

REGULAR MEETING – JUNE 9, 2009

The regular meeting of the Common Council of the City of Marshall was held on June 9, 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, Boedigheimer and Ritter. Absent: none. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Financial Director/City Clerk; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

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

APPROVAL OF THE MINUTES:

Sanow moved, Doom seconded, that the minutes of the regular meeting held on May 26, 2009 be approved as corrected and the Special Joint City Council/Library Board/County Commissioners/Marshall School Board/Library Foundation held on June 2, 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 - CONSIDER THE REQUEST OF ROBERT L. CARR FOR A MAP AMENDMENT (REZONE) OF 404 AND 406 EAST MAIN STREET – PUBLIC HEARING AND ADOPTION OF ORDINANCE:

This was the date and time set for a public hearing to rezone 404 and 406 East Main Street. Glenn Olson, Director of Public Works/City Engineer reviewed the request of Robert L. Carr to rezone (a Map Amendment) 404 and 406 East Main Street from a R-3 Low to Medium Density Multiple Family Residence District to B-1 Limited Business District. Mr. Olson indicated that Mr. Carr intends to remove the dwelling at 406 East Main Street and combine the property with the Tiger Office Park project. The land for the office building to the south was rezoned in 2007 to B-1.

The property is located on East Main Street with R-3 Low to Medium Density Multiple Family Residence District on both sides. The City of Marshall 1996 Comprehensive Plan (includes 2004 Updates and Amendments) Future Land Use Plan, Figure 15 (page 92) shows the property within a Multi-Family / Manufactured Housing designation.

City Code Section 86-102, B-1 Limited Business District, states the intent as: “to permit selected businesses in areas adjacent to residential neighborhoods where analysis of the population demonstrates that such establishments are required and desirable.” The B-1 District Permitted Uses include offices as well as other specific retail uses. The intent of the Amendments section states the Zoning Map “may be amended whenever the public necessity and convenience and the general welfare require.”

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

Ritter moved, Doom seconded, the adoption of ORDINANCE NUMBER 611, SECOND SERIES and that the reading of the same be waived. Ordinance Number 611, Second Series is an ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance provides for 404 and 406 East Main Street to be rezoned from R-3 Low to Medium Density Multiple Family Residence District to B-1 Limited Business District. All voted in favor of the motion.

REGULAR MEETING – JUNE 9, 2009

CONSENT AGENDA – A. TEMPORARY ON-SALE LIQUOR LICENSE FOR SMSU FOUNDATION FOR SEPTEMBER 5, 2009; B. TEMPORARY ON-SALE LIQUOR LICENSE FOR SMSU FOUNDATION FOR SEPTEMBER 18-19, 2009; C. TRANSIENT MERCHANTS LICENSE FOR TNT FIREWORKS TO SELL FIREWORKS IN THE WAL-MART PARKING LOT FROM JUNE 22, 2009 TO JULY 5, 2009; D. AUTHORIZATION TO DECLARE A VEHICLE AS SURPLUS PROPERTY; E. CONSIDERATION OF APPROVAL BILLS/PROJECT PAYMENTS:

Per the request of Council Member Hulsizer item number E, which is consideration of approval of bills and project payments be removed from the consent agenda.

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

The approval of a Temporary On-Sale Liquor License for Southwest Minnesota State University Foundation to use for the Ag Bowl on September 5, 2009 at the Regional Event Center, Southwest Minnesota State University, 1501 State Street. The fee for this license is \$30.00.

The approval of a Temporary On-Sale Liquor License for Southwest Minnesota State University Foundation to use for the Smoke Fest on September 18 and 19, 2009 at the Regional Event Center, Southwest Minnesota State University, 1501 State Street. The fee for this license is \$60.00.

The approval of a Transient Merchant License for TNT Fireworks to sell Minnesota approved "Safe and Sane" fireworks in the Wal Mart parking lot, 1221 East Main Street from June 22, 2009 to July 5, 2009. The fee for this license is \$315.00.

Authorization be granted to the Department of Public Safety to dispose of surplus City property – one (1) vehicle, a 1995 Chevy Trail Blazer. This vehicle will be auctioned using the State's On-Line auction process.

All voted in favor of the motion.

Council Member Hulsizer questioned the bill from Bofferdings Flower Shop & Nursery in the amount of \$5,100. She indicated that the council had requested that more perennials be planted and fewer annuals, but most of the flowers that were planted were annuals and wanted to know why.

Hulsizer moved, Ritter seconded, that the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 65393 through 65526. All voted in favor of the motion.

DISCUSSION REGARDING VEHICLE REPLACEMENT FOR MAT. (JEANETTE PORTER, TRANSIT DIRECTOR):

Jeanette Porter, Transit Director, was in attendance at the meeting to request that the City of Marshall help fund up to \$12,400, which is the local share cost for a transit bus that was awarded unexpectedly this year for route operations in Marshall. This bus is in addition to a replacement bus scheduled and approved in the 2009 STIP. Western Community Action recently reimbursed the City of Marshall \$9,197.60, which was 20% of an insurance settlement paid on the 2006 Transit bus that was demolished in an accident last December. The remainder of the settlement was sent back to MN/DOT per their funding requirements.

REGULAR MEETING – JUNE 9, 2009

Sanow moved, Ritter seconded, the approval of a contribution of \$12,400 toward the purchase of a new route bus to replace the bus that was demolished in an accident last December. Of this amount, \$9,197.60 is the amount that the City received for the insurance settlement and the additional amount will be transferred from the Mayor and Council Contingency Account. All voted in favor of the motion.

AUTHORIZATION TO MAKE APPLICATION TO THE OJP BULLETPROOF VEST PARTNERSHIP FOR 2009 FUNDING:

Ben Martig, City Administrator, reviewed the request for an application to the OJP Bulletproof Vest Partnership for 2009 Funding. Bulletproof vests are critical equipment for Police Officer's safety. However the vests need to be as light weight as possible and still able to protect officer's from at least the ammunition that they carry in their handgun. As a result they are quite expensive, the most the city has been receiving recently is approximately \$1,000 each. Their warranty is for five years and is replaced by our Department for officers every five years. The State of Minnesota funds 50% of the cost of armor, up to \$650 per officer. The Federal government also has a vest program which must be applied for each year based on the amount of the Federal allocation. Every year in recent history they have awarded the City of Marshall funding to cover half the cost of the armor the city buy's.

Doom moved, Sanow seconded, that the proper city personnel be authorized to make an application to the OJP Bulletproof Vest Partnership for 2009 Funding for bullet proof vests. All voted in favor of the motion.

PROJECT Y44: LEGION FIELD ROAD IMPROVEMENT PROJECT – CONSIDER CHANGE ORDER NO. 1:

Doom moved, Ritter seconded, the approval of Change Order No. 1 with Voss Plumbing and Heating Inc., of Paynesville, Minnesota resulting in a contract increase in the amount of \$7,301.80, which increases the total contract to \$779,413.30 for Legion Field Road Improvement Project Y44. This change order is a result of an increase due to replacement of manhole structure rather than core drill three new pipe openings, and the addition of 1.5 feet of new manholes structure eliminates a situation where an existing manhole had 2 feet of adjustment rings below the casting. The contract increase in the amount of \$7,301.80 is to be paid from the Capital Improvements Project Fund No. 498-62066-5570, which is to be reimbursed by the Wastewater Fund. All voted in favor of the motion.

**PROJECT Y44: LEGION FIELD ROAD IMPROVEMENT PROJECT –
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, reviewed Legion Field Road Improvement Project Y44. Mr. Olson indicated that the proposed improvements under this project include proposed reconstruction of the existing street, sanitary sewer replacement, watermain replacement, and miscellaneous items from Kendall Street to West Main Street. The proposed improvements also include the installation of sidewalk along the west side of Legion Field Road and the installation of curb and gutter along the east side of the street as needed.

REGULAR MEETING – JUNE 9, 2009

Doom moved, Hulsizer seconded, the adoption of RESOLUTION NUMBER 3240, SECOND SERIES and that the reading of the same be waived. Resolution Number 3240, Second Series is a resolution Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment for Legion Field Road Improvement Project Y44. 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.

Doom moved, Hulsizer seconded, the adoption of RESOLUTION NUMBER 3241 SECOND SERIES and that the reading of the same be waived. Resolution Number 3241, Second Series is a resolution Calling for a Hearing on the Proposed Assessment for Legion Field Road Improvement Project Y44. This public hearing will be held at 5:30 P.M. on July 14, 2009. All voted in favor of the motion.

PROJECT Y31: (139-131-02) WINDSTAR STREET FROM SCOTT STREET TO T.H. 59 – 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, reviewed Windstar Street Project Y31. Mr. Olson indicated that the proposed improvements under this project include granular base, asphalt base, asphalt surfacing, sanitary sewer, watermain, storm sewer, storm water detention pond, sidewalk and miscellaneous work associated with the street construction.

Doom moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3242, SECOND SERIES and that the reading of the same be waived. Resolution Number 3242, Second Series is a resolution Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment for Windstar Street Project Y31 (139-131-02). 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.

Doom moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3243 SECOND SERIES and that the reading of the same be waived. Resolution Number 3243, Second Series is a resolution Calling for a Hearing on the Proposed Assessment for Windstar Street Project Y31 (139-131-02). This public hearing will be held at 5:30 P.M. on July 14, 2009. All voted in favor of the motion.

PROJECT Y26: HERITAGE PLACE IMPROVEMENT PROJECT – 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, reviewed Heritage Place Improvement Project Y26. Mr. Olson indicated that 100% of the property owners of the real property abutting Heritage Place have petitioned the City for the installation of a new street, sidewalk, curb and gutter, and associated items pursuant to Minnesota Statutes Chapters 429.

Doom moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3244, SECOND SERIES and that the reading of the same be waived. Resolution Number 3244, Second Series is a resolution Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment for Heritage Place Project Y26. 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.

REGULAR MEETING – JUNE 9, 2009

Doom moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3245 SECOND SERIES and that the reading of the same be waived. Resolution Number 3245, Second Series is a resolution Calling for a Hearing on the Proposed Assessment for Heritage Place Project Y26. This public hearing will be held at 5:30 P.M. on July 14, 2009. All voted in favor of the motion.

CONSIDER PROFESSIONAL SERVICES AGREEMENT WITH WENCK ASSOCIATES, INC. FOR LIMITED PHASE II SOIL INVESTIGATION:

Dennis Simpson, City Attorney, indicated that there is one final piece of work that needs to be done related to the Main Street dry cleaner solvent MPCA investigation matter. The contaminated soil has been stockpiled pursuant to MPCA agreement. MPCA has required that the City of Marshall conduct soil samples and testing to determine whether or not any additional contamination has resulted to the soil on which the contaminated soil is deposited.

Sanow moved, Ritter seconded, that the proper city personnel be authorized to enter into an agreement with Wenck Associates, Inc., to conduct proper soil testing and laboratory analysis for an amount not to exceed \$8,531.00. All voted in favor of the motion.

CONSIDER APPOINTMENTS TO BOARDS AND COMMISSIONS:

Per the recommendation of Mayor Byrnes, Sanow moved, Ritter seconded, and was unanimously approved that the following appointments be made to the various boards and commissions:

- Cable Television Commission – Linda Erb be appointed for a term to expire on May 31, 2010
- Cable Television Commission – Keith Petermeier be appointed for a term to expire on May 31, 2012.
- Housing Commission – Charles Holland be reappointed for a term to expire on May 31, 2014

COUNCILMEMBER COMMISSION/BOARD LIAISON REPORTS:

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

Byrnes No report.

Hulsizer Library Board received an update from the search committee and they are working with Sheila Dubs to replace Wendy Wendt.

Doom Marshall Community Services Advisory Board held their annual tour of Marshall.

Sanow No report.

Boedigheimer Airport Commission reviewed the capital improvements projects at the airport.

Ritter No report.

STAFF REPORTS:

Ben Martig, City Administrator, provided updates on the following items: the Library Board will be at the June 23rd City Council meeting to request additional funding for the proposed new library; the Personnel Policy draft review is complete; there will be a Liquor Store Task Force meeting on Monday, June 15th; the audit report is due by the end of June; work is continuing on the Minnesota West Lease; EDA is working on proposals for property owned by HRA, Block 11 and

REGULAR MEETING – JUNE 9, 2009

the former Junior High property; a review of the Sub-Division Ordinance will be held at the June 23rd meeting; information for the bond issue for this years street projects is being compiled; and there will be meeting of the Amateur Sports Commission.

Glenn Olson, Director of Public Works/City Engineer, indicated that he and Ben would be meeting with Lake Marshall Township; he also briefly reviewed the MN/DOT policy on Dark Signals. Mr. Olson indicated that there were no plans to replace the Street Superintendent position at this time; therefore there will be an Interim Street Superintendent.

COUNCILMEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included a request for the Audit Report to be presented at a special City Council Meeting.

REVIEW OF PENDING AGENDA ITEMS:

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

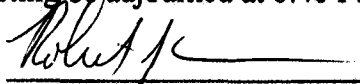
INFORMATION ONLY:

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

	Applicant	Location Address			Description of Work	Valuation
1.	M O H Group	1127	Horizon	Drive	Reroof	\$4,500
2.	Dennis Lozinski Construction	512	Lawrence	Street	Reroof	\$4,500
3.	Rick Slagel Construction Inc	105 West	James	Avenue	Install Window	\$1,500
4.	Rick Slagel Construction Inc	612 West	Southview	Drive	Reroof	\$4,500
5.	James Lozinski Construction Inc.	409	Lynd	Street	Reroof, Replace Doors	\$9,400
6.	Babcock Construction	505 West	Marshall	Street	Reside Dwelling	\$11,000
7.	Marc H. Milbradt	401 North	4th	Street	Deck	\$4,000
8.	Marshall Residential Prop. LLC	306 North	4th	Street	Remove Windows, interior remodel	\$1,500
9.	James Lozinski Construction Inc.	106	Walker	Lane	Replace Door	\$600
10.	True Value Home Center	1006	Paris	Road	Two Family Dwelling	\$182,500
11.	Stanley & Constance Stensrud	107	Marlene	Street	Interior Remodel	\$800
12.	Mike Buysse Construction Inc.	604 West	Marshall	Street	Reroof	\$4,500
13.	Mike Buysse Construction Inc.	107 West	Southview	Drive	Deck	\$2,000
14.	James Lozinski Construction Inc.	104 South	High	Street	Reroof	\$7,000
15.	Lois Ann Henkel	406	Walnut	Street	Shed	\$3,000
16.	Kevin Lanoue Construction	703	Brian	Street	Replace Doors	\$3,500
17.	Dennis Labat	502	Elaine	Avenue	Reroof	\$4,500
18.	Tony & Dusty L. Halverson	600	Kossuth	Avenue	Exterior Remodel	\$6,500

REGULAR MEETING – JUNE 9, 2009

Sanow moved, Doom seconded, that the meeting be adjourned at 6:40 P.M. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk