

SPECIAL MEETING – AUGUST 31, 2009

A special meeting of the Common Council of the City of Marshall was held on August 31, 2009 in the Board Room of Marshall Municipal Utilities. Mayor Byrnes called the meeting to order at 5:30 P.M. In addition to Byrnes, the following council members were present: Hulsizer, Sanow, DeCramer, Boedigheimer and Ritter. Absent: Doom. City Staff present included: Ben Martig, City Administrator; Glenn Olson, Director of Public Works/City Engineer and Thomas M. Meulebroeck, Financial Director/City Clerk.

PROJECT Y51 / S.P. 139-090-03 – 2009 NORTH BIKE AND PEDESTRIAN TRAIL IMPROVEMENT PROJECT – A. CONSIDER RESOLUTION OF DECLARATION OF OFFICIAL INTENT REGARDING THE REIMBURSEMENT OF EXPENDITURES WITH THE PROCEEDS OF TAX-EXEMPT BONDS; B. CONSIDER RESOLUTION AWARDING CONTRACT:

Glenn Olson, Director of Public Works/City Engineer, reviewed the 2009 North Bike and Pedestrian Trail Improvement Project Y51. This project consists of bituminous off-road and on-road bike and pedestrian trail construction and signage from T.H. 19/68 along T.H. 23 to 269th Avenue just north of the Southwest Minnesota State University Campus; shaping and bituminous paving for the existing off-road trail beginning at 269th Avenue west to Justice Park (Kossuth and North 7th Streets); shaping and bituminous paving for the existing off-road trail beginning at CSAH 7 along the Redwood River to the Wayside Park on T.H. 23 South; and bituminous off-road trail construction along Country Club Drive from Southview Drive to South 4th Street. Mr. Olson indicated that on August 20, 2009, bids were received for the above referenced project. Five bids were received. The low bidder was Rogge Excavating of Ghent, Minnesota in the amount of \$409,619.71. The estimated total project cost including a required revision to the T.H. 23 Ditch 62 culvert, plus 5% allowance for contingencies and 16% for engineering and administrative costs is approximately \$515,846. This contract includes provisions for disadvantaged business enterprises. The contractor has submitted his proposal for DBE requirements to Mn/DOT for their review. The City is awaiting the determination by Mn/DOT DBE Office for determination of adequacy of DBE requirements or good faith efforts. If, in fact, the DBE requirements are not met and the State does not recommend award to the apparent low bidder, the City will be required to accept the next low bidder that does comply with all requirements. If this occurs, a recommendation will come forward to the Council at the next regularly scheduled Council meeting.

Bids were received, opened and read on August 13, 2009 for Project Y51 / S.P. 139-090-03 – 2009 North Bike and Pedestrian Trail Improvement Project. The bids received, opened and read were from:

Rogge Excavating
Ghent, Minnesota
\$409,619.71

McLaughlin and Schulz, Inc
Marshall, Minnesota
\$477,446.00

Duininck Bros., Inc.
Prinsburg, Minnesota
\$490,605.25

D & G Excavating, Inc
Marshall, Minnesota
\$496,619.82

Central Specialties, Inc
Alexandria, Minnesota
\$617,590.60

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DeCramer moved, Boedigheimer seconded, the adoption of a resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds and the adoption of a resolution Accepting Bid (Awarding Contract) contingent upon approval of MN/DOT. Voting in favor of the motion were Boedigheimer, DeCramer and Byrnes. Voting no were Ritter, Sanow and Hulsizer. The motion failed.

The Mayor requested a discussion on the failed motion. Councilmember Ritter inquired whether the failed motion would have provided staff authority to award the contract if the low bid were rejected due to the disadvantaged business program issues. Mr. Olson indicated it would not and if that occurred staff would review the situation and bring back to the City council for consideration.

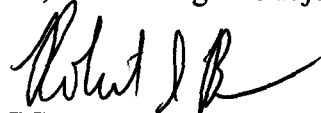
Sanow moved, Boedigheimer seconded, reconsideration of the failed motion and moved the adoption of RESOLUTION NUMBER 3291, Second Series and that the reading of the same be waived. Resolution Number 3291, Second Series is a resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for Project Y51 / S.P. 139-090-03 – 2009 North Bike and Pedestrian Trail Improvement Project. All voted in favor of the motion, except Hulsizer who voted no.

Sanow moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3292, SECOND SERIES and that the reading of the same be waived. Resolution Number 3292, Second Series is a resolution Accepting Bid (Awarding Contract) for Project Y51 / S.P. 139-090-03 – 2009 North Bike and Pedestrian Trail Improvement Project. This project was awarded to Rogge Excavating, Ghent, Minnesota in the amount of \$409,619.71 contingent upon a determination by MN/DOT DBE Office for determination of adequacy of DBE Requirement. All voted in favor of the motion, except Hulsizer who voted no.

2010 BUDGET WORKSHOP – SESSION II:

Ben Martig, City Administrator, provided an update on the preliminary levy and budget for 2010. Mr. Martig indicated that with a levy of \$4,673,864 there would be little or no increase in property taxes. Other items discussed included a 6-month reserve for General Fund; the timetable for Debt Service payment; payments by the City to the County for the Law Enforcement Center, the request from the Transportation Committee of the Chamber of Commerce and a 6.7% increase for the insurance renewal.

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



Mayor of the City of Marshall

Attest:



Financial Director/City Clerk