

REGULAR MEETING – APRIL 14, 2009

The regular meeting of the Common Council of the City of Marshall was held on April 14, 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 Byrnes the following members were present: Doom, Sanow, Reynolds, Boedigheimer and Ritter. Absent: Hulsizer. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Kim Jergenson, Engineer Technician; Lorna Sandvik, City Assessor; 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 24, 2009 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

**PUBLIC HEARING - PROJECT Y56: DOWNTOWN ALLEY IMPROVEMENT PROJECT
A. PUBLIC HEARING ON IMPROVEMENT; B. RESOLUTION ORDERING
IMPROVEMENT AND PREPARATION OF PLANS; C. RESOLUTION APPROVING
PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS:**

This was the date and time set for a public hearing on the Downtown Alley Improvement Project Y56. Glenn Olson, Director of Public Works/City Engineer, indicated that 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) 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). 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 3214, SECOND SERIES and that the reading of the same be waived. Resolution Number 3214, Second Series is a resolution Ordering Improvement and Preparation of Plans. This resolution provides for the improvements for the Downtown Alley Improvement Project Y56. Council Member Sanow was not in favor of continuing to spend money on projects and assessing property owners during these economic times. All voted in favor of the motion, except Sanow who voted no.

Reynolds moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3215, SECOND SERIES and that the reading of the same be waived. Resolution Number 3215, Second Series is a resolution Approving Plans and Specifications and Ordering Advertisement for Bids for the Downtown Alley Improvement Project Y56. The bids for this project will be received at 10:00 A.M. on May 14, 2009. All voted in favor of the motion, except Sanow who voted no.

**PUBLIC HEARING - PROJECT Y28: BASELINE ROAD / SUSAN DRIVE
IMPROVEMENT PROJECT – 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 the Baseline Road / Susan Drive Improvement Project Y28. Glenn Olson, Director of Public Works/City Engineer, indicated that 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. Baseline Road construction/reconstruction shall consist of curb and gutter, sidewalk, aggregate base, pavement

REGULAR MEETING – APRIL 14, 2009

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. Keith Edwards owner of Cold Stone Creamery, 1220 Susan Drive, asked if they would be assessed for this project. Mr. Olson indicated that they would be. Reynolds moved, Doom seconded, that the public hearing be closed. All voted in favor of the motion.

Reynolds moved, Doom seconded, the adoption of RESOLUTION NUMBER 3216, SECOND SERIES and that the reading of the same be waived. Resolution Number 3216, Second Series is a resolution Ordering Improvement and Preparation of Plans. This resolution provides for the improvements for Baseline Road / Susan Drive Improvement Project Y2 from Susan Drive to Nwakama Street and Susan Drive from Clarice Avenue to 1,350 feet west. All voted in favor of the motion.

CONSIDER AWARD OF PROPOSALS FOR JANITORIAL SERVICES AT THE ARRIVAL/DEPARTURE BUILDING:

Proposals were received, opened and read on March 31, 2009 for Janitorial Services at the Arrival/Departure Building at the Southwest Minnesota Regional Airport – Marshall/Ryan Field. The proposals received, opened and read were from:

	Total Bid	City of Marshall Area		The Schwan Food Company Area	
		Cost of Services Per month	Cost per Request for Carpets/Upholstery Deep Cleaning	Cost of Services Per month	Cost per Request for Carpets/Upholstery Deep Cleaning
C & C Cleaning Marshall, MN	\$1,101.58	\$487.90 bid <u>31.71</u> tax \$519.61 / month	\$0.10 / SF	\$546.45 bid <u>35.52</u> tax \$581.97 / month	\$0.10 / SF
Jubilee Ent. Inc. Marshall, MN	\$1,103.34	\$596.00 bid <u>38.74</u> tax \$634.74 / month	\$0.18 / SF	\$440.00 bid <u>28.60</u> tax \$468.60 / month	\$0.18 / SF
Marsden Building Willmar, MN	\$2,724.41	\$1,695.00 bid <u>110.18</u> tax \$1,805.18	\$35 / man hr.	\$865.00 bid <u>56.23</u> tax \$921.23	\$35 / man hr.

Doom moved, Reynolds seconded, that the proposal for Janitorial Services for the City of Marshall Area in the Arrival/Departure Building at the Airport for one year be awarded to C & C Cleaning of Marshall, Minnesota in the amount of \$519.61 / month, including tax, plus \$0.10 / SF for additional requests for carpets/upholstery deep cleaning with services to begin May 1, 2009. The Schwan's area was included in the proposal, but decided to withdraw their area from the proposal and perform their own janitorial services. All voted in favor of the motion, except Sanow who abstained.

Doom moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3217, SECOND SERIES and that the reading of the same be waived. Resolution Number 3217, Second Series is a Resolution to Contract with a Council Member for Janitorial Services under Minnesota Statutes §§ 471.88, subd. 5 and 471.89, subd. 2. This contract is awarded to C & C Cleaning in the amount of \$519.61 per month, including tax, plus \$0.10 / SF for additional requests for carpets/upholstery deep cleaning for a one (1) year period beginning May 1, 2009 and ending April 30, 2010. City Council Member Sanow is an owner of C & C Cleaning. All voted in favor of the motion, except Sanow who abstained.

REGULAR MEETING – APRIL 14, 2009

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: 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 April 7, 2009 for Project Y32 (139-131-03) Windstar Street from T.H. 59 to Clarice Avenue and (139-132-01) Clarice Avenue from Windstar Street to Susan Drive. The bids received, opened and read were from:

Bidder	Bid Amount
R&R Excavating Hutchinson, Minnesota	\$1,356,931.11
Quam Construction Company, Inc. Willmar, Minnesota	\$1,418,696.59
Kuechle Underground, Inc. Kimball, Minnesota	\$1,441,921.95
Duininck Bros., Inc. Prinsburg, Minnesota	\$1,461,677.35
GM Contracting, Inc. Lake Crystal, Minnesota	\$1,503,835.04
H&W Contracting, LLC Sioux Falls, South Dakota	\$1,619,738.23
R&G Construction Co. Marshall, Minnesota	\$1,652,161.25
Voss Plumbing & Heating of Paynesville, Inc. Paynesville, Minnesota	\$1,684,884.50
Chad Monson Excavating, LLC Willmar, Minnesota	\$1,714,134.93
MidStates Utilities Slayton, Minnesota	\$2,052,695.95

Ritter moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3218, SECOND SERIES and that the reading of the same be waived. Resolution Number 3218, Second Series is a resolution Declaring the Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for Project Y32 (139-131-03) Windstar Street from T.H. 59 to Clarice Avenue and (139-132-01) Clarice Avenue from Windstar Street to Susan Drive. All voted in favor of the motion.

Ritter moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3219, SECOND SERIES and that the reading of the same be waived. Resolution Number 3219, Second Series is a resolution Accepting Bid (Award Contract) for Project Y32 (139-131-03) Windstar Street from T.H. 59 to Clarice Avenue and (139-132-01) Clarice Avenue from Windstar Street to Susan Drive. This bid was awarded to R & R Excavating of Hutchinson, Minnesota in the amount of \$1,356,931.11. All voted in favor of the motion.

PROJECT Y05: VILLAGE DRIVE IMPROVEMENT 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 March 17, 2009 for Project Y05 Village Drive Improvement. The bids received, opened and read were from:

Bidder	Bid Amount
GM Contracting, Inc. Lake Crystal, Minnesota	\$484,116.29
D&G Excavating, Inc. Marshall, Minnesota	\$514,914.65
Duininck Bros., Inc. Prinsburg, Minnesota	\$552,197.09
McLaughlin & Schulz, Inc. Marshall, Minnesota	\$557,806.55
Chad Monson Excavating, LLC Willmar, Minnesota	\$566,349.20
R&G Construction Co. Marshall, Minnesota	\$573,302.25

Reynolds moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3220, SECOND SERIES and that the reading of the same be waived. Resolution Number 3220, Second Series is a resolution Declaring the Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for Project Y05 Village Drive Improvement. All voted in favor of the motion.

Reynolds moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3221, SECOND SERIES and that the reading of the same be waived. Resolution Number 3221, Second Series is a resolution Accepting Bid (Award Contract) for Project Y05 Village Drive Improvement from Birch Street to Fairview Street. This bid was awarded to GM Contracting of Lake Crystal, Minnesota in the amount of \$484,116.29. All voted in favor of the motion.

PROJECT Y44: LEGION FIELD ROAD IMPROVEMENT 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 March 31, 2009 for Project Y44 Legion Field Road Improvement Project. The bids received, opened and read were from:

Bidder	Bid Amount
Voss Plumbing & Heating of Paynesville, Inc. Paynesville, Minnesota	\$772,111.50
D&G Excavating, Inc. Marshall, Minnesota	\$886,878.50
MidStates Utilities Slayton, Minnesota	\$886,893.00
Chad Monson Excavating, LLC Willmar, Minnesota	\$905,168.00
Duininck Bros., Inc. Prinsburg, Minnesota	\$915,560.00

REGULAR MEETING – APRIL 14, 2009

H&W Contracting, LLC Sioux Falls, South Dakota	\$917,588.35
Quam Construction Company, Inc. Willmar, Minnesota	\$927,309.25
GM Contracting, Inc. Lake Crystal, Minnesota	\$935,045.28
Midwest Contracting, LLC Marshall, Minnesota	\$1,002,702.50

Reynolds moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3222, SECOND SERIES and that the reading of the same be waived. Resolution Number 3222, Second Series is a resolution Declaring the Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for Project Y44 Legion Field Road Improvement. All voted in favor of the motion.

Reynolds moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3223, SECOND SERIES and that the reading of the same be waived. Resolution Number 3223, Second Series is a resolution Accepting Bid (Award Contract) for Project Y44 Legion Field Road Improvement from Kendall Street to West Main Street (T.H. 68). This bid was awarded to Voss Plumbing & Heating of Paynesville, Inc., of Paynesville, Minnesota in the amount of \$772,111.50. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA – A. 3.2 PERCENT MALT LIQUOR LICENSE FOR GODFATHERS PIZZA; B. LG220 APPLICATION FOR EXEMPT PERMIT FOR WEINER MEMORIAL FOUNDATION FOR A RAFFLE ON SEPTEMBER 14, 2009 AT THE GOLF CLUB; C. LG220 APPLICATION FOR EXEMPT PERMIT FOR BUFFALO RIDGE GOBBLERS FOR A RAFFLE ON MAY 1, 2009 AT THE PRAIRIE EVENT CENTER; D. AUTHORIZATION TO DECLARE VEHICLES AS SURPLUS PROPERTY; E. RE-AUTHORIZATION OF OPERATION NIGHTCAP GRANT PROGRAM WITH PUBLIC SAFETY; F. APPROVAL OF CONTRACT BETWEEN MINNESOTA WEST COMMUNITY & TECHNICAL COLLEGE AND CITY OF MARSHALL, SWMN CAT; G. WIND ENERGY CONVERSION SYSTEMS (WECS) ORDINANCE – INTRODUCTION OF ORDINANCE AND CALL FOR PUBLIC HEARING; H. PETITION TO VACATE ALLEY AND STREET (HOSPITAL) – RECEIVE PETITION AND CALL FOR PUBLIC HEARING; I. CONSIDERATION OF APPROVAL BILLS/PROJECT PAYMENTS:

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

A 3.2 Percent Malt Liquor License for Godfathers Pizza to expire on December 31, 2009. The fee for this license is \$250.00.

BE IT RESOLVED, that the proper City personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the Application for Exempt Permit – LG220 for the Weiner Memorial Foundation for a raffle to be held at the Marshall Golf Club, 800 Country Club Drive, Marshall, Minnesota on September 14, 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 Buffalo Ridge Gobblers for a raffle to be held at the Prairie Event Center, 1507 East College Drive, Marshall, Minnesota on May 1, 2009 and that the 30 day waiting period be waived.

Authorization be granted to the Department of Public Safety to dispose of surplus City

REGULAR MEETING – APRIL 14, 2009

property – five (5) 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 proper city personnel be authorized to enter into Amendment No. 1 to Grant Contract 5000-5872 with the State of Minnesota Department Public Safety for the Operation Night Cap Grant. This amendment provides for the amount to be decreased from \$2,200 to \$1,100. All voted in favor of the motion.

The proper city personnel be authorized to enter into a contract between Minnesota West Community and Technical College and the City of Marshall SWMN C.A.T. for training and also approve Rob Yant, Director of Public Safety, as the administrator of this grant.

The introduction of an ordinance Amending Marshall City Code of Ordinances – Chapter 86 Relating to Wind Energy Conversion Systems and call for a public hearing to be held on April 28, 2009.

The proper city personnel be authorized to receive the Petition for the Vacation of an Alley and Street and call for a public hearing to be held on April 28, 2009. This petition is for the 16-ft alley located south of Block 6 & 7, Morningside Heights Addition and north of Lot 2, Block 1, Weiner Memorial Addition from the easterly right-of-way line of South Hill Street to the westerly right-of-way line of South Bruce Street, and South Minnesota Street from the south right-of-way line of Charles Avenue to the north line of the aforementioned alley as platted in the City of Marshall, County of Lyon, State of Minnesota.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 64645 through 64864.

All voted in favor of the motion.

CONSIDER APPROVAL TO PURCHASE CAMA SOFTWARE FOR THE ASSESSING DEPARTMENT:

Lorna Sandvik, City Assessor, reviewed the request to purchase a CAMA (Computer Assisted Mass Appraisal) Software package including service fees and conversion costs from Vanguard Appraisals, Inc. The CAMA system currently in place in the Assessor's office was purchased in 1987. This Florida based system has not worked well in regard to valuation for the area and the values generated by this system have been overridden by manual value calculations for each year's assessment. A functional CAMA system is a vital tool for maintaining and improving efficiency and accuracy in the Assessing Department. Three CAMA systems currently in use in other jurisdictions in Minnesota were considered. After review of the three options including program capabilities, training and appraisal support services, initial cost and annual service fees, Lorna indicated that they determined Vanguard would best meet their software and on-going service needs. In addition to the software package, Vanguard has the capability to convert property data from their current system electronically into the new system. This electronic conversion could potentially save a great deal of data entry expense and time in making the new system functional. If, after Vanguard staff reviews the current system, it is determined that substantial manual data entry and clean-up will be necessary after electronic conversion, the city may decide to forego the electronic conversion option and have city staff manually enter the property data.

Per the recommendation of Lorna Sandvik, Boedigheimer moved, Sanow seconded, that the proper city personnel be authorized to purchase the Vanguard CAMA system in the amount of

REGULAR MEETING – APRIL 14, 2009

\$29,500, which includes \$14,600 for the software package, \$8,450 for the first year service fees and \$6,450 for the second year service renewal. Electronic conversion costs are estimated at a one-time fee of \$13,600. All voted in favor of the motion.

2008 ANNUAL FINANCIAL REPORT FOR NORTH AMBULANCE – DAN DESMET, MANAGER:

Dan DeSmet, Manager of the North Ambulance System, was in attendance at the meeting to present the 2008 annual financial report to the City Council for the North Ambulance operations.

CONSIDER THE REQUEST OF WESTERN COMMUNITY ACTION FOR A MAP AMENDMENT (REZONING) OF 1400 SOUTH SARATOGA STREET FROM AN R-1 ONE FAMILY RESIDENCE DISTRICT TO A B-3 GENERAL BUSINESS DISTRICT:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of Western Community Action to rezone 1400 South Saratoga Street to the General Business District. WCA has purchased the property contingent upon successful rezoning to use it for their administrative offices and food shelf. The building is currently being used as a church. An office, grocery store, church, and daycare facility serving any number of individuals, are all permitted uses in the General Business District. The intent of the district is to provide a location for uses dependent on thoroughfare traffic.

Doom moved, Reynolds seconded, the introduction of an ordinance Amending Chapter 86 of the City Code Relating to Zoning and call for a public hearing to be held on April 28, 2009 to rezone 1400 South Saratoga Street from an R-1 One Family Residence District to a B-3 General Business District. All voted in favor of the motion.

CONSIDER THE REQUEST OF CAROL JENKINS FOR A CONDITIONAL USE PERMIT FOR A DAY CARE FACILITY SERVING 40 INDIVIDUALS AT 305 CAMDEN DRIVE IN AN R-1 ONE-FAMILY RESIDENCE DISTRICT:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of Carol Jenkins for a Conditional Use Permit to operate a daycare facility serving 40 individuals at 305 Camden Drive. This is the location of the Christian Center for Praise and Restoration (Centro Cristiano De Alabanza Y Restrauracion). The church is a permitted use in an R-1 One Family Residence District. A daycare facility serving more than 14 individuals is a Conditional Use. The building will require some modifications on the interior to comply with licensing and Building Code requirements. This facility is used as a church on weekends.

Per the recommendation of the Planning Commission, Doom moved, Reynolds seconded, to approve the request of Carol Jenkins for a Conditional Use Permit for a daycare facility serving individuals at 305 Camden Drive with the following conditions:

1. The use is limited to serving no more than 40 individuals
2. The use must be licensed by the State of Minnesota
3. The permit is not transferrable to any other person.
4. The existing parking lot be maintained with 30 spaces minimum.
5. All fences on the property are limited to 36" in height.
6. This permit expires within two years of the approval date if the business is not in operation or the business is suspended for two years.

All voted in favor of the motion.

CONSIDERATION OF THE MINNESOTA MUNICIPAL UTILITIES ASSOCIATION AMENDED LEASE AGREEMENT:

Ben Martig, City Administrator, reviewed the request from MMUA to expand their lease north of their current land lease to allow for more non-building training facilities. The MERIT Center Board has reviewed the requested area and is supportive of dedication of the land for that use. This amended lease also addresses tenant responsibility for all snow removal and maintenance and repair of any private roads established on the leased property. The City would still have the obligation to provide snow removal on Michigan Road, being a public road providing access to the property. There is a 90 day termination provision as to any of the property which the City might need for any future public purpose.

REGULAR MEETING – APRIL 14, 2009

Reynolds moved, Ritter seconded, the proper city personnel be authorized to enter into an Amended Lease Agreement with the Minnesota Municipal Utilities Association to expand their lease North of their current land lease to allow for more non-building training facilities. All voted in favor of the motion.

COUNCIL MEMBER COMMISSION/BOARD LIAISON REPORTS:

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

- Byrnes EDA met earlier today but was unable to attend; Fire Relief Association met and discussed their investments.
- Doom Marshall Community Services Advisory Board met last week and discussed the summer programs, Sounds of Summer and the 4th of July Celebration; Planning Commission items were discussed earlier in the meeting.
- Sanow No report.
- Reynolds Utilities Commission meets on April 15, 2009.
- Boedigheimer Airport Commission minutes are included in the agenda packet; Legislative and Ordinance Committee items were discussed earlier in the meeting.
- Ritter EDA discussed changes to the proposed loan application review process.

STAFF REPORTS:

Ben Martig, City Administrator, provided updates on the following items: creating a Census Committee; the LEC Agreement; a new phone system at the LEC; Council Member Boedigheimer indicated that there is money left from the LEC construction project; the MMU Audit meeting will be at 5:30 P.M. on Tuesday, April 15, 2009; the Board of Appeal will be held on Thursday, April 23, 2009 at 5:30 P.M.; Springsted's will be at the April 28, 2009 Council meeting to discuss the TIF Report; the MERIT Center Lease is being worked on; the Liquor Store Sub-Committee needs to schedule a meeting; there will be a report at the April 28, 2009 meeting from the Convention and Visitors Bureau; the County EDA met last week; annexation for Clarice Avenue; the Legislative and Ordinance Committee needs to meet a discuss an ordinance on background checks by the Police Department; Ways and Means needs to schedule a meeting; and the Personnel Committee needs to meet to discuss a Trial Home Based Work Schedule.

Glenn Olson, Director of Public Works/City Engineer, met with the Chamber Transportation Committee and he provided an update on the Jr. High project.

Dennis Simpson, City Attorney, indicated that the final payment for the Corp of Engineer project was transferred to the escrow account the end of March; there will be a meeting at MMU for their Bond Sale; MMU's bond rating has been upgraded to A2; the sale of the hospital is proceeding; he is working on the draft ordinance for background checks by the Police Department.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: Boedigheimer requested that they receive the information from Springsteds for the TIF before the meeting so they have time to review; the Mayor will be appointing a Census Committee; Byrnes indicated that he was in Washington DC at the same time as the Chamber Transportation Committee was there; he also indicated that on April 28 – 29, 2009 the League of Minnesota Cities will be having the Legislative

REGULAR MEETING – APRIL 14, 2009

Conferences.

REVIEW OF PENDING AGENDA ITEMS:

There were no questions on the pending agenda items.

BUILDING PERMITS:

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

	Applicant	Address	Location	Work Description	Estimate
1.	William F. Ziegenhagen	100 North	Highway 59	Partial Reroof	\$700
2.	James Lozinski	104 East	Greeley Street	Interior Remodel	\$4,000
3.	Hasslen Construction Co., Inc.	1420 East	College Drive	Install pool, Office	\$105,000
4.	Kesteloot Construction, Inc.	504	Harriett Drive	Finish Basement	\$20,000
5.	Richard Louwagie Construction	500	Elm Street	Install Door	\$1,000
6.	Sussner Construction, Inc.	601	Michigan Road	Interior Remodeling	\$225,700
7.	R C Square	1126	Birch Street	Replace Doors	\$8,200
8.	R C Square	1124	Birch Street	Replace Doors	\$8,200
9.	R C Square	1122	Birch Street	Replace Doors & Reroof	\$18,700
10.	R C Square	1120	Birch Street	Replace Doors	\$1,900
11.	R C Square	1118	Birch Street	Reroof	\$10,500
12.	R C Square	1116	Birch Street	Reroof	\$10,500
13.	R C Square	1114	Birch Street	Replace Doors	\$8,200
14.	R C Square	1112	Birch Street	Replace Doors	\$8,200
15.	Jared Rouge Construction	108	Gray Place	Repair Roof	\$2,000
16.	Joseph Thornell	219	Athens Avenue	Finish Basement	\$7,500
17.	Michael Buysse	1101 South	4th Street	Addition	\$4,000
18.	Robert Carr	1301 East	College Drive	Exterior Remodel, Replace Doors	\$25,000
19.	Rick Slagel Construction Inc	605 South	2nd Street	Remodel Bathroom	\$3,500
20.	Jeff Gladis Construction	312 South	1st. Street	Partial Reroof	\$2,400

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

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

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

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

The Council came out of closed session at 7:07 P.M.

DETERMINATION BY CITY COUNCIL TO GO INTO CLOSED SESSION PURSUANT TO MINNESOTA STATUTE 13D.05 SUBD. 3(B) ATTORNEY CLIENT PRIVILEGE:

Doom moved, Sanow seconded, that the Council go into closed session pursuant to Minnesota Statute 13D.05 subd. 3(b) related to attorney client privilege. All voted in favor of the motion.

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

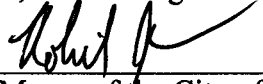
The Council came out of closed session at 7:17 P.M.

CONSIDERATION OF APPROVAL OF AFSCME UNION CONTRACT 2009:

Reynolds moved, Doom seconded, that the proper city personnel be authorized to execute the Labor Agreement between the City of Marshall and American Federation of State, County and Municipal Employees, Council No. 65 (AFSCME). This agreement is effective January 1, 2009; Article XI – Stand-by was added to the contract for certain positions within the Wastewater Treatment Plan Operations to be paid for stand-by assignment at a flat rate of \$100 per week retroactive to August 25, 2008; that there be no increase in wages for 2009; added Article XXV – WAGES that allows the union to reopen this agreement for negotiations on the employment term of general wage increase within 30 days following the close of the regular or special session of the 2009 Minnesota Legislative Session; that the shift differential will be eliminated as of January 1, 2009 and that those employees covered by stand-by assignment will be paid retroactive to January 1, 2009 with the amount being reduced by any shift differential paid since January 1, 2009; and that steps increase be re-implemented retroactive to January 1, 2009. All voted in favor of the motion, except Boedigheimer who voted no.

Reynolds moved, Doom seconded, that the step increase program for all non-union employees be re-implemented retroactive to January 1, 2009 consistent with the AFSCME Union Contract. All voted in favor of the motion.

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



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk