

REGULAR MEETING – SEPTEMBER 22, 2009

The regular meeting of the Common Council of the City of Marshall was held on September 22, 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 Council Members were present: Hulsizer, Doom, Sanow, DeCramer, Boedigheimer and Ritter. Absent: None. 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; 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 with the addition of a Resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for T.H. 19 Storm Water and Sidewalk Replacement Project Y69 as part of agenda item number 3.

APPROVAL OF THE MINUTES:

Sanow moved, Doom seconded, that the minutes of the regular meeting held on September 8, 2009 and the minutes of the special meeting held on September 15, 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 – T.H. 59 AND ONTARIO ROAD IMPROVEMENT PROJECT Y52 ASSESSMENT HEARING AND CONSIDER RESOLUTION ADOPTING ASSESSMENT:

This was the date and time set for a public hearing on T.H. 59 and Ontario Road Improvement Project Y52. Glenn Olson, Director of Public Works/City Engineer indicated that this project involves the replacement of the watermain and pavement reconstruction. The project will reconstruct Ontario Road and described utilities from T.H. 59 North to vacated Hahn Road. MMU has requested and is funding the replacement of the watermain utility on Ontario Road and along vacated and existing Hahn Road right-of-way from Ontario Road to C.S.A.H. 33. This project was reviewed for both asphalt and concrete roadway replacement sections. In discussion with Schwan's and a review of the significant, high-volume, heavy semi truck traffic and constant turning and stopping motions, it was determined that a concrete section would be preferable to asphalt replacement. Ritter moved, DeCramer seconded, that the public hearing be closed. All voted in favor of the motion.

Boedigheimer moved, Ritter seconded the adoption of RESOLUTION NUMBER 3298, SECOND SERIES and that the reading of the same be waived. Resolution Number 3298, Second Series is a resolution Adopting the Assessment Roll for T.H. 19 and Ontario Road Improvement Project Y52, setting the interest rate at 5.8% and the assessment being paid in equal annual installments extending over a period of 10 years. All voted in favor of the motion.

AWARD OF BIDS – T.H. 19 STORM WATER AND SIDEWALK REPLACEMENT PROJECT Y69 – CONSIDER RESOLUTION DECLARING OFFICIAL INTENT REGARDING THE REIMBURSEMENT OF EXPENDITURES WITH THE PROCEEDS OF TAX-EXEMPT BONDS; AND RESOLUTION ACCEPTING BID (AWARD CONTRACT):

Glenn Olson, Director of Public Works/City Engineer, reviewed Project Y69 T.H. 19 Storm Water and Sidewalk Replacement Project. He indicated that this project involves the replacement of storm sewer main and associated items along with the replacement of curb and gutter and sidewalk from the intersection of T.H. 19 (College Drive) and T.H. 59/68 (Main Street) southwest to just south of the Redwood River.

Council Member Boedigheimer was concerned about the street being opened for the SMSU Homecoming Parade. Council Member Sanow asked if this project could be paid and not be included as part of the bond. Mr. Olson indicated that this is possible but the resolution needs to be adopted in order to be able to bond for the project. Council Member Doom asked if the money that was left from the Main Street project could be used for this project.

Doom moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3299 SECOND SERIES and that the reading of the same be waived. Resolution Number 3299, Second Series is a resolution Declaring the Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for the T. H. 19 Storm Water and Sidewalk Replacement Improvement Project Y52. All voted in favor of the motion, except Sanow who voted no.

Bids were received, opened and read on September 21, 2009 for the T. H. 19 Storm Water and Sidewalk Replacement Project Y69. The bid received, opened and read was from:

D & G Excavating, Inc.
Marshall, Minnesota
\$85,960.75

Doom moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3300 SECOND SERIES and that reading of the same be waived. Resolution Number 3300, Second Series is a resolution Accepting Bid (Award Contract) for the T. H. 19 Storm Water and Sidewalk Replacement Project Y69. This contract was awarded to D & G Excavating Inc., Marshall, Minnesota in the amount of \$85,960.75. All voted in favor of the motion.

AWARD OF BIDS – M.A.T. BUS GARAGE EXPANSION PROJECT – CONSIDER RESOLUTION AWARDDING CONTRACT:

Glenn Olson, Director of Public Works/City Engineer, indicated that Western Community Action constructed the Marshall Area Transit Bus and Dispatch Facility on land owned by the City of Marshall in the Street Department area. At that time funds were limited and the facility was built with funds available. Since that time additional funds became available and approval was granted by MN/DOT to fund additional bus storage space just across the gravel access road from this dispatch facility. The total cost of the additional garage is limited to \$240,000 including design and inspection costs.

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Bids were received, opened and read on September 17, 2009 for the M.A.T. Bus Expansion Project. The bids received, opened and read were from:

	Bladholm Const., Inc. Marshall, MN	Dulas Const., Inc. Marshall, MN	Salonek Concrete & Construction Inc. Springfield, MN
Base Bid	\$188,800.00	\$180,000.00	\$192,200.00
Alternate No. 1 (Windows)	4,279.00	3,500.00	4,110.00
Alternate No. 2 (Foam insulation core panels)	12,870.00	8,900.00	4,800.00
Alternate No. 3 (Water service & related plumbing)	3,625.00	3,975.00	3,390.00
Alternate No. 4 (Concrete parking lot/driveway)	4,227.00	0.00	10,800.00
	Space Development Co. Marshall, MN	Sussner Construction, Inc. Marshall, MN	
Base Bid	\$205,900.00	\$215,000.00	
Alternate No. 1 (Windows)	4,000.00	2,593.00	
Alternate No. 2 (Foam insulation core panels)	11,000.00	7,442.00	
Alternate No. 3 (Water service & related plumbing)	5,000.00	3,980.00	
Alternate No. 4 (Concrete parking lot/driveway)	2,000.00	7,865.00	

Sanow moved, DeCramer seconded, the adoption of RESOLUTION NUMBER 3301 SECOND SERIES and that reading of the same be waived. Resolution Number 3301, Second Series is a resolution Accepting Bid (Award Contract) for the Marshall Area Transit (M.A.T.) Bus Garage. This contract was awarded to Dulas Construction, Inc., Marshall, Minnesota in the amount of \$187,475.00. This amount includes the base bid plus Alternates 1, 3 and 4. All voted in favor of the motion.

**AWARD OF BIDS – AIRPORT CRACK SEALING PROJECT – CONSIDER
RESOLUTION TO AUTHORIZE TO EXECUTE MN/DOT GRANT AGREEMENT FOR
AIRPORT IMPROVEMENT EXCLUDING LAND ACQUISITION AND
AUTHORIZATION TO AWARD PROPOSAL:**

Boedigheimer moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3302, SECOND SERIES and that the reading of the same be waived. Resolution Number 3302, Second Series is a resolution Providing Authorization to execute Minnesota Department of Transportation Grant Agreement for Airport Improvement Excluding Land Acquisition. This resolution provides for the proper city personnel to execute MN/DOT Grant Agreement No. 95528, which provides for project costs not to exceed \$17,730.00, with MN/DOT's maximum contribution of \$12,411.00 for Crack Sealing and Repair at the Southwest Minnesota Regional Airport. This agreement will remain in effect until June 30, 2012. All voted in favor of the motion.

Three proposals were received for this project from:

RH Sealcoating & Asphalt Maintenance
Russell, Minnesota
\$17,730.00

Bargen, Incorporated
Mountain Lake, Minnesota
\$18,107.00

Fuller Paving
Pipestone, Minnesota
\$21,300.00

Boedigheimer moved, Ritter seconded, that the bid for the Crack Sealing and Repair at the Southwest Minnesota Regional Airport be awarded to RH Sealcoating & Asphalt Maintenance, Russell, Minnesota in the amount of \$17,730.00. All voted in favor of the motion.

**CONSENT AGENDA – A. AMENDED 2009 WAGE SCHEDULE; B. CONSIDER
APPROVAL OF A TRANSIENT MERCHANT LICENSE FOR ULTRA EXTERIOR
SOLUTIONS INC.; C. CONSIDER APPROVAL FOR THE MERIT CENTER TO
APPLY FOR A BREMER GRANT; D. AUTHORIZATION TO DECLARE EXCESS
CITY PROPERTY AS SURPLUS PROPERTY FOR THE POLICE DEPARTMENT;
E. INTRODUCTION OF THE ZONING CODE/ACCESSORY BUILDING HEIGHT
REVISION; F. PROJECT Y14 NORTH STREET SIDEWALK IMPROVEMENT
CHANGE ORDER NO. 3 (FINAL) AND ACKNOWLEDGEMENT FO FINAL
PAYMENT APPLICATION; G. PROJECT Y57 2009 BITUMINOUS OVERLAY
PROJECT CHANGE ORDER NO. 1 (FINAL) AND ACKNOWLEDGEMENT OF FINAL
PAYMENT APPLICATION; H. APPROVAL BILLS/PROJECT PAYMENTS:**

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

Approval of the amended 2009 Wage Schedule for Temporary/Seasonal Employees to include the revisions for the After-School Program.

The approval of a Transient Merchants License for Ultra Exterior Solutions, Inc., at a fee of \$315.00. This license will expire on December 31, 2009.

The adoption of RESOLUTION NUMBER 3303, SECOND SERIES and that the reading of the same be waived. Resolution Number 3303, Second Series is a resolution Authorizing a Request for an Otto Bremer Foundation grant for the Minnesota Emergency Response and Industrial Training (M.E.R.I.T.) Center in the amount of \$100,000.00.

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Authorization be granted to the Department of Public Safety to dispose of surplus City property – St. Gobain, One Large Suit – Flash (Purchase price in 2007 of \$2,550.00); St. Gobain, One X-Large Suit – Flash (Purchase price in 2007 of \$2,550.00); Pagers with charges (serial numbers 136WHG4566, 136WHJ2521 AND 136WHG4130) and several bicycles.

The introduction of an ordinance Amending Chapter 86, Article VI, of the Marshall City Code of Ordinances Amending Accessory Building Regulations.

The approval of Change Order No. 3 (Final) with Rogge Excavating for a decrease in the amount of \$3,673.50 and the acknowledgement for the final payment in the amount of \$5,582.69 for North 4th Street Sidewalk Improvement Project Y14. The change order is a result of the final measurements and changes in item quantities during construction.

The approval of Change Order No. 1 (Final) with McLaughlin & Schulz, Inc., for an increase in the amount of \$807.05 and the acknowledgement for the final payment in the amount of \$16,833.59 for the 2009 Bituminous Resurfacing Project Y57. The change order is a result of the final measurements and changes in item quantities during construction.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 66638 through 66791.

All voted in favor of the motion.

LIBRARY PROJECT UPDATE:

Ben Martig, City Administrator, provided the City Council with an update on the Library project. Mr. Martig also welcomed County Commissioner Steve Ritter. Mr. Martig indicated that staff has been working to bring consideration to the City Council of a funding option as well as an architectural agreement to meet the Carr pledge conditional deadline of October 15, 2009. Mr. Martig made a presentation to the Lyon County Board of Commissioners on September 15, 2009 and the Marshall Schools Board on Monday, September 22, 2009. Mr. Carr was briefed on the status of the project review today. Staff will be finalizing the proposed details as part of a formal final presentation and policy consideration by the County Board of Commissioners at their regular meeting of October 6 and the City Council at their regular Council meeting of October 13. Mr. Martig provided the following information at this time:

Project Scope

The proposed project budget would include a total project cost – including hard and soft costs – of \$5 million. As presented previously, the estimated size of the new facility is proposed to be 23,225 square feet. This may need to be changed during the re-design phase but the Library Board has expressed reservation about reducing the size any further based on past space needs analysis that have been completed. The existing facility is 18,100 square feet total including 13,100 square feet for the first and second floors and 5,000 square feet for the basement.

The Library Board has identified the potential for a second phase adding an additional 6,635 square feet, for a total building size of 29,860. The current project only funds the first phase but design considerations will be implemented to consider a future expansion within this framework. The Library Board has not identified a financing plan or timeline for a second phase.

Project Capital Financing

The proposal that will be brought to the City Council includes City financing without a public vote. Spreadsheets were provided that summarize the financing. Staff included a concept with 50% or 75% of the annual interest revenue from the proposed endowment from the sale of the hospital funds being dedicated toward the project. Staff is presenting the concept of utilizing the 75% contribution level for consideration by the County and City in early October. The proposal does include a consideration of the County participating additional funds equal to the amount of 1/3 of the remaining unfunded balance needed for the project. The City would issue the bonds and have a separate agreement with the County committing to the annual contribution.

The financing recommendation for review will also include providing a consideration to put the existing library for sale and any proceeds would be taken into consideration for the City and County contributions on an equal 1/3 county and 2/3 city ratio, assuming that both agree to the capital and operating shared costs for the new facility.

Operating Expenditure Funding

Staff is requesting the County Commissioners consider support to fund 1/3 and the City 2/3 of the total operating expenses of a new facility. In the past, major capital maintenance items such as roof repairs were the responsibility of the city. Staff is requesting the County consider their position on this at their meeting of October 6. A detailed agreement would need to be completed at a future date prior to bidding the project.

Architectural Contract

A draft proposal of the Architectural agreement with TSP that was received today. City Administrator Martig will be reviewing the terms and potentially negotiating changes between now and early October. Additionally, Mr. Simpson, City Attorney, will also review the contract terms and conditions for any proposed changes.

The total contract cost is a lump sum payment of \$363,000 and includes redesign, construction documents, bidding, and construction oversight. This amount does not include past costs funded under the Schematic Design Phase. Staff will be recommending the Library Foundation contribute funds to the City depositories necessary to pay for the final re-design and construction documents. They are checking into the liquidity of the project from the Library Funds. A backup funding option for the final contract could be the city dedicated reserves from the liquor store for this project.

Building Committee

Staff will be recommending the City Administrator serve as the project manager if the project moves to the next phase of architectural drawings. Additionally, staff recommends establishment of a special ad hoc committee that would be working to provide direction on completion of the re-design and final architectural plans in preparation of bids. They would meet periodically for a few months as necessary to provide feedback to the architect. Recommendations would be brought back to the full Board's of each entity as determined appropriate during this process and prior to authorizing any final plans and specs in advance of bidding. This will provide a more streamlined review of the final building plans but yet provide representation from each stakeholder.

Proposed Building Ad Hoc Committee Structure

City Administrator, Project Manager

Council Representative

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Library Director
Library Chairperson
County Board Representative
County Staff Representative
School Staff Representative
School Board Representative

General Contractor Bid Including Donation

City Attorney Dennis Simpson is continuing his updated review on determining if the General Contractor bid concept is legal with consideration of factoring any private donations into contract approval.

Preliminary Project Timeline

Redesign & Construction Document Phase – October to January 2010

Approval to Bid – February/March 2010

Bidding – April

Bid & Financing Approvals May-June

Site Work – July

Construction August – July 2011

The Council was concerned with the financing – in-kind and pledges not received. Mr. Martig indicated that these amounts are not included in the financing. Mr. Martig also indicated that the funding and financing plans need to be in place by October 15, 2009 to meet Mr. Carr's deadline.

CONSIDERATION OF INSURANCE RENEWAL:

Sheldon Kimpling, agent of record for the City of Marshall's general liability, property, auto, boiler, airport and liquor insurance, was in attendance at the meeting and reviewed the General Liability, Property, Auto, Boiler, Airport and Liquor Liability insurance coverage for 10-1-09 to 10-1-10. The major changes addressed were:

1. Total property coverage increased by \$29,211,754. This increase in coverage and the increase of 2% in the rate charged by LMCIT from 2008/2009 are the reasons for the premium increase.
2. The General Liability Coverage had a 6% rate increase, the claims experience discount was reduced from 20% to 8% due to 2007 loss ratio, and exposure increased by 8%. The 2004 liability loss ratio was less than 16% and was replaced this year with 2007 which had over 120% loss ratio. The Auto Physical Damage Coverage had a 4% rate decrease; the Auto Liability Coverage had no rate change; and the Excess Liability Coverage is the same as the general liability.
3. The Hartford Steam Boiler Coverage had no rate change but had a 32% increase in coverage due to higher property values.
4. The Airport Liability Coverage had an 18% rate decrease and the terrorism coverage is \$400 this year vs. \$5,000 last year due to ACE-USA filing new rates. This coverage has a \$5,000,000 limit.
5. Total premium increase from 2008/2009 = \$60,967.

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Sanow moved, Boedigheimer seconded, that the General Liability, Property, Auto and Liquor Liability be renewed with the League of Minnesota Cities at a cost of \$329,402. All voted in favor of the motion.

Sanow moved, DeCramer seconded, that the Airport Liability be renewed with ACE USA in the amount of \$4,000. All voted in favor of the motion.

Sanow moved, DeCramer seconded, that the Boiler Coverage be renewed with Hartford Steam Boiler in the amount of \$33,129. All voted in favor of the motion.

CONSIDERATION OF CHEMICAL ASSESSMENT TEAM (CAT) TRAINING CONTRACT WITH MN WEST:

Rob Yant, Director of Public Safety, indicated that Minnesota West Community & Technical College provides training to public safety personnel throughout this part of the state. As a part of the Fire Fighter training they have started including some opportunities for the Chemical Assessment Team to provide information about C.A.T. and what the Fire Fighters should do in the case of a hazardous chemical release. In the past this has been at no cost as a part of our grant obligation to promote awareness for the teams. However, as this is starting to happen more often they would like their mileage reimbursed to offset some of their costs to provide this training. Approving this contract allows Minnesota West to pay the City of Marshall for the mileage costs for the Southwest Minnesota C.A.T. to travel to the communities where they are providing training for area Fire Fighters.

Doom moved, DeCramer seconded, that the proper city personnel be authorized to enter into a contract between Minnesota West Community & Technical College and the City of Marshall SWMN C.A.T. for training and also to approve Rob Yant as the administrator of the grant. All voted in favor of the motion.

AUTHORIZATION TO ACCEPT PANASONIC COMPUTERS FROM THE MINNESOTA STATE PATROL:

Rob Yant, Director of Public Safety indicated that the Marshall Police Department has been notified that it could receive four computers and some of the equipment necessary for their use as in-car mobile data terminals. The State Patrol is providing these units at no cost, with an approximate value of \$6,000 each or a total value of \$24,000. Officers have found having a computer/state terminal in the cars to be very helpful. They are used for running driver's license checks, motor vehicle registration checks, wants and warrants on subjects and vehicles. This allows for efficient communications between the officers and the state without tying up dispatch or the air waves. The Mobile Data Computer also works as a data base; keeping records on all individuals in the state that the system is having contact with. The Sheriff's Office is going to put one of the state computers in each of their marked units. The Marshall Police Department would install three of these in the remaining marked units that do not have them already and the fourth one would be installed in the supervisor's vehicle. Mr. Yant indicated that there is no match requirement on this award and once accepted they will be the property of the City of Marshall. Installation would be approximately \$4,000 per car for a total of \$16,000. There would also be an annual licensing cost for each unit of \$1,200 per car per year for a total increase of \$4,800 per year for licensing in addition to the three units currently being licensed.

Sanow moved, DeCramer seconded, that the proper city personnel be authorized to accept the Panasonic Toughbook computers and docking Stations from the Minnesota State Patrol. The installation for these computers would be approximately \$4,000 per car and

financing needs to be determined. There was a brief discussion on whether or not these would be paid from this year's budget or if there would be interim financing to allow them to be paid from next year's budget. All voted in favor of the motion.

CONSIDER APPROVAL TO START THE BIDDING PROCESS FOR SQUAD CARS:

Rob Yant, Director of Public Safety indicated that marked police cars are the primary means for officers to be able to get about and perform their duties; from responding to calls for service to providing the deterrence of preventive patrol. Currently there are six marked squad cars. Unit #0605 a 2007 Chevy Impala is being requested to be replaced. It has over 92,000 miles on it. It will likely have another 3,000 to 4,000 miles on it before finally being replaced. That car would have many more miles on it but it has needed its transmission replaced or rebuilt four times, which places it out of service for a substantial amount of time. Fortunately this unit has a lifetime drive train warranty and costs of these repairs have been covered under its warranty. Mr. Yant indicated that there is \$27,200 in the budget to pay for this purchase if approved. There is also \$3,200 in the budget to cover the cost of converting the equipment to the new car and for set up of that unit. Having a new car will reduce the normal cost of an aging car as these tend to increase substantially after 100,000 on these cars. Although this vehicle has had low overall maintenance cost because it has been parked more that it would have normally because of chronic transmission problems.

Doom moved, Sanow seconded, that the proper city personnel be authorized to advertise for bids for a squad car for the Police Department. All voted in favor of the motion.

CONSIDERATION OF AMENDMENT OF FIXED ASSETS ACCOUNTING POLICY:

Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that the City of Marshall adopted the original policy for the accounting of Fixed Assets on January 20, 2004. Mr. Meulebroeck indicated that he conducted a survey of what other communities are using as their threshold for the amounts to use as a base to capitalize Fixed Assets. Based on the survey results and a previous discussion with the City Auditors, the recommendation is to capitalize all land acquisition and to utilize \$5,000 per individual asset acquired as the thresholds for capitalizing all other Fixed Assets. The Ways and Means Committee concurs with the recommendation to make changes in the policy for accounting of Fixed Assets.

Boedigheimer moved, Doom seconded, to approve an increase in the thresholds for capitalization of capitalize all land acquisition and to utilize \$5,000 per individual asset acquired as the thresholds for capitalizing all other Fixed Assets. Mr. Meulebroeck indicated that this change was only for capitalizing and that for budgeting purposes all capital items greater than \$1,000 but less than \$5,000 will need to be separately identified and accounted for. All voted in favor of the motion.

CONSIDER CALLING A PUBLIC HEARING FOR OCTOBER 13, 2009 RELATED TO RESIDENTIAL MOVING PERMIT APPLICATION AT 600 HERITAGE CIRCLE:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of Ron Schilling, Alluvus, LLC to move a dwelling into the City from 23961 487th Avenue, Jasper, Minnesota to 600 Heritage Circle. This dwelling has been examined by the Building Official and found to be in reasonable condition to move and in reasonable compliance with the MN State Building Code. Doom moved, Ritter seconded, that a public hearing be held at 5:30 P.M. on October 13, 2009 to consider this request. All voted in favor of the motion.

CONSIDER CHANGE ORDER NO. 2 WITH R & G CONSTRUCTION CO., FOR WINDSTAR STREET FROM SCOTT STREET TO T.H. 59 PROJECT Y31 (139-131-02):

Glenn Olson, Director of Public Works/City Engineer indicated that this project includes the installation of Windstar Street, a designated minor arterial street, connecting South Saratoga Street south of T.H. 23 to T.H. 59 creating a major street route opening development for future commercial and residential areas south of T.H. 23. Improvements under this project includes new street and utility installation, sanitary sewer, watermain, storm sewer, storm water detention pond, sidewalk and miscellaneous work associated with the street construction. This project also includes a bike path with a proposed connection across T.H. 59 connecting to the bike path east of T.H. 59. After review by Mn/DOT, the full intersection of Windstar Street and T.H. 59 was eliminated and a restriction placed on the intersection that did not allow access to East Windstar Street until the Boyer Street crossing was eliminated and the signals relocated from Boyer Street to Windstar Street. Because of those restrictions, the sidewalk construction was proposed to extend from the south side of Windstar Street to the frontage road on the westerly side of T.H. 59. After review of this design, it was determined that a better situation would exist if the sidewalk was extended along T.H. 59 all the way to Boyer Drive with its pedestrian crossing at the signaled intersection. This change order involves the relocation and extension of the planned sidewalk to Boyer Drive.

Doom moved, DeCramer seconded, the approval of Change Order No. 2 with R & G Construction Co., provided for an increase in the contract in the amount of \$12,080.80. This change order provides for the relocation and extension of the planned sidewalk to Boyer Drive. All voted in favor of the motion.

CONSIDER APPOINTMENT TO BOARDS AND COMMISSIONS:

Per the recommendation of Mayor Byrnes, Doom moved, DeCramer seconded, and was unanimously approved that the following appointment be made to the various boards and commissions:

- Economic Development Authority – Chester Lockwood be appointed for a term to expire on May 31, 2010

Mayor Byrnes requested that they deviate from the agenda and allow for Staff Reports at this time, due to a 7:00 P.M. commitment by City Administrator Ben Martig.

STAFF REPORTS:

Ben Martig, City Administrator, indicated that the City would be receiving requests for proposals for agents of record and the employee benefit package. There will be a joint meeting of the EDA, Chamber of Commerce and Conventions and Visitors Bureau on Wednesday to discuss the proposed new structure which would allow all three organizations to work more efficiently and cooperatively for Marshall and the region. Mr. Martig also indicated that Robert Hafeman withdrew his acceptance as the new Library Director on Friday. The Volunteer's Appreciation Breakfast will be held on Thursday, October 8, 2009 at the Adult Community Center.

Mayor Byrnes called for a five-minute recess at 6:55 P.M.

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 Fire Relief Association has not met; Hospital Board provided an update on the conversion of their records to electronic version and Big Stone Therapy being intergraded with the other therapy departments; Radio Board meets on Wednesday.
- Hulsizer Convention and Visitors Bureau Mr. Martig already provided and update.
- Doom No report
- Sanow Marshall Area Transit – discuss their rates; Cable Commission had eliminated the capital portion of their budget and they are being asked to reduce their budget for 2010.
- DeCramer EDA had an overall gain on the sale of the last three homes in Parkway; appraisals are being completed on Lot 6, Block 6 and the Jr. high Property; Utilities Commission had 4 of their 13 wells down for repair; tests will be conducted on well pumping and they are refinancing a bond issue.
- Boedigheimer Ways & Means and Legislative & Ordinance Committee items were acted on earlier at the meeting; M.E.R.I.T. Center representatives meet with the State Legislatures.
- Ritter Indicated that he attended the Legislative presentation on the Amateur Sports Facility last week.

Glenn Olson, Director of Public Works/City Engineer; indicated that according to the DNR the gauging station by the Wayside Rest will be eliminated unless the City willing to help pay for it.

Dennis Simpson, City Attorney, indicated that the State Fire Marshal; Marc Klaith, Fire Chief; and representatives of the Fire Department completed an investigation of the Marshall Hotel. Access was granted by a Search Warrant. He also indicated that all access points to the Marshall Hotel have been boarded up.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Council Member Sanow indicated that he has been watching the Council Meetings on TV since they have been moved to the School and indicated that they should be moved back to City Hall. This will be discussed by staff. SMSU Student Council has requested a speed limit sign for State Street.

REVIEW OF PENDING AGENDA ITEMS:

There were no questions on the pending agenda items.

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INFORMATION ONLY:

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

	Applicant	Location Address				Description of Work	Valuation
1.	Precision Contracting, LLC	409		Genesis	Avenue	Reroof	\$6,000
2.	Tracy T. Doherty	805		Woodfern	Drive	Reroof	\$7,500
3.	Jason Hanak Construction	700	South	2nd	Street	Reroof	\$5,600
4.	Yvonne Girard	403		Camden	Drive	Reroof	\$5,000
5.	LC Exteriors LLC	405		Camden	Drive	Reroof	\$8,900
6.	LC Exteriors LLC	603		Paul	Street	Reroof	\$8,100
7.	LC Exteriors LLC	110		Parkview	Drive	Reroof	\$10,700
8.	Tim Buysse	617		Donita	Avenue	Reroof	\$4,500
9.	Michael G. Lee	311	South	O'Connell	Street	Temporary Transportable Sign	\$0
10.	Christopher & Wanda Hebrank	606	South	Saratoga	Street	Utility Shed	\$4,500
11.	Jeff Gladis Construction	610	West	James	Avenue	Reroof	\$3,500
12.	A Men Roofing LLC	610		Kathryn	Avenue	Reroof	\$7,400
13.	A Men Roofing LLC	613		Kathryn	Avenue	Reroof	\$7,800
14.	A Men Roofing LLC	605		Elaine	Avenue	Reroof	\$7,100
15.	A Men Roofing LLC	1006		Cheryl	Avenue	Reroof	\$8,600
16.	A Men Roofing LLC	612		Donita	Avenue	Reroof	\$5,400
17.	A Men Roofing LLC	406	West	Thomas	Avenue	Reroof	\$6,900
18.	A Men Roofing LLC	103		Kathryn	Avenue	Reroof	\$8,900
19.	Western Community Action	1400	South	Saratoga	Street	Interior Remodeling	\$12,000
20.	Kevin Lanoue Construction	508		Donita	Avenue	Reroof	\$3,500
21.	Annette M. Roles	116		E	Street	Reroof	\$5,000
22.	Rita Tople	2661		Airport	Road	Reroof	\$8,900
23.	Rick Slagel Construction Inc	609		Donita	Avenue	Reroof	\$5,000
24.	Rick Slagel Construction Inc	713		Nuese	Lane	Reroof	\$8,000
25.	Rick Slagel Construction Inc	1504		Westwood	Drive	Reroof	\$8,000
26.	Rick Slagel Construction Inc	905		Elaine	Avenue	Reroof	\$6,000
27.	Dennis Lozinski Construction	606	West	James	Avenue	Reroof	\$5,500
28.	Jeffrey A. Wenker	206		George	Street	Reroof, Reside, Install Window	\$20,000
29.	Carl A. Rohlik (Hammer's Away, Inc.)	501	West	Southview	Drive	Reroof	\$4,500
30.	Alan J. Zant	120		E	Street	Reroof	\$3,500
31.	Alan J. Zant	109	South	11th	Street	Reroof	\$5,000
32.	Leonard P. Lanoue	803		Westmar	Circle	Reroof	\$4,000
33.	James Lozinski Construction Inc.	103		Donita	Avenue	Reroof	\$11,000
34.	Michael Slagel Construction	700		Marguerite	Avenue	Reroof Shed	\$600
35.	Michael Slagel Construction	700		Marguerite	Avenue	Reroof Dwelling	\$10,400
36.	Michael & Susan Oliveira	902		Elaine	Avenue	Reroof	\$5,000
37.	Todd E. & Lisa V. Harmening	201		Stephen	Avenue	Reroof	\$8,000
38.	Arlene Lesewski	807		Colombine	Drive	Reroof	\$5,500

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39.	Jamie L. Luckhardt	708	Marguerite	Avenue	Reroof	\$4,600
40.	Michael Slagel Construction	307	Jean	Avenue	Step Repair	\$500
41.	Bohlmann Exteriors	704	Viking	Drive	Reroof	\$8,800
42.	James Lozinski Construction Inc.	604	Viking	Drive	Reroof	\$7,800
43.	James Lozinski Construction Inc.	701 South 4th	Street		Reroof	\$7,000
44.	Precision Contracting, LLC	106	Donita	Avenue	Reroof	\$6,700
45.	Precision Contracting, LLC	113	Donita	Avenue	Reroof	\$7,300
46.	Kevin Lanoue Construction	102 West	James	Avenue	Reroof	\$8,100
47.	Kevin Lanoue Construction	202 North	Whitney	Street	Reroof	\$5,300
48.	A-Men Roofing LLC	807	Elaine	Avenue	Reroof	\$10,200
49.	A-Men Roofing LLC	508 West	Southview	Drive	Reroof	\$8,900
50.	A-Men Roofing LLC	705	Marguerite	Avenue	Reroof	\$9,400
51.	A-Men Roofing LLC	603 West	Thomas	Avenue	Reroof	\$6,900
52.	A-Men Roofing LLC	500 West	Thomas	Avenue	Reroof	\$5,600
53.	Aspen Exteriors, Inc.	1409	Ridgeway	Road	Reroof	\$13,900
54.	Aspen Exteriors, Inc.	205	DeSchepp r	Street	Reroof	\$8,700
55.	Aspen Exteriors, Inc.	1223	Englewood	Road	Reroof	\$9,100
56.	Jonathan & Lia Rowe	202	George	Street	Reroof	\$4,000


DETERMINATION TO GO INTO CLOSED SESSION UNDER ATTORNEY CLIENT PRIVILEGE AS ALLOWED IN MINNESOTA STATUTE 13D.05, SUBD. 3 (B):

Ritter moved, Sanow seconded, that the Council go into closed session at 7:25 P.M. to get an update on the union negotiations for LELS under attorney client privilege as allowed in Minnesota Statute 13D.05, subd. 3(b). All voted in favor of the motion.

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

The Council came out of closed session at 7:33 P.M.

Upon motion by Doom, seconded by Boedigheimer, the meeting was adjourned. All voted in favor of the motion.


Mayor of the City of Marshall

ATTEST:


Financial Director/City Clerk