched to single sort. To further increase the recycling rate, the County Commissioners amended the existing contract to provide cart recycling. This is a change from the current 18 gallon bins to 35, 65 or 95 gallon containers. The Council will supply these carts and distribute over the next month or so to the single family residents. The other big change is that collection will go from weekly to every other week. They will be promoting this program over the next few months and cart recipients will receive a package which explains the program and collection times. After all the carts are distributed, a resident can contact the Lyon County Environmental Office to arrange an exchange for a different size.

PRESENTATION OF WEB PORTAL AND MARKETING PLAN:

Mark Hanson, EDA Director, was in attendance at the meeting to provide a presentation to the City Council of the Web Portal and Marketing Plan. He briefly reviewed the Web Portal and talked about the advertising plan. The Web Portal will go live on April 1, 2009.

CONSIDER ACCEPTANCE BREMER GRANT FOR THE INTERGENERATIONAL PROGRAM:

Harry Weilage, Director of Community Services, indicated that with the help of John Bowden an application was made to the Otto Bremer Foundation to assist in the creation of an Intergenerational Project involving children and senior citizens. The goal is to bring these two groups together in a unique learning experience that will involve seniors working with children to help them with a variety of activities. This project proposes to bring together 160 children and 80 seniors. Many of the local youth do not have extended families and research shows the influence of older people can have a profound influence on children, especially in their early years. Sanow moved, Doom seconded, to approve and accept the \$4,400 Intergenerational Project Grant from the Otto Bremer Foundation. All voted in favor of the motion.

CONSIDER AUTHORIZATION TO SEEK GRANT FOR PUBLIC DENTAL EDUCATION PROGRAM:

Harry Weilage, Director of Community Services, indicated that Marshall Community Services, through a letter of inquiry, would like to seek funding for a Dental Education Project for the children of Marshall in the critical age range of five to six years. Through discussions with the Marshall Dental Association, it has become apparent that we need to address the dental health needs of our community in a way that will engage the under-served. Because there are a number of area children not in our public and private schools, we would like to create a web site with educational software that will lead children through a number of dental health steps that will appeal to this age group.

Mr. John Bowden has developed a proposal for this project which would also include a series of public programs with dental association members, as well as the purchase and placement of a series of books on dental health in school libraries. This project would also involve senior citizens talking with school age children about dental health. Marshall Community Services is serving as a facilitator of this grant and will require a nominal amount of staff time.

Doom moved, Reynolds seconded, that Marshall Community Services apply for an \$8,000 Grant for a Dental Education Project through Delta Dental of Minnesota. All voted in favor of the motion.

CONSIDER APPROVAL OF HOMELAND SECURITY GRANT:

Rob Yant, Director of Public Safety, reviewed the request for the Homeland Security Grant in the amount of \$70,000 for the S.W. MN C.A.T. This grant would be used for: Planning \$5,000; Equipment \$59,000 (HazmatID command Center – \$17,050, AreaRae Detector, detector kit, software upgrade and sensors \$29,840; Turn out gear etc. \$1,900; 20 pagers \$10,210); Training \$1,000; and Exercise \$5,000. There is no match requirement and little direct cost for the City of Marshall.

Reynolds moved, Doom seconded, that the proper city personnel be authorized to apply for the Homeland Security Grant in the amount of \$70,000 for the S.W. MN C.A. T. and that Rob Yant be appointed as administrator of this grant. All voted in favor of the motion.

At this time Rob Yant, Director of Public Safety, was recognized for his service as 2008/2009 President of the Minnesota Chiefs of Police Association.

CONSIDER APPROVAL OF EXEMPTION LIQUOR ESTABLISHMENTS FROM THE NEW ORDINANCE:

Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that on November 17, 2008, the City Council adopted Ordinance Number 603, Second Series, which is an ordinance Amending Certain Sections of Marshall City Ordinances Regulating Admittance of Underage Persons to Establishments Providing Alcoholic Beverages. Per Section 6-125 (c), those establishments that hold a Liquor License from the City may request an exemption under this ordinance if there Liquor Sales are less than 30% of their gross sales. He indicated that the Marshall Golf Club, Marshall Bowl, Pappy's and Applebee's have provided information on the recent 12 month period of time. The percentage of liquor sales to gross sales were Marshall Golf Club (13%), Marshall Bowl (18%), Pappy's (21%), and Applebee's (12%). It was indicated that Pappy's includes the TK Steakhouse. Doom moved, Reynolds seconded, that an exemption be granted to the Marshall Golf Club, Marshall Bowl, Pappy's and Applebee's as per Ordinance Number 603, Second Series, Section 6-215 (c). All voted in favor of the motion.

CONSIDER APPROVAL OF LIQUOR ESTABLISHMENT NON-ALCOHOLIC AREA:

There was a brief discussion on the request of the Gambler to allow for a non-alcohol area as provided in Section 6-215 (b) of the City Code. Ben Martig, City Administrator, indicated that staff is recommending the approval of this request with the following conditions:

a) The area located in the front of the building shall be allowed as a temporary non-alcohol area on Thursday's from 10:00 p.m. to 1:00 a.m. for the remainder of the current City license period for the sale of intoxicating liquor license.

b) The Licensee may cancel any designated Thursday's from 10:00 p.m. to 1:00 a.m. as a non-alcohol area with advance notice. Notice shall be received by Noon on the previous business day (Monday through Friday) to the following fax numbers "507-537-6830" and "507-537-6034" with attention to "Marshall Police and Marshall City Clerk – Urgent."

c) The Licensee may add additional evenings from 10:00 p.m. to 1:00 a.m. for the designated area to be a temporary non-alcohol area with advance notice following all other conditions as required herein. Notice shall be received by Noon on the previous business day (Monday through Friday) to the following fax numbers "507-537-6830" and "507-537-6034" with attention to "Marshall Police and Marshall City Clerk – Urgent."

d) A sign reading "No Alcohol Beyond This Point" shall be conspicuously posted in an easy to read font size and color on the alcohol side of the doors that separate the non-alcohol area from the bar area during the non-alcohol designated times of operation.

e) A sign reading "No Admittance Under Age 21 Beyond This Point" shall be conspicuously posted in an easy to read font size and color on the non-alcohol side of the doors that separate the non-alcohol area from the bar area during the non-alcohol designated times of operation.

f) There shall be an employee enforcing alcohol restrictions and under 21 admittance into the bar area at the location of the doors separating the non-alcohol area from the bar area at all times approved as a non-alcohol area.

g) The Licensee shall provide for control of restrictions of under 21 patrons from entering the rear entrance of the facility as it would require passing through the bar area.

h) It shall be unlawful to allow anyone under the age of 18 to be in the temporary non-alcohol area at approved times.

i) There shall be an employee at the front entrance at all times to enforce provision "h" above that requires a minimum age of 18.

Council Member Sanow was concerned if it is fair to punish the license holder by penalty or removal of license if someone over 21 sneaks alcohol in to the non-alcohol area. It was indicated that the city doesn't have to revoke the license but could revoke the permission for the non-alcohol area.

Rob Yant, Director of Public Safety, indicated that the ordinance and exemption would be enforced by walk-throughs of the business and by any complaints.

Boedigheimer moved, Hulsizer seconded, the request of the Gambler to allow for a non-alcohol area as provided in Section 6-215 (b) of the City Code be approved with conditions (a) through (i). 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:

- Airport Commission – Robert C. Meyer, Jr. be appointed for an unexpired term to expire on May 31, 2011
- Airport Commission – Leland E. Sorum be appointed for a term to expire on May 31, 2012
- Airport Commission – David E. Sturrock be reappointed for a term to expire on May 31, 2012
- Airport Commission – James Denzer be reappointed for a term to expire on May 31, 2012
- Community Services Advisory Board – Jim Polejewski be reappointed for a term to expire on May 31, 2012
- Community Services Advisory Board – Katie M. Jendro be reappointed for a term to expire on May 31, 2012
- Senior Citizen Center Commission – Arlene J. Lesewski be appointed for an unexpired term to expire on May 31, 2011

COUNCILMEMBER 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 is working on the strategic and marketing plans.
- Hulsizer Human Rights Commission met on Monday; Convention and Visitors Bureau met last week and received an update on the Amateur Sports Center; and Linda Erb has provided the City with copies of the tax returns for the past 3 years.
- Doom No report.
- Sanow Marshall Area Transit did not have a quorum – but they discussed the replacing of the bus that was totaled in the accident.
- Reynolds Hospital Board met last week; Utilities Commission is working on policies.
- Boedigheimer Lyon County Enterprise Development meets on Thursday.

STAFF REPORTS:

Ben Martig, City Administrator, provided an update on the M.E.R.I.T. Center, the MMUA Lease and the Minnesota West Lease; there is a Jt. Legislative Day at the Capital on April 29, 2009; there is a Coalition of Greater Minnesota Cities LGA meeting this week; the administrative brief will be sent out on the Friday of council weeks; there is a new AFSCME representative; the LEC lease between Lyon County and the City of Marshall will expire soon; the Council is planning to upgrade the phone system, which will affect the Police department; the Ways and Means Committee needs to review the purchasing policy; there is a meeting in Mankato to discuss coordinating EDA opportunities for the region; a special budget meeting

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needs to be scheduled; and it was indicated that Studio One will use the tri-caster to record the council meetings.

Glenn Olson, Director of Public Works/City Engineer; indicated that there is a meeting in Olivia with the Department of Transportation; funding for the pedestrian underpass has been recommended for approval under the STIP funding. Mr. Olson indicated that there is no concern with the Redwood River flooding.

Dennis Simpson, City Attorney, indicated that Mary Maertens has provided the Council with a memo updating them on the sale of the hospital.

COUNCILMEMBER INDIVIDUAL ITEMS:

There were no other items brought forth by the Mayor and Council Members.

REVIEW OF PENDING AGENDA ITEMS:

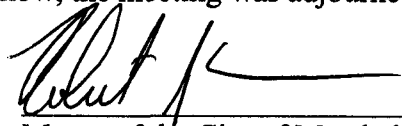
There were no questions on pending agenda items.

BUILDING PERMITS:

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

Applicant	Location Address	Description of Work	Valuation
1. Stephan M. Vos-Feuerhelm	104 F Street	Bathroom	\$1,200
2. All Elements, Inc.	219 West Main Street	Reroof	\$26,300
3. Joseph P. Matthys	805 Nuese Lane	Remodel Interior, Exterior, Deck	\$50,000
4. Bradley J. Boerboom	900 South 2nd Street	Install Window, Remodel Basement	\$2,500
5. Marc Klaith, Fire Chief	201 East Saratoga Street	Interior Remodeling / Fire Station	\$200
6. CAB Quality Construction LLC	507 West Redwood Street	Bathroom Remodel	\$2,400
7. Gina Curtis	708 Brian Street	Bathroom Remodel	\$400

Upon motion by Reynolds, seconded by Sanow, the meeting was adjourned at 7:15 P.M. All voted in favor of the motion.


Mayor of the City of Marshall

ATTEST:


Financial Director/City Clerk