

## REGULAR MEETING – MAY 26, 2009

The regular meeting of the Common Council of the City of Marshall was held on May 26, 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: 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; Harry Weilage, Director of Community Services; Marc Klaith, Fire Chief; 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, Reynolds seconded, that the minutes of the Local Board of Appeal and Equalization meeting held on May 12, 2009 and the minutes of the regular meeting held on May 12, 2009 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

### **RESOLUTION OF APPRECIATION FOR RICH HERIGON:**

Ritter moved, Doom seconded, the adoption of RESOLUTION NUMBER 3229, SECOND SERIES and that the reading of the same be waived. Resolution Number 3229, Second Series is a resolution expressing the City of Marshall's Appreciation to Rich Herigon, City of Marshall Street Superintendent. City Administrator Martig read the resolution. Rich took this opportunity to thank everyone for their help and support for the past 42 plus years of employment with the City of Marshall. All voted in favor of the motion.

### **BOARD AND COMMISSION MEMBERS RECOGNITION:**

At this time the City Council took the opportunity to recognize community residents for their contributions and time provided to the various boards and commissions. The following members in attendance at the meeting were recognized:

Denise Pfeifer, Economic Development Authority, 2005-2009  
Ajeet Yadau, Human Rights Commission, 2002-2009

The following members were not present at the meeting to receive their recognition:

John Mount, Cable Television Commission, 2006-2009  
Dr. Paul Johnson, Police Civil Service Commission, 2006-2009  
Linda Baun, Human Rights Commission, 2003-2009  
Andy Hedlin, Planning Commission, 2003-2009

### **PUBLIC HEARING – SOUNDS OF SUMMER COMMITTEE – A. REQUEST FOR PRIVATE USE OF PUBLIC PARKING LOT; B. CONSIDER A RESOLUTION TO DECLARE THE SOUNDS OF SUMMER AS A COMMUNITY FESTIVAL:**

This was the date and time set for a public hearing to consider the request from the Sounds of Summer Planning Committee for the closure of Whitney Lot (former "P" Lot) from 8:00 A.M. on Saturday, August 22, 2009 to 2:00 A.M. on Sunday, August 23, 2009. This closure is requested for preparation and clean-up of the concert area for the concert to be held Saturday evening. Council Member Sanow was concerned where the business people in the area would park. Glenn Olson, Director of Public Works/City Engineer, indicated that they would be

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able to park in the lot behind Bot's and/or the parking lot on East College Drive across from Schwans. Mr. Olson also indicated that all of the business places were notified of this request. Sanow moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion.

Sanow moved, Doom seconded, to approve the request of the Sounds of Summer Planning Committee for the closure of Whitney Lot (former "P" Lot) from 8:00 A.M. on Saturday, August 22, 2009 to 2:00 A.M. on Sunday, August 23, 2009. All voted in favor of the motion.

Sanow moved, Doom seconded, the adoption of RESOLUTION NUMBER 3230, SECOND SERIES and that the reading of the same be waived. Resolution Number 3230, Second Series is a resolution Declaring the Sounds of Summer as a Community Festival. The Sounds of Summer is scheduled for Thursday, August 20, 2009 through Sunday, August 23, 2009. This provides an option for a holder of a retail intoxicating liquor license to apply for a Special Event Permit which would allow them to serve intoxicating liquor off their premises. All voted in favor of the motion.

**AWARD OF PROPOSAL FOR JANITORIAL SERVICES FOR VARIOUS CITY-OWNED BUILDINGS:**

Proposals were received, opened and read on May 19, 2009 for Janitorial Services for Various City-Owned Buildings. The proposals that were received, opened and read were from:

	<u>Marshall Lyon County Library</u>		<u>Adult Community Center</u>	
	Cost of Services	Cost per Request Carpet/Upholstery Deep Cleaning	Cost of Services	Cost per Request Carpet/Upholstery Deep Cleaning
C & C Cleaning Marshall, MN	\$1,214	\$20/hr upholstery \$0.10/S.F. carpet	\$975	\$20/hr upholstery \$0.10/S.F. carpet
Marsden Building Maintenance Willmar, MN	\$1,846	\$25.00 per hour	\$1,562	\$25.00 per hour
Al Zant Marshall, MN	\$1,575	\$35.00 per hour	\$1,500	\$35.00 per hour
	<u>Street Department</u>		<u>Wastewater Treatment Facility</u>	
	Cost of Services	Cost per Request Carpet/Upholstery Deep Cleaning	Cost of Services	Cost per Request Carpet/Upholstery Deep Cleaning
C & C Cleaning Marshall, MN	\$325	\$20/hr upholstery \$0.10/S.F. carpet	\$406	\$20/hr upholstery \$0.10/S.F. carpet

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	<u>Street Department</u>		<u>Wastewater Treatment Facility</u>	
	Cost of Services	Cost per Request Carpet/Upholstery Deep Cleaning	Cost of Services	Cost per Request Carpet/Upholstery Deep Cleaning
Marsden Building Maintenance Willmar, MN	\$876	\$25.00 per hour	\$881	\$25.00 per hour
Al Zant Marshall, MN	\$600	\$35.00 per hour	\$600	\$35.00 per hour

Glenn Olson, Director of Public Works/City Engineer, indicated that each of the buildings will still need to be provided with maintenance services such as snow removal and repairs to fixtures within the buildings, at an additional expense, utilizing existing permanent City personnel or contracted services.

Doom moved, Boedigheimer seconded, that the proposal for Janitorial Services for the Various City-Owned Buildings be awarded to C & C Cleaning of Marshall, Minnesota for one year in the amount of \$1,214.00/month for the Marshall-Lyon County Library, \$975.00/month for the Adult Community Center, \$325/month for the Street Department, and \$406/month for the Wastewater Treatment Facility, plus sales tax for each of the areas, and additional requests for deep cleaning upholstery will be \$20.00/hr. and additional requests for deep cleaning carpets will be \$0.10/S.F., plus sales tax, for a one (1) year period beginning June 1, 2009 and ending May 31, 2010 with services to begin June 1, 2009. All voted in favor of the motion, except Sanow who abstained.

Doom moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3231, SECOND SERIES and that the reading of the same be waived. Resolution Number 3231, 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 \$1,214.00/month for the Marshall-Lyon County Library, \$975.00/month for the Adult Community Center, \$325/month for the Street Department, and \$406/month for the Wastewater Treatment Facility, plus sales tax for each of the areas, and additional requests for deep cleaning upholstery will be \$20.00/hr. and additional requests for deep cleaning carpets will be \$0.10/S.F., plus sales tax, for a one (1) year period beginning June 1, 2009 and ending May 31, 2010 with services to begin June 1, 2009. All voted in favor of the motion, except Sanow who abstained.

**CONSENT AGENDA – A. AUTHORIZATION TO DECLARE VEHICLES AS SURPLUS PROPERTY; B. AUTHORIZATION FOR (FREE) OUT-OF-STATE TRAVEL FOR OFFICER JASON BUYASSE; C. APPROVE A FIREWORKS PERMIT FOR MELROSE PYROTECHNICS INC., FOR A FIREWORKS DISPLAY ON JULY 4, 2009; D. CONSIDERATION OF APPROVAL BILLS/PROJECT PAYMENTS:**

Per the request of City Staff check number 65347 payable to SMSU Foundation in the amount of \$500.00 was pulled from the consent agenda.

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

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Authorization be granted to the Department of Public Safety to dispose of surplus City property – three (3) 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 for Officer Jason Buysse to attend the "High Risk Event Planning – Level 2" training course at the Iowa Law Enforcement Academy, Camp Dodge, Iowa from July 13, 2009 through July 17, 2009. This training is put on by the Midwest Counter Drug Training Center and includes free tuition, meals and lodging. The City would be responsible for travel and wages for Officer Buysse.

The approval of a Fireworks Permit for Melrose Pyrotechnics, Inc., for a Fireworks Display to be held at Independence Park on July 4, 2009 at 10:00 P.M.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 65215 through 65392.

All voted in favor of the motion.

**AVERA MARSHALL MEDICAL CENTER PRESENTATION – A. CONSIDER APPROVAL OF THE REMODELING PROJECT; B. UPDATE ON THE SALE OF AVERA MARSHALL MEDICAL CENTER:**

Sharon Williams, Vice President of Finance and Information Services at Avera Marshall, reviewed the \$3.4 million remodeling project at Avera Marshall Regional Medical Center. This project will add a new operating room and other surgical services to the hospital, as well as replacing the HVAC systems on the ground floor. The Avera Marshall Board has already approved the project. Ritter moved, Reynolds seconded, the approval of the Remodeling Project at Avera Marshall Regional Medical Center in the amount of \$2,326,011.00. All voted in favor of the motion.

Mary Maertens, CEO, provided an update on the sale of Avera Marshall Medical Center and indicated that everything is on schedule for the sale to be finalized in November, 2009.

**CONSIDER REQUEST OF ROBERT L. CARR FOR A MAP AMENDMENT (REZONE) OF 404 AND 406 EAST MAIN STREET – INTRODUCE ORDINANCE AND CALL FOR PUBLIC HEARING:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of Robert L. Carr to rezone 404 and 406 East Main Street from an R-3 Low to Medium Density Multiple Family Residence District to a B-1 Limited Business District. Mr. Carr intends to remove the dwelling at 406 East Main Street and combine the property with the Tiger Office Park project.

Sanow moved, Reynolds seconded, the introduction of an ordinance Amending Chapter 86 of the City Code Relating to Zoning and called for a public hearing to be held at 5:30 P.M. on June 9, 2009 for the rezoning of 404 and 406 East Main Street from and R-3 Low to Medium Density Multiple Family Residence District to a B-1 Limited Business District. All voted in favor of the motion.

**CONSIDER THE REQUEST OF KERRY J. KERR FOR A VARIANCE ADJUSTMENT PERMIT TO CONSTRUCT AN ACCESSORY BUILDING AT 613 WINIFRED DRIVE WITH A HEIGHT IN EXCESS OF HEIGHT PERMITTED BY CITY CODE:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the request from Kerry Kerr, 613 Winifred Drive, for a Variance Adjustment Permit to construct an accessory building with a height of 15' in lieu of 12' as regulated by City Code Sec. 86-163. Mr. Olson indicated that the use is a garage with 9' sidewalls, a width of 26' and a length of 40'. This size could accommodate four cars. The existing dwelling is 24' in width and 36' in length. Mr. Kerr provided information that the dwelling is 14'-3" in height above the driveway. He also related the neighbor's garage is 15'-1", and the garage across the alley is 13'-3", in height. He said the existing garage and shed will be removed. Mr. Olson indicated that staff recommended to the Planning Commission to deny the request. There is no undue hardship as defined in City Code Section 86-29, the property can be put to reasonable use under conditions allowed by the official controls, the lot is not unique in that the landowner can build a garage in compliance with City Code, and the size of the building is larger than many of the dwellings and all of the accessory buildings in the area. The additional height will amplify the scale of the accessory building among the neighborhood dwellings.

Per the recommendation of the Planning Commission, Doom moved, Ritter seconded, to approve the request of Kerry Kerr for a Variance Adjustment Permit to construct an accessory building of 15' in height in lieu of 12' as required by City code at 613 Winifred Drive. The undue hardship stated was the additional height required to accommodate 9' high garage doors. All voted in favor of the motion.

**CONSIDERATION TO AUTHORIZE LIBRARY ROOF REPAIRS:**

Glenn Olson, Director of Public Works/City Engineer, indicated that the Marshall-Lyon County Library has experienced several instances of the roof leaking into the administrative offices of the building. After inspection of the roof, it was found that the flashing along a portion of the roof had let loose and the roofing material pulled away allowing the leakage. Proposals were requested from local roof repair businesses. Two proposals were received, one from Four Seasons Roofing of Tyler in the amount of \$2,800.00 and one from Buysse Roofing Systems and Sheet Metal, Inc., of Marshall in the amount of \$3,480.00. Both prices may increase due to actual work needed after the roof is fully exposed.

Ritter moved, Doom seconded, that the proper city personnel be authorized to repair the roof of the Marshall-Lyon County Library in an amount of up to \$4,000 and this be charged to account number 101-41231-2223. All voted in favor of the motion.

**PROJECT Y31 (139-131-02) WINDSTAR STREET FROM SCOTT STREET TO T.H. 59 – CONSIDER CHANGE ORDER NO. 1:**

Doom moved, Ritter seconded, the approval of Change Order No. 1 with R & G Construction Co., resulting in a contract increase in the amount of \$29,730.00 for Project Y31 (139-131-02) Windstar Street from Scott Street to T.H. 59. The 24-in. steel casing was required to be extended by MN/DOT under T.H. 59 resulting in a \$5,830 increase. The additional shaping and seeding of the park was required for the disposal of material from construction of the storm water pond in accordance with the specifications. The disposal of the clay material was also required by the contract and the additional costs were due to longer hauling and leveling as required by the City. All voted in favor of the motion.

**PROJECT Y05 VILLAGE DRIVE IMPROVEMENT – A. RESOLUTION DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT; B. RESOLUTION FOR HEARING ON PROPOSED ASSESSMENT:**

Glenn Olson, Director of Public Works/City Engineer, indicated that the proposed improvements for Village Drive are to remove the existing pavement surfacing and granular base. The street shall be subcut to a depth of 13 inches in order to build a 4 inch thick bituminous pavement over a 9 inch thick Class 5 granular base. A geotextile fabric will be placed on the subgrade prior to the placement of the granular base. A six inch diameter perforated drain tile will be installed at the face of the curb and gutter to provide subgrade drainage. The tile shall be connected to the existing storm sewer located along portions of Village Drive. Portions of the curb and gutter need to be replaced on the project as needed to install water service lines and hydrant leaders and to correct drainage problems

Ritter moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3232, SECOND SERIES and that the reading of the same be waived. Resolution Number 3232, Second Series is a resolution Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment for Village Drive Improvement Project Y05. This resolution provides for the assessment to be paid over a 10 year period at an interest rate of 5.8%. All voted in favor of the motion.

Ritter moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3233 SECOND SERIES and that the reading of the same be waived. Resolution Number 3233, Second Series is a resolution Calling for a Hearing on the Proposed Assessment for Village Drive Improvement Project Y05. This public hearing will be held at 5:30 P.M. on June 23, 2009. All voted in favor of the motion.

**PROJECT Y56 DOWNTOWN ALLEY IMPROVEMENT PROJECT – A. RESOLUTION DECLARING COST TO BE ASSESSED AND ORDER 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):**

Glenn Olson, Director of Public Works/City Engineer, indicated that Marshall Municipal Utilities requested the relocation of their overhead power lines to underground as part of their city-wide electrical relocation project. In conjunction with that request is the installation of new facilities associated with the burial of the overhead lines, i.e. transformers and service lines. In the alley portion of the project from North 4<sup>th</sup> Street to North 5<sup>th</sup> Street, the storm sewer is also in need of reconstruction along with service lines leading to private businesses.

Council Member Hulsizer asked how much the city would have to pay for the property owned by the city. Mr. Olson indicated that this would be determined according to the Special Assessment Policy.

Reynolds moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3234, SECOND SERIES and that the reading of the same be waived. Resolution Number 3234, Second Series is a resolution Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment for the Downtown Alley Improvement Project Y56. This resolution provides for the assessment to be paid over an 8 year period at an interest rate of 5.8%. All voted in favor of the motion, except Sanow who voted no.

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Reynolds moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3235, SECOND SERIES and that the reading of the same be waived. Resolution Number 3235, Second Series is a resolution Calling for a Hearing on the Proposed Assessment for the Downtown Alley Improvement Project Y56. This public hearing will be held at 5:30 P.M. on June 23, 2009. All voted in favor of the motion, except Sanow who voted no.

Ritter moved, Doom seconded, the adoption of RESOLUTION NUMBER 3236 SECOND SERIES and that the reading of the same be waived. Resolution Number 3236, Second Series is a resolution Declaring the Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for the Downtown Alley Improvement Project Y56. All voted in favor of the motion, except Sanow who voted no.

Bids were received, opened and read on May 14, 2009 for the Downtown Alley Improvement Project Y56. The bids received, opened and read were from:

D & G Excavating, Inc., Marshall, Minnesota \$160,037.45	Rogge Excavating Ghent, Minnesota \$162,938.36	Thompson Excavating Taunton, Minnesota \$164,756.00
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Ritter moved, Doom seconded, the adoption of RESOLUTION NUMBER 3237 SECOND SERIES and that reading of the same be waived. Resolution Number 3237, Second Series is a resolution Accepting Bid (Award Contract) for the Downtown Alley Improvement Project Y56. This contract was awarded to D & G Excavating, Marshall, Minnesota in the amount of \$160,037.45. All voted in favor of the motion, except Sanow who voted no.

**CONSIDER RESOLUTION DEDICATING CITY-OWNED PROPERTY FOR PUBLIC UTILITY PURPOSES – VARIOUS LOCATIONS:**

Marshall Municipal Utilities has requested easement for public utility purposes on certain properties as legally described on the attached Grant of Utility Easement documents and accompanying surveys. These easements are necessary for MMU to locate and construct facilities adjacent to and outside of current city rights of way. These easement areas will be utilized not only by MMU but other public utilities as well.

Ben Martig, City Administrator, indicated that one of the easements is with HRA, therefore a HRA meeting needs to be scheduled. The other easements have been reviewed by City Attorney Dennis Simpson.

Doom moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3238, SECOND SERIES and that the reading of the same be waived. Resolution Number 3238, Second Series is a resolution Dedicating City-Owned Property for Pubic Use for Public Utility Purposes. All voted in favor of the motion, except Sanow who voted no.

**CONSIDER APPOINTMENTS TO THE CENSUS 2010 COMPLETE COUNT COMMITTEE:**

Per the recommendation of Mayor Byrnes, Doom moved, Reynolds seconded, and was unanimously approved that the following appointments be made to the Census 2010 Complete Count Committee:

Robert Byrnes, Mayor	Sheila Dubs	Cathy Lee
Dan Ritter	Bob Fenske	Klint Willert
Tina Quinones	Gustavo Estrada	Jennifer Hanson

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Scott Crowell  
Joyce Holm Strootman  
Abdullahi Osman Noor

Paul Lamantia  
Reverand Bernie Wing

Ken Wilson  
Reverand Celeste Lasich

**CONSIDERATION AND APPROVAL OF THE 2009 WAGE SCHEDULE:**

Ben Martig, City Administrator, reviewed the amended 2009 Wage Schedule for all City staff. The amended wage schedule lists revisions made as a result of staffing reductions (library staff), union agreements (AFSCME), and the addition of positions that have not previously been listed on the approved wage schedule. Staff have added a schedule of Paid On-call and Temporary/Seasonal position schedules to the 2009 Wage Schedule for your review and consideration. The Council Personnel Committee has reviewed the amended wage schedules and has recommended approval.

Council Member Sanow asked if any employee was being paid at a rate above Step 6. Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that there were two positions that were being paid at a rate above Step 6, which had been previously approved by the City Council. Reynolds moved, Doom seconded, the approval of the 2009 Wage Schedule. All voted in favor of the motion.

**REVIEW AND CONSIDERATION OF MNWEST AMENDED LEASE AGREEMENT FOR JULY 1, 2008 THROUGH JUNE 30, 2009:**

Ben Martig, City Administrator, indicated that City Staff has been negotiating a lease with MnWest for the use of the MERIT training center. The last lease expired in June of 2007. MnWest has indicated that the Minnesota State Colleges has given verbal approval for an amended lease retroactive to the beginning of their current fiscal year beginning July 1, 2008 and extending through June 30, 2009. MnWest is proposing to use the same rate of \$6,500 annually that is consistent with the contract that ended in June of 2007. City Staff is supportive of this approval of the \$6,500 in consideration of rent during this time period. Timing is important as the Minnesota State Colleges will not approve a lease amendment after the end of the fiscal year. City staff is continuing to negotiate a new lease starting July 1, 2009 that would also take into consideration unpaid rent for the period of July 1, 2007 through June 30, 2008.

Ritter moved, Reynolds seconded, that the proper city personnel be authorized to enter into a lease with Minnesota West Community and Technical College for the period of July 1, 2008 through June 30, 2009 at a rate of \$6,500 payable in one lump payment. All voted in favor of the motion, except Boedigheimer who voted no.

**AUTHORIZATION TO COMMENCE EMINENT DOMAIN (CONDEMNATION) ACTION:**

Dennis Simpson, City Attorney, indicated that the City of Marshall has been in negotiations with property owner John Middleton for the acquisition of property necessary to fulfill public purpose related to expansion of Tiger Lake flood retention structure. The City has obtained a formal appraisal and has offered to acquire property from Mr. Middleton at the appraised value. Mr. Middleton has not accepted the appraised value and negotiations for the acquisition of property continue.

Sanow moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3239, SECOND SERIES and that the reading of the same be waived. Resolution Number 3239, Second Series is a resolution Authorizing to Commence Eminent Domain (Condemnation) Action. This resolution authorizes the City Attorney to proceed with eminent domain action if



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continued negotiations with Mr. Middleton fail. Mr. Middleton is in favor of the Eminent Domain (Condemnation) Action. 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 they have one spec home left for sale; Regional Development Commission held their annual meeting.

Hulsizer Human Rights Commission met on May 26<sup>th</sup>.

Doom Planning Commission items were discussed earlier in the meeting.

Sanow Marshall Area Transit met last week – they will be purchasing a new bus.

Reynolds Hospital Board met last week.

Boedigheimer No report.

Ritter No report.

**STAFF REPORTS:**

Ben Martig, City Administrator, provided updates on the following items: there are a number of vacancies on the various Boards and Commissions; background checks are being done on applicants for the various Boards and Commissions; due to the resignation of Wendy Wendt, Library Director, city staff will be helping the Library with personnel issues during the interim period. Ben indicated that according to the Legislative Update the governor will be providing feed-back on allotments; the proposed cuts for 2010 may be larger than originally proposed. Other items included: Administrative fine needs to be discussed by the Legislative and Ordinance Committee; the Bonding Bill; filings for City Council opens on Wednesday, May 27, 2009, an Endowment Fund for the proceeds from the sale of the hospital; the Annual Audit report is due by the end of June; a meeting needs to be scheduled with the Lyon County LEC to discuss the proposed phone system and operating budget; the annexation of the land by Clarice Avenue needs to be discussed with Lake Marshall Township; dress attire and safety issues were reviewed for employees who work outside; and a TIF meeting needs to be scheduled.

Glenn Olson, Director of Public Works/City Engineer, provided updates on the following items: construction project meetings are being held weekly for contractors and residents; updates and minutes from these meeting will be on the City web site; staff from Transit have been asked to attend these meetings to get updates for the Transit Routes; due to the retirement of Rich Herigon, Street Superintendent weed and tree notices will continue to be handled the same; there will be a Public Works staff meeting on Wednesday to discuss interim issues; Skunk Hollow Road has been signed for speed.

Dennis Simpson, City Attorney, did not have a report.

**COUNCIL MEMBER INDIVIDUAL ITEMS:**

Other items brought forth by the Mayor and Council Members included: the cost of the black dirt on the former Junior High Property. Glenn Olson, Director of Public Works/City

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Engineer, indicated that this cost was included in the contract for dirt and seeding. Council Member Boedigheimer indicated that he had attended the Minnesota Aviation Hall of Fame. Council Member Reynolds indicated that he enjoyed his time on the City Council and was looking forward to a new adventure.

**REVIEW OF PENDING AGENDA ITEMS:**

There were no questions on the pending agenda items.

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

Applicant	Location Address	Description of Work	Amount
1. City of Marshall	1430 East Main Street	Demolish Dwelling	\$0
2. Dennis Lozinski Construction	304 Lawrence Street	Garage	\$6,000
3. Bladholm Construction, Inc.	229 West Main Street	Remodel Front	\$38,000
4. Richard Louwagie Construction	613 Heritage Place	Reroof	\$4,000
5. James J. Doom	216 Carrow Circle	Insulate Garage	\$1,000
6. James Lozinski Construction Inc.	507 Hudson Avenue	Basement Remodel, Install Window	\$3,500
7. Joshua Buysse	617 West Thomas Avenue	Reroof	\$1,700
8. C.E. Signs & Designs	1001 North Highway 23	Sign	\$4,900
9. Curtis Elliott VanMeveren	412 North 7th Street	Reroof	\$4,100
10. Haugen Construction Inc.	1111 Skyline Drive	Reroof	\$8,400
11. James Lozinski Construction Inc.	703 Brian Street	Reroof, Install Doors, Interior Remodel	\$8,500
12. Robert Wendorff	403 North 7th Street	Reroof	\$1,800
13. Lauraine McDaniel	1002 West College Drive	Replace Windows	\$500
14. James Lozinski Construction Inc.	105 Fremont Street	Reroof	\$6,500
15. City of Marshall	344 West Main Street	Replace Door	\$4,100
16. Kerry J. Kerr	613 Winifred Drive	Demo Shed	\$0

Mayor Byrnes called for a 5-minute recess at 7:15 P.M.

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

Reynolds moved, Ritter seconded, that the Council go into closed session at 7:23 P.M. pursuant to Minnesota Statute 13D.03 related to union contract negotiations. All voted in favor of the motion.

Those present at the closed session included: Mayor Byrnes, Council Members Ritter, Boedigheimer, Reynolds, Sanow, Doom and Hulsizer. 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.

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The Council came out of closed session at 7:28 P.M.

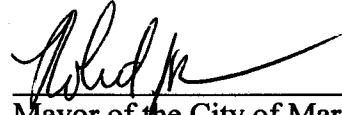
**DETERMINATION BY CITY COUNCIL TO GO INTO CLOSED SESSION PURSUANT TO MINNESOTA STATUTE 13D.05 SUBD. 3(C)(3) REGARDING DEVELOPING OR CONSIDERING OFFERS OR COUNTER OFFERS FOR THE PURCHASE OR SALE OF REAL OR PERSONAL PROPERTY – 108 C STREET – OWNER NATHAN PETERSON AND 106 C STREET – OWNER JEFFREY AND NANCY PFAFFE:**

Reynolds moved, Ritter seconded, that the Council go into closed session at 7:29 P.M. pursuant to Minnesota Statute 13D.05 subd. 3(c)(3) regarding developing or considering offers or counter offers for the purchase or sale of real or personal property – 108 C Street – owner Nathan Peterson and 106 C Street – owner Jeffrey and Nancy Pfaffe. All voted in favor of the motion.


Those present at the closed session included: Mayor Byrnes, Council Members Ritter, Boedigheimer, Reynolds, Sanow, Doom and Hulsizer. 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 7:40 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:

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