

REGULAR MEETING – DECEMBER 8, 2009

The regular meeting of the Common Council of the City of Marshall was held on December 8, 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; 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 removal of item number 10, which is to consider a resolution approving potential unallotment of December LGA payment.

APPROVAL OF THE MINUTES:

Sanow moved, Doom seconded, that the minutes of the regular meeting held on November 24, 2009, the minutes of the special meeting held on November 24, 2009, the minutes of the Budget & Levy meeting held on December 2, 2009 be approved as filed with each member and the minutes of the special meeting held on December 2, 2009 as corrected and that the reading of the same be waived. All voted in favor of the motion.

PUBLIC HEARING – WESTERN MENTAL HEALTH CENTER PRELIMINARY PLAT:

This was the date and time set for a public hearing of Western Mental Health Center Addition. Glenn Olson, Director of Public Works/City Engineer, indicated that this property has not been platted before and that the property needs to be subdivided prior to the subdivision and sale of a portion of the property. Mr. Olson indicated that the plat includes a gravel parking area but allows for the property to be split into two lots. Sarah Ackerman, representative from Western Mental Health Center, indicated no use for this site has been determined, but they are still looking at options for a board and lodging facility. Sanow moved, Doom seconded, that the public hearing be closed. All voted in favor of the motion.

Doom moved, DeCramer seconded, the approval of the Preliminary Plat of Western Mental Health Center Addition. All voted in favor of the motion.

CONSENT AGENDA – A. WASTEWATER USER RATES 2010 – CALL FOR PUBLIC HEARING; B. SURFACE WATER MANAGEMENT UTILITY RATES 2010 – CALL FOR PUBLIC HEARING; C. LIQUOR LICENSE TRANSFER – CALL FOR PUBLIC HEARING ON DECEMBER 22, 2009; D. INTRODUCTION OF THE ATV ORDINANCE – CALL FOR PUBLIC HEARING; E. APPROVAL OF THE AMENDED WAGE SCHEDULE; F. CONSIDERATION OF AUTHORIZATION TO DECLARE VEHICLES AS SURPLUS PROPERTY; G. APPROVAL BILLS/PROJECT PAYMENTS:

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

A public hearing be held at 5:30 P.M. on December 22, 2009 to consider the proposed Wastewater User Rates for 2010.

A public hearing be held at 5:30 P.M. on December 22, 2009 to consider the proposed Surface Water Management Utility Rates for 2010.

A public hearing be held at 5:30 P.M. on December 22, 2009 to consider the liquor license transfer for Pappy's.

The introduction of an ordinance Amending Chapter 74 of the City Code Related to Traffic

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and Vehicles and call for a public hearing to be held at 5:30 P.M. on December 22, 2009.

The approval of the Amended 2009 Wage Schedule for Full-time Employees which will delete the Building Inspector classification. This classification will not be part of the Building Inspector I Classification.

Authorization be granted to the Department of Public Safety to dispose of surplus City property – four (4) 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 Alter Metal Recycling for disposal.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 67518 through 67692.

All voted in favor of the motion.

APPROVAL OF AN AGREEMENT WITH MOTOR VEHICLE TOWING AND STORAGE LICENSE APPLICATION:

Dennis Simpson, City Attorney, indicated that the City has had an ongoing working relationship with Southwest Towing & Recovery. The agreement has been beneficial to both the towing and storage company as well as to the City of Marshall. The City of Marshall desires to enter into a two year agreement thereby locking in the towing and storage fees for a two year period of time. Southwest Towing & Recovery is willing to lock in prices for towing and storage for a two year period of time. Towing and storage fees are the same as in 2009. Doom moved, DeCramer seconded, the adoption of RESOLUTION NUMBER 3329, SECOND SERIES and that the reading of the same be waived. Resolution Number 3329, Second Series is a resolution Authorizing Execution of Two Year Storage and Towing Agreement. This agreement provides for towing and storage services with Southwest Towing & Recovery for January 1, 2010 through December 31, 2011. The agreement provides for the rates to remain the same as for 2009, which are \$69.24 per vehicle tow done at the request of the City of Marshall and \$20.00 per day of storage of vehicles so towed at the request of the City of Marshall. All voted in favor of the motion.

MPCA AIR MONITORING SITE AT AIRPORT:

Glenn Olson, Director of Public Works/City Engineer, indicated that the Minnesota Pollution Control Agency (MPCA) has an air monitoring equipment facility located outside the runway clear zone at the northwest end of the Southwest Minnesota Regional Airport Runway 12/30. The current lease will expire December 31, 2009.

DeCramer moved, Doom seconded, that the proper city personnel be authorized to enter into a Monitoring Equipment Site Lease for Air Monitoring with the State of Minnesota acting for the benefit of MPCA. This agreement is for January 1, 2010 through December 31, 2014. The State of Minnesota will pay \$500 per quarter to the City of Marshall for this lease. All voted in favor of the motion.

M.A.T. BUS GARAGE EXPANSION PROJECT – CONSIDER CHANGE ORDER NO. 2 WITH DULAS CONSTRUCTION INC.

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order No. 2 for the M.A.T. Bus Garage Expansion Project. Mr. Olson indicated that this change order is a result of an increase from the installation of a curb stop valve on the watermain supply to the building per Marshall Municipal Utilities requirement in the amount of \$575.00 and for a decrease in the amount of \$570 for revisions to unit heaters. The net increase of this change order is \$5.00.

Sanow moved, Ritter seconded, the approval of Change Order No. 2 with Dulas Construction, Marshall, Minnesota for an increase in the amount of \$5.00. This change order is for the installation of a curb stop valve on the watermain supply to the building per Marshall Municipal Utilities

requirement in the amount of \$575.00 and for a decrease in the amount of \$570 for revisions to unit heaters. The net increase of this change order is \$5.00. All voted in favor of the motion.

T.H. 59 AND ONTARIO ROAD IMPROVEMENT PROJECT Y52 - CHANGE ORDER NO. 2 WITH GM CONTRACTING INC.:

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order No. 2 for T.H. 59 and Ontario Road Improvement Project Y52. Mr. Olson indicated that during the reconstruction of the roadway, significant areas of topsoil were discovered beneath Ontario Road and American Engineering & Testing recommended that organic material within 4 feet of the finished paved surface should be removed from roadways and this material replaced with granular material to support traffic. Mr. Olson indicated that other change order items include minor variations in quantities and all items related to the watermain will be reimbursed by MMU.

Doom moved, DeCramer seconded, the approval of Change Order No. 2 with GM Contracting, Inc., of Lake Crystal, Minnesota for a contract increase in the amount of \$63,437.41. This change order is for the removal of additional organic material and replaced with granular material to support traffic. This change order also provides for minor variations in quantities and all items related to the watermain will be reimbursed by MMU. This change order is in the amount of \$63,437.41 and is to be paid from the Capital Improvement Project Fund #498-62066-5570 with reimbursements from MMU. All voted in favor of the motion except Sanow who voted no.

DOWNTOWN ALLEY IMPROVEMENT PROJECT Y56 – CHANGE ORDER NO. 1 (FINAL) AND ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION:

Sanow moved, Doom seconded, the approval of Change Order no. 1 (Final) with D & G Excavating, Inc., for an increase in the amount of \$17,398.17 and the acknowledgement for the final payment in the amount of \$30,597.51 for Downtown Alley Improvement Project Y56. The change order is a result of the final measurements and quantities. All voted in favor of the motion.

CONSIDERATION OF 2010 EMPLOYEE BENEFITS – A. LONG-TERM DISABILITY; B. BASIC LIFE INSURANCE; C. AGENT OF RECORD FOR HEALTH INSURANCE AND THIRD PARTY ADMINISTRATOR:

Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that proposals for the City's health, dental, life and long-term disability were received on October 26, 2009. The various proposals have been reviewed in detail since that time. Mr. Meulebroeck indicated that the recommendation is to renew the Long-Term Disability at \$.20 per \$100 of wages for the City employees with Madison National Insurance and \$.41 per \$100 of wages for Marshall Municipal Utilities employees and \$.31 per \$100 of wages for the Long-Term Supplemental Disability provided to the Marshall Municipal Utilities. The range for the various proposals were from \$.20 to \$.27 per \$100 of wages for the City employees and Madison National Insurance was the only proposal that was received for the Marshall Municipal Utilities Long-Term Supplemental benefit. Mr. Meulebroeck indicated that the recommendation is to renew the Life Insurance with USABLE @ \$.20 per \$1,000 for the employee coverage and \$.98 per dependent unit. Proposals received for the life insurance ranged from \$.19 to \$.27 per thousand for employee coverage and \$.98 to \$1.20 per dependent unit coverage.

Sanow moved, DeCramer seconded, to renew the Long-Term Disability and Life Insurance effective January 1, 2010 per the recommendation of the Insurance Advisory Committee. The Long-Term Disability Insurance will be renewed with Madison National Insurance at \$.20 per \$100 of wages for the City of Marshall employees, \$.41 per \$100 of wages for Marshall Municipal Utilities employees and \$.31 per \$100 of wages for Long-Term Supplemental Disability provided to the Marshall Municipal Utilities and the Life Insurance will be renewed with USABLE at \$.20 per \$1,000 for the employee coverage and 4.98 per dependent unit. All voted in favor of the motion.

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Ben Martig, City Administrator, indicated that at the last City Council meeting they approved the Blue Cross Blue Shield Accord plan through the Southwest Service Cooperative. In addition, the Council requested that in 2011 the City look at bidding again and hiring a consultant to do so. However, the council did not take action on the agent of record for the plan. Staff had made a recommendation to hire Flex Benefit Administrators as the agent and third party administrator of the plan. Mr. Martig indicated that there was one alternative to using Flex Benefit Administrators for the agent and third party administrator. Bill Chukuske Insurance Services, Inc. proposed an option that would allow us to utilize our current option with Blue Cross Blue Shield with an agent fee of 1%. In addition, they provided a recommendation for the City to utilize TASC. Mr. Martig indicated that there are some questions and concerns from staff regarding the monitoring of the 4th carryover quarter deductibles as well as to who and how will the processing of the coinsurance on the claims for 2009 that come in after January 1, 2010 be done. If this process was began earlier in the year many of the questions and concerns could be addressed long before now and better clarified by a consultant. However, Mr. Chukuske has indicated this is common transition that TASC is capable of managing. The most significant concern is that the City of Marshall utilized TASC two years ago as a third party administrator and they were not able to process the claims in accordance to the City's direction, they processed some claims more than once, staff within the Finance/Clerks Office was utilizing an enormous amount of time working with other employees to resolve issues and submission of claims. The staff responsible at the time has turned over and TASC has indicated they are capable to perform. Mr. Chukuske mentioned that the City of Hutchinson has a similar plan TASC manages. However, Mr. Martig was unable to find time to call and confirm this.

Comments from the City Council and staff included:

Council Member Boedigheimer indicated that he does not have a problem with Bill Chukuske Insurance Services but is not in favor of using TASC.

Mr. Martig indicated that currently the City of Marshall uses TASC for the employees flex program.

Council Member Sanow indicated that he has a concern when the current agent who did not provide information on Blue Cross Blue Shield Accord Plan, which is cheaper then what was originally bid. Council Member Sanow indicated that a temporary employee could be hired to handle issues if there are any.

Mr. Martig indicated that Thomas M. Meulebroeck, Finance Director/City Clerk and Doreen Peterson, Payroll Clerk, spoke to TASC. Mr. Meulebroeck indicated that he is not sure if TASC can do what needs to be done. Mr. Meulebroeck would like to stay with Flexible Benefits for 2010 and have a consultant review the insurance and third party administrator for 2011.

Mr. Meulebroeck indicated that if TASC was not able to provide the third party administrative service he was not sure if Flexible Benefits would be willing to take this back and if they would what the cost would be.

Council Member Sanow indicated that TASC is aware of what needs to be done. Bruce Harold, representative of Bill Chukuske Insurance Services guaranteed that they would take care of any issues that arise.

It was indicated that the references provided were for Bill Chukuske Insurance Services and

not for TASC.

Sanow moved, Ritter seconded, that Bill Chukuske Insurance Services, Inc., be approved as the Agent at a fee of 1% and that TASC be approved as the third party administrator at a fee of \$6.00 per month per employee. All voted in favor of the motion except Boedigheimer who voted no.

CONSIDER THE APPROVAL OF THE 2010 REGULAR CITY COUNCIL DATES, TIME AND LOCATION:

Ben Martig, City Administrator, indicated that in 2009, the City Council meetings were transitioned from the Council Chambers in City Hall to the Professional Development Room at the Marshall Middle School. The transition afforded community members with greater accessibility to the meetings by people with disabilities and an increased use of available technology. Mr. Martig indicated that the Professional Development Room was selected, in part, to provide for greater accessibility. In contrast to the Council Chambers in City Hall, the site is fully accessible for persons with disabilities. The City has received and shared with the Council a letter from a citizen representing Southwestern Center for Independent Living thanking the Council for making the meetings accessible for everyone to attend. The existing elevator in City Hall is not wheelchair accessible. To provide for a similar level of accessibility to the Council Chambers in City Hall, upgrades would be necessary to the existing elevator, estimated at \$80,000 to \$100,000. If the City Council meetings are held in the Council Chambers at City Hall they would have to reschedule to a different location if the city could not accommodate an alternative. This is the biggest benefit to the school location over the City Council chambers.

Mr. Martig indicated that the opportunity to share in the technological resources available in the Professional Development Room constitutes another reason for the change. In the Professional Development Room, the City ties into a piece of technology called the tri-caster; which provides for three (3) cameras, each with six (6) presets. This gives community members not in attendance during the Council meeting with visual access to the presenters, Council members, City Staff, and the information such as agendas, power point presentations, and other visual materials presented to the Council. This level of visual access is not available in City Hall. There were some issues with taping during the transition the City lost an entire video at some meetings but have been assured by the Studio I director that is has been resolved and it is a far superior option on quality to the City Council chambers.

Mr. Martig indicated that the new location also has the ability to improve upon the sound for both attendees at the meeting as well as those watching a telecast on Studio One. The current microphones require presenters to speak directly into them. This has been a challenge and results in difficulty for the cable viewing or audio recording audience to hear what is being stated. To resolve this issue, speakers must talk directly into the microphones. A listing of alternative microphones has been provided for review. The Council meeting room has substantial issues with the microphones not working and the City would have to look at investments to improve if the City were to decide to stay there.

Mr. Martig indicated that maintaining the meetings at the Professional Development Room has not/would not negatively impact staff time for set-up/take-down. There is some time involved in set up but fairly minimal. Cathy Lee in Administration usually does set up while Ben, Tom and Glenn usually take care of the items at the end of the meeting. The School District did not charge the City for use of the site in 2009. The School District has indicated that a meeting schedule of the 2nd and 4th Tuesday of each month is available.

Doom moved, DeCramer seconded, that the City Council meetings for 2010 be held on the

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second and fourth Tuesday of the month at the Marshall Middle School Professional Development Room. All voted in favor of the motion except Hulsizer who voted no.

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 Regional Radio Board discussed the conversion that will take place in 2012

Hulsizer No report.

Doom Marshall Community Services reviewed the winter programs.

Sanow No report.

DeCramer EDA held training for new members.

Boedigheimer Airport Commission met but he was unable to attend so Glenn Olson, Director of Public Works/City Engineer provided a report. Mr. Olson indicated that they discussed capital improvement projects, acquisition of property, meeting dates and time, a lease with MPCA, and a Joint Airport Zoning Board. M.E.R.I.T. Center met on Thursday at Porter; Police Commission indicated that the Sergeant position will be open up to outside applicants; Ways and Means reviewed the Purchasing Policy; Legislative and Ordinance Committee (get info from Cathy)

Ritter No report.

STAFF REPORTS:

Ben Martig, City Administrator, reviewed the changes due to the elimination of the EDA Director, there is a budget meeting scheduled for December 9, 2009 and a meeting will be set up with Tim DeVries to address his concerns brought forward at the meeting held on December 2, 2009.

Glenn Olson, Director of Public Works/City Engineer, indicated that due to a reduction in equipment and man power at the Street Department, the Parks Department and Engineer Department will be helping with snow removal. He also indicated that there is a need for trucks for hauling snow and if anyone is interested in providing trucks they should contract him. Mr. Olson indicated that construction will start soon on the remodeling that will take place in the Community Services Department. The plan is to do the same design for them as was done for the Engineering Department. This will be completed using city employees. Mr. Olson also reviewed Parkway, Industrial Park and the Highway 23 Underpass project.

Dennis Simpson, City Attorney, indicated that work is continuing on the 6 Final Plats that have not been completed within the City of Marshall.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: the City of Tracy may have additional trucks for snow hauling. Mr. Olson will contact them.

REVIEW OF PENDING AGENDA ITEMS:

There were no questions on the pending agenda items.

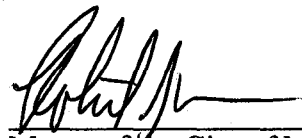
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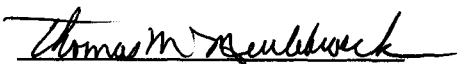
The following building permits previously approved by the Building Official were confirmed:

	Applicant	Location Address			Description of Work	Valuation
1.	Gary Eickhoff	615	Kathryn	Avenue	Reroof	\$4,500
2.	Stephanie Fleegel	605	West Southview	Drive	Install Window	\$700
3.	Bruce A. Knieff	806	West Southview	Court	Garage	\$5,500
4.	Antonio Duenas-Pena	410	North 3rd	Street	Reroof	\$4,000
5.	Dennis Lozinski Construction	1302	Ellis	Avenue	Reroof	\$9,000
6.	Rick Slagel Construction Inc	307	Lawerence	Street	Replace Windows	\$2,500
7.	Babcock Construction	612	Elaine	Avenue	Partial Reside Garage	\$780
8.	Kathy Davis, Professionails	1240	Floyd Wild	Drive	Temporary Transportable Sign	\$0
9.	Geske Home Improvement Co.	714	South 4th	Street	Reside	\$8,500
10.	Avera Marshall Regional Medical Center	300	South Bruce	Street	Interior Remodeling	\$7,500
11.	Independent Lumber of Marshall, Inc.	907	Woodfern	Drive	Addition	\$20,000
12.	A Men Roofing LLC	401	Hawthorn	Drive	Reroof	\$9,400
13.	A Men Roofing LLC	207	North 6th	Street	Reroof	\$8,800
14.	A Men Roofing LLC	109	North A	Street	Reroof	\$1,900
15.	Kevin Lanoue Construction	803	South 2nd	Street	Replace doors & window	\$2,100
16.	Scott VanOverbeke Construction	702	Deschepper	Street	Reroof	\$6,000
17.	C.E. Signs & Design	1418	Birch	Street	Sign	\$1,200
18.	True Value Home Center	533	West Main	Street	Reroof, Reside, Replace Windows	\$44,000
19.	Allen L. Schmidt	501	Impala	Court	Finish basement	\$10,000
20.	Dennis Lozinski Construction	802	Lawerence	Court	Reroof	\$7,000
21.	Junior Atie	212	West College	Drive	Sign	\$400
22.	C.E. Signs & Design	800	East Main	Street	Sign	\$3,900
23.	True Value Home Center	205	North A	Street	Reroof, Reside, & Replace Windows	\$17,000

Upon motion by Doom, seconded by DeCramer, the meeting was adjourned at 6:55 P.M. All voted in favor of the motion.


 Mayor of the City of Marshall

ATTEST:


 Financial Director/City Clerk