

REGULAR MEETING - NOVEMBER 24, 2009

The regular meeting of the Common Council of the City of Marshall was held on November 24, 2009 in the Professional Room at the 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, 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; Thomas M. Meulebroeck, Finance Director/City Clerk; Rob Yant, Director of Public Safety; Harry Weilage, Director of Community Services; Mark Hanson, EDA Director; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

Doom moved, Ritter seconded, that the agenda be approved with agenda item 5a, which is setting a public hearing for December 22, 2009 and not December 8, 2009; and to remove item 13, which is consideration of the 2010 Employee Benefits – Health, Dental, Life and Long-Term Insurance. All voted in favor of the motion.

APPROVAL OF THE MINUTES:

Sanow moved, Boedigheimer seconded, that the minutes of the regular meeting held on November 10, 2009 and the minutes of the special meeting held on November 17, 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 – ADMINISTRATIVE HEARING TO CONSIDER CASEY’S STORE INC. APPEAL OF TOBACCO COMPLIANCE ADMINISTRATIVE CITATION AND SUSPENSION OF LICENSE:

This was the date and time set for a public hearing on the appeal of a Tobacco License suspension for Casey’s Store. Ben Martig, City Administrator, indicated that at the last City Council a resolution was adopted suspending the license to sell tobacco for Casey’s General Store. Mr. Martig indicated that staff had given notice of the administrative citation issued to the business and their opportunity to appeal that citation of \$250.00. Mr. Martig indicated that upon further review that the Police Department did receive a fax on October 27, 2009 requesting the opportunity for an appeal hearing. Mr. Martig indicated that the approval of the suspension of license is an action the Council has authority over, and did decide to implement at the Council meeting. The resolution did leave opportunity for an appeal of that action. Again, this is separate from the issue of the citation appeal. Mr. Martig, City Attorney Dennis Simpson and Police Chief Rob Yant met and agreed that it would be best just to handle the appeal of both the citation appeal and suspension appeal and to table implementation of the suspension until Casey General Store, Inc. representatives have an opportunity of due process to appeal. The City Attorney’s office has provided notice to Casey’s on the hearing.

Nancy McNab, Casey’s District Manager, and Jessica Foley, Area Supervisor, were in attendance at the meeting to ask the City Council to reconsider the suspension. They indicated that Casey’s has a detailed prevention policy, including zero tolerance for employees who sell cigarettes to minors, extensive retraining for stores that fail compliance checks, and I.D. scanners at the cash registers. Ms. McNab also indicated that the Marshall employees who failed the tobacco compliance checks have been fired. Doom moved, DeCramer seconded, that the public hearing be closed. All voted in favor of the motion.

Doom moved, Sanow seconded, that Casey’s General Store at 100 East Main Street be issued a 30-day suspension of their Tobacco License be effective November 25, 2009. All voted in favor of the motion.

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AWARD OF BIDS – CONSIDER AWARD OF PROPOSAL FOR SQUAD CAR:

Bids were received, opened and read on October 27, 2009 for a Squad Car for the Marshall Police Department. The bids received, opened and read were from:

NAME	BID METHOD	BID AMOUNT		
		BASE PROPOSAL A	BASE PROPOSAL B	BASE PROPOSAL C
Lockwood Motors, Inc. 1310 E. College Dr. Marshall, MN 56258 507-537-1526	Official Check	21,800(Chevy Impala) -3500 (Trade In) = \$18,300 +TTL 22,800(Dodge Charger) -3500 (Trade In) = \$19,300 +TTL	\$21,800 Chevy Impala + TTL \$22,800 Dodge Charger + TTL	Trade Only Trade Only
Marshall Ford – Kruse Ford Lincoln Mercury, Inc. 1102 West Main Street Marshall, MN 56258 507-537-0313	Official Check	22,899(Ford Crown Victoria) -2500 (Trade In) = \$20,399 **	\$22,899 Ford Crown Vic	\$2,500
Erickson Chevrolet P.O. Box 338 Fergus Falls, MN 56538-0338	Official Check	20,943(Chevy Impala) -3300 (Trade In) = \$17,643	\$20,943 Chevy Impala	No Bid

The specifications allow for bidding as follows:

- Base Proposal A: Furnish one (1) Police Type Squad Car Vehicle AND trade-in of one existing vehicle.
- Base Proposal B: Furnish one (1) Police Type Squad Car Vehicle with no trade-in.
- Base Proposal C: Purchase one (1) trade-in existing vehicle only.

NOTE: Verified on 11/3/09 that all bidders were aware trade in vehicle is a 2007

Rob Yant, Director of Public Safety indicated that the City Council Vehicle Review Committee met and reviewed the bids. The lowest bid received was for \$17,643 for a Chevy Impala with trade in from Erickson Chevrolet, Fergus Falls, Minnesota. The recommendation is to purchase a 2010 Chevrolet Impala for \$18,300 plus title and license fees from Lockwood Motors, Inc., because it would be serviced and maintained in Marshall and purchasing the car from the local dealer would insure reliable servicing. Doom moved, Boedigheimer seconded, that the bid for police type squad vehicle for the Marshall Police Department be awarded to Lockwood Motors for a 2010 Chevy Impala in the amount of \$18,300 plus title and license fees. All voted in favor of the motion.

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AWARD OF BIDS - PROJECT Y66: LIBERTY PARK PEDESTRIAN WALK BRIDGE AND PROJECT Y70: LEGION FIELD PARK PEDESTRIAN WALK BRIDGE – A. CONSIDER RESOLUTION DECLARING OFFICIAL INTENT REGARDING THE PROCEEDS OF TAX EXEMPT BONDS; B. CONSIDER ACCEPTANCE OF PROPOSALS FOR PEDESTRIAN WALK BRIDGES (AWARD CONTRACT):

Proposals were received, opened and read for two pedestrian walk bridges. The proposals received, opened and read were from:

	Liberty Park Walk Bridge Project Y66	Legion Field Park Walk Bridge Project Y70
Wheeler Lumber, LLC Bloomington, Minnesota	\$33,800.00	\$26,700.00
Contech Construction Products Inc Shakopee, Minnesota	\$26,900.00	\$32,960.00

Sanow moved, Doom seconded, the adoption of RESOLUTION NUMBER 3322, SECOND SERIES and that the reading of the same be waived. Resolution Number 3322, Second Series is a resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for Liberty Park Pedestrian Walk Bridge Project Y66 and Legion Field Park Pedestrian Walk Bridge Project Y70. All voted in favor of the motion.

Sanow moved, DeCramer seconded, to award the proposal for two pedestrian walk bridges to Wheeler Lumber, LLC of Bloomington, Minnesota in the amount of \$33,800 for the Liberty Park Pedestrian Walk Bridge and \$26,700 for the Legion Field Park Pedestrian Walk Bridge. All voted in favor of the motion.

CONSENT AGENDA- A. CONSIDERATION OF SETTING PUBLIC HEARING FOR DECEMBER 22, 2009 RELATED TO SMALL CITIES DEVELOPMENT GRANT APPLICATION; B. TEMPORARY ON-SALE LIQUOR LICENSE FOR SMSU FOUNDATION FOR FEBRUARY 19, 2010; C. LG220 APPLICATION FOR EXEMPT PERMIT FOR SMSU FOUNDATION FOR FEBRUARY 19, 2010; D. PLUMBERS LICENSE FOR ELLINGSON PLUMBING, HEATING AND A/C; E. PLUMBERS LICENSE FOR M J MECHANICAL, LLC; F. LG220 APPLICATION FOR EXEMPT PERMIT FOR THE SHADES OF THE PAST FOR JUNE 5, 2010; G. WESTERN MENTAL HEALTH CENTER ADDITION – INTRODUCE PLAT AND CALL FOR PUBLIC HEARING; H. TEMPORARY ON-SALE LIQUOR LICENSE FOR SMSU ON DECEMBER 4, 2009; I. APPROVAL BILLS/PROJECT PAYMENTS:

Boedigheimer moved, Ritter seconded, that the following consent agenda items be approved:

Call for a public hearing for a Small Cities Development Program Application to be held at the regular City Council meeting on December 22, 2009 at 5:30 P.M.

The approval of a Temporary On-Sale Liquor License for Southwest Minnesota State University Foundation to use on February 19, 2010 at the Student Center West, Southwest Minnesota State University, 310 North O'Connell Street. The fee for this license is \$30.00.

BE IT RESOLVED, that the proper City personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the Application for Exempt Permit – LG220 for Southwest Minnesota State University for a raffle to be held at Southwest

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Minnesota State University, 1501 State Street, Marshall, Minnesota on February 19, 2010 and that the 30 day waiting period be waived.

The approval of a Plumbers License for Thomas Hills dba Ellingson Plumbing, Heating and Air Conditioning. The fee for this license is \$80.00 and the license will expire on March 31, 2010.

The approval of a Plumbers License for John Jenniges dba M J Mechanical, LLC. The fee for this license is \$80.00 and the license will expire on March 31, 2010.

BE IT RESOLVED, that the proper City personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the Application for Exempt Permit – LG220 for the Shades of the Past for a raffle to be held at Runnings Farm & Fleet Parking Lot, 1101 East Main Street, Marshall, Minnesota on June 5, 2010 and that the 30 day waiting period be waived.

The introduction of the preliminary plat of Western Mental Health Center Addition and call for a public hearing to be held at 5:30 P.M. on December 8, 2009.

The approval of a Temporary On-Sale Liquor License for Southwest Minnesota State University Foundation to use on December 4, 2009 at 330 North O'Connell Street. The fee for this license is \$30.00.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 67385 through 67517.

All voted in favor of the motion.

PRESENTATION BY SOUTHWEST MINNESOTA REGIONAL AMATEUR SPORTS COMMISSION, INC. AND MINNESOTA EMERGENCY RESPONSE & INDUSTRY TRAINING (MERIT) CENTER BOARD:

Jane Willett, Chair of the Southwest Regional Amateur Sports Commission Inc., Board of Directors; Roger Madison, Vice Chair of the SMASC Board and Paul Erickson, Executive Director of the Minnesota Amateur Sports Commission, and Matt Majke, Chief Operating Officer for the Minnesota Wild; were in attendance at the meeting to provide an update on the funding for a Regional Sports Center. Mr. Erickson indicated that Marshall has some of the key ingredients that make it a good choice for state funds. Marshall is already a natural regional center for Southwest Minnesota and has excellent existing sports facilities and the potential to attract a lot of visitors to events.

Roger Madison indicated that if SMASC were to receive the \$4,000,000 in state funding it will only cover part of the sports center's \$12.9 million price tag. Mr. Madison indicated that SMASC is proposing a ½ percent city sales tax to raise an additional \$7.4 million in funds. Mr. Madison also indicated that a 2 percent "hospitality tax" at Marshall restaurants and hotels would supplement user fees to help pay for the sports center's operating costs.

Stan Brewers, Chairman of the MERIT Board, indicated that the MERIT Center would also benefit from the state funds and sales tax. The MERIT Center Board plans to ask for \$2.1 million in state bonds to help pay for an expansion including a driving safety course. Mr. Brewers indicated that the MERIT Center already offers a good mix of safety training opportunities for emergency workers, including a fire tower and dock for water exercises. It is also only one of eight regional

training facilities in the state.

The proposed city sales tax and hospitality tax would need to pass a public vote and get state approval. Mr. Madison indicated that local sales tax is a norm instead of an exception. He estimated that the local sales tax would be in effect for approximately 15 years.

Mayor Byrnes thanked everyone that has spent time working on these two projects.

WASTEWATER UTILITY RATE EVALUATION STUDY PRESENTATION - BOLTON & MENK, INC:

John Peterson a representative from Bolton & Menk, Inc., provided a power point presentation on the Wastewater Utility Rate Evaluation Study. This study provided functional allocation of operational and capital costs; evaluated revenue requirements; and developed a utility fund model for evaluation of future conditions. This report was reviewed by the Ways and Means Committee and various City Staff. Ritter moved, Sanow seconded, the receipt of the Wastewater Utility Rate Evaluation Study that was prepared by Bolton & Menk Inc. All voted in favor of the motion.

AUTHORIZATION TO ACCEPT THE 2009 SAFE & SOBER CHALLENGE AWARD:

Rob Yant, Director of Public Works, indicated that the Marshall Police Department has been awarded a First Place mini-grant of \$3,000.00 for their exceptional traffic safety efforts. The notifying letter stated that: "The Competition for the Challenge Awards was high and the Marshall Police Department should be very proud of their work in improving traffic safety. As a result of these efforts, the community is a better, safer place to live." The funds received would be for traffic safety purposes, as additional funding to benefit the Marshall Police Department. They can be used for overtime traffic patrolling hours, traffic safety training, or traffic safety related equipment such as stop sticks, radar, PBT's, fatal vision goggles, or printing of traffic safety materials.

Doom moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3323, SECOND SERIES and that the reading of the same be waived. Resolution Number 3323, Second Series is a resolution Authorizing Acceptance of the Office of Traffic Safety 2009 Safe and Sober Challenge Award. This resolution provides for the 2009 Safe and Sober Challenge Grant in the amount of \$3,000.00. All voted in favor of the motion.

CONSIDER RESOLUTION TO CONTRACT WITH A COUNCILMEMBER FOR SNOW REMOVAL TRUCK RENTAL SERVICES:

Glenn Olson, Director of Public Works/City Engineer, indicated the Street Department is soliciting requests for vendors to provide snow removal truck hauling services for the upcoming 2009-2010 winter season. Mr. Olson indicated that in the past the City has procured and used rental trucks from Southwest Sanitation, Inc., and various other vendors/companies/individuals for snow removal services. Under this year's Street Department's advertisement for snow removal truck rental haulers, all interested vendors are proposed to be paid the same hourly rental rate based upon the cubic yards of their truck/box and/or whether it contains a tailgate. Once the list of vendors is obtained, they will be called upon for snow removal hauling services on a rotating basis from one snow event to another. Southwest Sanitation, Inc. has offered to make available two (2) trucks for snow hauling if they are needed by the City. In order to consider using these two trucks, the council will need to approve a resolution on a unanimous vote. Sanow moved, DeCramer seconded, the adoption of RESOLUTION NUMBER 3324, SECOND SERIES and that the reading of the same be waived. Resolution Number 3324, Second Series is a resolution to Contract with Councilmember Daniel T. Ritter (Southwest Sanitation, Inc.) for Snow Removal Truck Rental Services (under Minnesota Statutes §§ 471.88, subd. 5 and 471.89, subd. 2). All voted in favor of the motion, except

Ritter who abstained.

PROJECT Y20: TIGER DRIVE SIDEWALK IMPROVEMENT PROJECT -- CONSIDER RESOLUTION REALLOCATING ASSESSMENTS:

Due to the replatting of portions of Tiger Park Addition to Tiger Park Second Addition, Outlot F (Parcel No. 27-860-008-0) has been split into multiple parcel numbers. Therefore, the outstanding remaining assessments on the property require redistribution. Doom moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3325, SECOND SERIES and that the reading of the same be waived. Resolution Number 3325, Second Series is a resolution Redistributing Assessments for Tiger Park Drive Sidewalk Improvement Project Y20. All voted in favor of the motion.

CONSIDERATION OF EARNEST MONEY CONTRACT FOR THE ACQUISITION FOR THE PROPERTY AT 106 C. STREET FOR THE PURPOSE OF STORMWATER RETENTION:

Dennis Simpson, City Attorney, indicated that the City of Marshall has acquired green space from John Middleton for the Tiger Lake expansion project. Mr. Simpson also indicated that the City has also recently closed on the acquisition of the home and property of Nathan Peterson located at 108 C Street. Mr. Simpson indicated that Jeff and Nancy Pfaffe have offered to sell the back 100 feet of their property and staff is recommending acquisition of this property for total purchase price of \$12,000. The City of Marshall has recently completed bonding for funds to acquire this property.

Sanow moved, Hulsizer seconded, the proper city personnel be authorized to enter into an Earnest Money Contract for Sale (without agent) with Jeff and Nancy Pfaffe. This contract provides for the City of Marshall to purchase the back 100 feet of 106 C Street for a total purchase price of \$12,000. All voted in favor of the motion.

CONSIDER RESOLUTION APPROVING THE RE-APPOINTMENT OF COMMISSIONERS TO THE HOUSING AND REDEVELOPMENT AUTHORITY IN AND FOR THE CITY OF MARSHALL:

Ritter moved, Hulsizer seconded, the adoption of RESOLUTION NUMBER 3326, SECOND SERIES and that the reading of the same be waived. Resolution Number 3326, Second Series is a resolution Approving the Re-Appointment of Commissioners to the Housing and Redevelopment Authority in and for the City of Marshall. This resolution re-appoints Larry Doom, Dan Ritter and Charles Sanow for a term to expire on December 1, 2014. All voted in favor of the motion.

CONSIDERATION OF 2010 EMPLOYEE BENEFITS – A. HEATH INSURANCE; B. DENTAL INSURANCE; C. LONG-TERM DISABILITY; D. BASIC LIFE INSURANCE AND ACCIDENTAL DEATH OR DISABILITY:

This item was removed from the agenda.

CONSIDERATION OF RESOLUTION OF SUPPORT FOR FURTHER STUDY OF PASSENGER RAIL ALONG THE LITTLE CROW TRANSIT WAY FROM MINNEAPOLIS TO WILLMAR:

Ben Martig, City Administrator, reviewed the request from Steven Strautz, Chairman of Marshall Area Chamber of Commerce Transportation Committee asking for the City Council to support the passenger rail along the Little Crow Transit Way from Minneapolis to Willmar. Doom moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3327, SECOND SERIES and that the reading of the same be waived. Resolution Number 3327, Second Series is a

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Resolution to Support the Passenger Rail along the Little Crow Transit Way from Minneapolis to Willmar. All voted in favor of the motion.

CONSIDER RESOLUTION APPROVING SPECIFIC FEES TO BE CHARGED BY THE CITY OF MARSHALL:

Ben Martig, City Administrator, briefly reviewed the proposed changes to the Fee Resolution. Per the recommendation of the Ways and Means Committee, Boedigheimer moved, DeCramer seconded, the adoption of RESOLUTION NUMBER 3328, SECOND SERIES and that the reading of the same be waived. Resolution Number 3328, Second Series is a resolution Approving Specific Fees to be Charged by the City of Marshall effective January 1, 2010. Council Member Sanow questioned the play back fee and per year fee for Churches. The motion was amended to delete this section. All voted in favor of the amended motion. All voted in favor of the motion.

Mayor Byrnes called for a 5-minute recess at 7:07 P.M.

COUNCILMEMBER COMMISSION/BOARD LIAISON REPORTS:

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

- Byrnes Regional Radio Board met on Wednesday afternoon; Regional Development Commission met on Thursday and discussed the status of the revolving loan fund; the Complete Count Committee met last week.
- Hulsizer Human Rights Commission met this evening.
- Doom Planning Commission item was acted on earlier in the meeting.
- Sanow Cable Commission met but he was not able to attend; Insurance Advisory Committee reviewed health, dental, life and long-term insurance; Marshall Area Transit discussed the budget, the new bus garage and the new facility for Western Community Action.
- DeCramer No report.
- Boedigheimer No report.
- Ritter No report.

STAFF REPORTS:

Ben Martig, City Administrator, indicated that the Insurance Advisory Committee has reviewed the health, dental, life and long-term insurance quotes that were received. Mr. Martig indicated that staff has continued to review the insurance quotes and is scheduling another Insurance Advisory Committee meeting for next week. There will be a discussion at the next regular City Council meeting on the pros and cons of the location and schedule for the 2010 City Council meetings. Council Member Hulsizer indicated that there are several school activities on Tuesday evenings. Mr. Martig indicated that had received the City Auditors opinion on the Convention and Visitors Bureau audit.

Glenn Olson, Director of Public Works/City Engineer, indicated that Dale Howe, Building Official, will retire effective January 5, 2010.

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COUNCILMEMBER INDIVIDUAL ITEMS:

There were no other items brought forth by the Mayor and Council.

REVIEW OF PENDING AGENDA ITEMS:

There were no questions on 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.	James Lozinski Construction Inc.	604	Elaine	Avenue	Reroof	\$6,500
2.	A Men Roofing LLC	405	Donita	Avenue	Reroof	\$12,600
3.	A Men Roofing LLC	200	South 5th	Street	Reroof Two Unit	\$6,000
4.	A Men Roofing LLC	505	West Redwood	Street	Reroof	\$6,700
5.	A Men Roofing LLC	707	South 4th	Street	Reroof & Residing	\$12,000
6.	A Men Roofing LLC	307	North 6th	Street	Reroof Two Unit	\$10,200
7.	A Men Roofing LLC	508	West Marshall	Street	Reroof Two Unit	\$6,700
8.	Gerald Dalle	316	Simmons	Street	Reroof Garage	\$600
9.	Evans Family Pet Care	1402	East Lyon	Street	Temporary Transportable Sign	\$0
10.	Jay & Heather Cattoor	500	South Bruce	Street	Reroof	\$12,000
11.	Mike Buysse Construction Inc.	1111	Eastwood	Avenue	Reroof Two Unit	\$10,000
12.	D&G Excavating, Inc.	100	South 11th	Street	Demo	\$0
13.	Dennis Lozinski Construction	807	Woodfern	Drive	Reroof	\$7,500
14.	Dennis Lozinski Construction	613	South 4th	Street	Reroof	\$3,500
15.	Westurn Cedar Supply Inc.	104	West Southview	Drive	Reroof	\$8,500
16.	Westurn Cedar Supply Inc.	111	West Southview	Drive	Reroof	\$9,700
17.	Geihl Construction, Inc.	1117	David	Drive	Reroof	\$9,800

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18.	Geske Home Improvement Co.	1107	Washington Avenue	Replace Window	\$2,200
19.	Rick Slagel Construction Inc	115	E Street	Reroof Dwelling & Garage	\$5,000
20.	Kesteloot Construction, Inc.	706 North 4th	Street	Reroof	\$7,000
21.	Layle French Construction Inc.	701	Brian Street	Reroof	\$5,600
22.	Jeffrey A. & Amy J. Larsen	802	Viking Drive	Finish Basement	\$8,300
23.	Einstein Builders	104 West	Thomas Avenue	Reside	\$7,000
24.	James Lozinski Construction Inc.	303 East	Thomas Avenue	Reroof, Reside	\$16,000
25.	Richard Louwagie Construction	805	Elaine Avenue	Reroof	\$6,500
26.	Geihl Construction, Inc.	1208	Patricia Court	Reroof	\$13,400
27.	Kent L. & Janet R. Oakland	503	Adobe Road	Reroof	\$9,000
28.	Jimie W. Lorenz	703	Sara Circle	Garage	\$15,000
29.	James Lozinski Construction Inc.	112	Kathryn Avenue	Reroof	\$6,000
30.	Jeff Gladis Construction	200	Carrow Street	Reroof	\$9,000
31.	Minnesota Cabinets, Inc.	1108	Horizon Drive	Replace Windows, Interior Doorway	\$6,000
32.	Ronald Schilling	608 West	Marshall Street	Extending the canopy	\$200
33.	James Lozinski Construction Inc.	1403	Pinehurst Road	Reroof	\$21,000
34.	James Lozinski Construction Inc.	708 South 2nd	Street	Reroof	\$8,500

DETERMINATION BY CITY COUNCIL TO GO INTO CLOSED SESSION PURSUANT TO MINNESOTA STATUTE 13D.03 RELATED TO UNION CONTRACT NEGOTIATION LELS POLICE SUPERVISORS LOCAL #245 AND LELS POLICE OFFICERS LOCAL #190:

Ritter moved, Sanow seconded, that the Council go into closed session at 7:23 P.M. pursuant to Minnesota Statute 13D.03 related to Union Contract Negotiation LELS Police Supervisors Local #245 and LELS Police Officers Local #190. All voted in favor of the motion.

Those present at the closed session included: Mayor Byrnes, Council Members, Hulsizer, Doom, Sanow, DeCramer, Boedigheimer and Ritter. Staff members included: Ben Martig, City

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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 7:35 P.M.

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

Sanow moved, Boedigheimer seconded, that the Council go into closed session at 7:36 P.M. pursuant to Minnesota Statute 13D.05 Subd. 3(b) regarding attorney client privilege Bot case. All voted in favor of the motion.

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

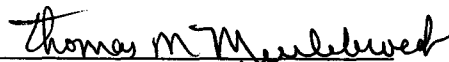
The council came out of closed session at 7:42 P.M.

Upon motion by Sanow, 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