

REGULAR MEETING – APRIL 27, 2010

The regular meeting of the Common Council of the City of Marshall was held on April 27, 2010 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 item 4k, which is to consider approval of a truck box for the Parks Department being moved to the first item of old business; and item 13, which is to consider approval of the extension of a farm lease being moved to the first item of new business.

**APPROVAL OF THE MINUTES:**

Sanow moved, Doom seconded, that the minutes of the regular meeting held on April 13, 2010 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 ON SOUTHWEST AVIATION BUSINESS SUBSIDY AGREEMENT:**

This was the date and time set for a public hearing on the Southwest Aviation Business Subsidy Agreement. Ben Martig, City Administrator, indicated that the City Council approved the loan for Southwest Aviation in the amount of \$470,000 in December of 2008. Payments are being made and is set to expire in August of 2015. Staff has reviewed the agreement upon completing State required business subsidy reporting criteria. It is now the interpretation of Marshall's business subsidy policy that a business subsidy agreement should have been completed. Staff has discussed with State review officials and they understand and support the procedures being followed. Ritter moved, Sanow seconded, that the public hearing be closed. All voted in favor of the motion.

DeCramer moved, Ritter seconded, that the proper city personnel be authorized to enter into a Business Subsidy Agreement with Southwest Aviation Inc. All voted in favor of the motion.

**AWARD OF BIDS – CONSIDER AWARD OF PROPOSALS FOR THE DEMOLITION AND REMOVAL OF STRUCTURES FOR 108 "C" STREET AND 208 EAST MAIN STREET:**

Glenn Olson, Director of Public Works/City Engineer indicated that the City is in the process of expansion of the Tiger Lake Stormwater Detention Pond for the purposes of stormwater treatment and detention. Included in this project is the need for additional property for this pond expansion. This expansion includes the property 108 "C" Street. The City has acquired 108 "C" Street through a legal process, and the property is now owned by the City of Marshall. The City Attorney has verified the City of Marshall's ownership of the property, and the City may proceed with demolition and removal. This project involves the demolition and removal of the structures, basement, and foundations, including proper disposal of all hazardous materials incorporated in the dwelling.

Bids were received, opened and read for the Demolition and Removal of the Dwelling and Garage located at 108 "C" Street. The bids received, opened and read were from:

D & G Excavating, Inc.  
Marshall, Minnesota  
\$7,000

Rogge Excavating  
Ghent, Minnesota  
\$6,060

Thompson Excavating  
Taunton, Minnesota  
\$5,260

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Sanow moved, Boedigheimer seconded, that the bid for the Demolition and Removal of the Dwelling and Garage located at 108 “C” Street be awarded to Thompson Excavation of Taunton, Minnesota in the amount of \$5,260. All voted in favor of the motion.

Glenn Olson, Director of Public Works/City Engineer, indicated that the City is in the process of expansion of the Tiger Lake Stormwater Detention Pond for the purposes of stormwater treatment and detention. Included in this project is the need for additional property for this pond expansion. This expansion includes the property 208 East Main Street. The City has acquired 208 East Main Street through a legal process, and the property is now owned by the City of Marshall. The City Attorney has verified the City of Marshall’s ownership of the property, and the City may proceed with demolition and removal. The project involves the demolition and removal of the structures, basement, and foundations, including proper disposal of all hazardous materials incorporated in the dwelling.

Bids received, opened and read for the Demolition and Removal of the Structures, Basement, and Foundations at 208 East Main Street on April 20, 2010. The bids received, opened and read were from:

D & G Excavating, Inc.  
Marshall, Minnesota  
\$20,000

R & G Construction Co.  
Marshall, Minnesota  
\$16,400

Rogge Excavating  
Ghent, Minnesota  
\$7,000

Thompson Excavating  
Taunton, Minnesota  
\$19,425

DeCramer moved, Doom seconded, that the bid for the Demolition and Removal of the Structures, Basement and Foundations at 208 East Main Street be awarded to Rogge Excavating, Ghent, Minnesota in the amount of \$7,000. Council Member Ritter asked about the bid security and Mr. Olson indicated that the bid security is 10% of the bid. Council Member Sanow asked why the low bidder was so much lower than the other bids. Mr. Olson indicated that the low bidder intends to use the existing fence to secure the area and he has a higher salvage value. All voted in favor of the motion.

**CONSENT AGENDA – A. RENEWAL OF PLUMBERS LICENSE FOR TRAVIS LORENZ DBA PIPE DREAMZ PLUMBING & HEATING; B. TEMPORARY ON-SALE BEER LICENSE FOR MARSHALL BASEBALL ASSOCIATION FOR MAY 15, 2010 TO SEPTEMBER 15, 2010; C. ADOPT A RESOLUTION FOR A DONATION FROM THE EAGLES CLUB FOR THE FIRE DEPARTMENT; D. SUNDAY LIQUOR LICENSE FOR PAPPY’S; E. TEMPORARY ON-SALE LIQUOR LICENSE FOR MARSHALL AREA CHAMBER OF COMMERCE FOR MAY 6, 2010 AT WESTERN MENTAL HEALTH CENTER, 1212 EAST COLLEGE DRIVE; F. APPROVAL FOR OUT-OF-STATE TRAVEL FOR TIM TOMASEK; G. AUTHORIZATION TO DECLARE MISCELLANEOUS ITEMS AS SURPLUS PROPERTY; H. CONSIDER RESOLUTION AUTHORIZING EXECUTION OF MN/DOT GRANT AGREEMENT NO. 96657 FOR PURCHASE OF ONE-TON DUMP TRUCK W/PLOW FOR AIRPORT; I. PROJECT Y83: DEMOLITION OF FORMER ARRIVAL/DEPARTURE BUILDING AT THE AIRPORT – CONSIDER RESOLUTION AUTHORIZING EXECUTION OF MN/DOT GRANT AGREEMENT NO. 96825; J. APPROVAL BILLS/PROJECT PAYMENTS:**

Per the request of Council Member Boedigheimer item C, which is to adopt a Resolution for a donation from the Eagles Club for the Fire Department; and per the request of Council Member DeCramer item J, which is approval of bills and project payments be removed from the consent

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agenda.

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

The approval of a Plumbers License for Travis Lorenz dba Pipe Dreamz Plumbing & Heating for April 28, 2010 through March 31, 2011 at a fee of \$80.00.

The approval of a Temporary 3.2 Percent Malt Liquor License for the Marshall Baseball Association for May 15, 2010 through September 15, 2010 at Marshall Legion Field. The fee for this license is \$200.

The approval of a Sunday Liquor License for TK Steakhouse and Pappy's dba Pappy's for April 28, 2010 through December 31, 2010 at a fee of \$200.

The approval of a Temporary On-Sale Liquor License for the Marshall Area Chamber of Commerce to use on May 6, 2010 at Western Mental Health Center, 1212 East College Drive. The fee for this license is \$30.

Authorization be granted for out of state travel for Tim Tomasek to attend the Mid-States Organized Crime Information Center's (MOCIC) annual training conferences. On June 8<sup>th</sup>, 9<sup>th</sup> and 10<sup>th</sup> the conference will be in Omaha, Nebraska; on September 14<sup>th</sup>, 15<sup>th</sup> and 16<sup>th</sup> the conference will be in Branson, Missouri and in December the conference will be in Springfield, Missouri but the dates are not known at this time. All of the costs to attend these conferences are paid for by MOCIC. The only cost to the City would be his lost wages during the conferences and travel days.

Authorization to declare excess city property as surplus property and that the proper city personnel be authorized to dispose of surplus City property at the City Rummage Sale to be held on Friday, April 30, 2010.

The adoption of RESOLUTION NUMBER 3396, SECOND SERIES and that the reading of the same be waived. Resolution Number 3396, 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 Grant Agreement No. 96657 for the purchase of a One-Ton Dump Truck with Plow in an amount not to exceed \$55,777.07 for the Southwest Minnesota Regional Airport.

The adoption of RESOLUTION NUMBER 3397, SECOND SERIES and that the reading of the same be waived. Resolution Number 3397, 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 Grant Agreement no. 96825 for the Demolition of the former Arrival/Departure Building (1604 West College Drive) in an amount not to exceed \$67,891.00.

All voted in favor of the motion.

Council Member Boedigheimer indicated that he has requested any donation be considered under new business and not be part of the consent agenda. Ben Martig, City Administrator, indicated that this was an oversight. Boedigheimer moved, Doom seconded, the adoption of RESOLUTION NUMBER 3395, SECOND SERIES and that the reading of the same be waived. Resolution Number 3395, Second Series is a resolution Accepting the Grant of Personal Property in the amount of \$2,000 from the Marshall Eagles Aerie 3405 to be used for the purchase of truck equipment for the Marshall Volunteer Fire Department. Boedigheimer also requested that a thank you be sent to the Eagles Club. All voted in favor of the motion.

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Council Member DeCramer asked for an explanation of the payment to Dibble Electric in the amount of \$4,607.00 and to DTC Communications Inc., in the amount of \$3,834.00. Thomas M. Meulebroeck, Finance Director/City Clerk indicated that the payment to Dibble Electric was part of the Small Cities Development Grant for the Knights of Columbus and the payment to DTC Communications Inc., was for the Byrnes Grant. DeCramer moved, Sanow seconded, that the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 69307 through 69500. All voted in favor of the motion.

**CONSIDER APPROVAL OF A TRUCK BOX FOR THE PARKS DEPARTMENT:**

Ben Martig, City Administrator, briefly reviewed the ABRA repair bill that was pulled from the April 13, 2010 Council meeting. Council Member Sanow asked why there was no report submitted the day of the accident. Mr. Martig indicated that since the accident was on City property they were uncertain whether an accident report was needed. Mr. Martig and Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that all city departments have been informed that formal accident reports are needed for all accidents involving city vehicles or property. Mr. Martig indicated that this could be added to administrative policies. Council Member Boedigheimer questioned why accidents with city vehicles never get in the paper. He indicated that the public has a right to know. Council Member Sanow asked if there was a policy on the number of accidents a city employee can have. Mr. Martig indicated that there is no policy; the accidents are reviewed on a case by case basis. Council Member Boedigheimer was concerned that Mr. Weilage was not aware of the accident when he requested the repair bill be pulled from the April 13, 2010 consent agenda. There was also a concern that only one estimate was received.

Ritter moved, Doom seconded, the approval of the repair bill to ABRA Autobody and Glass Inc., in the amount of \$1,294.00. All voted in favor of the motion.

**CONSIDER APPROVAL OF EXTENSION OF A FARM LEASE:**

Glenn Olson, Director of Public Works/City Engineer, indicated that the City entered into a farm lease in October of 2008 with Mortier Farms, Inc., for the 152.4 acres of farm land in the North Industrial Park area, previously known as the De Ruyck property. This lease is scheduled to expire on the 31<sup>st</sup> day of December 2010. The current rental rate is \$110.00 per acre per year. Mr. Mortier is an excellent farmer and has conducted his operations with no negative issues with respect to weed control or cooperation concerning City needs in the area.

Mr. Olson indicated that the farm lease includes a statement that the Lessee has no right to an extension of the lease unless it is negotiated prior to the expiration date of the lease. Mr. Olson indicated that there has also been some discussion concerning some proposals to this and other farm leases concerning a better definition of "fall plowed condition" and that the leases should include the removal of grain only, leaving the stubble / trash in place after harvest prior to the plow back. There should also be a notification for termination section included in the leases in case the City needs any or all of the property for development or the lessee decides to terminate the lease for any reason. These items should be amended in an extension of this lease if the extension is approved by council.

Mr. Olson indicated that the City currently has a lease for the Sonstegard property adjacent to this area for \$177.70 per acre per year through 2011. The leases on other City-owned property vary from \$110.00 per acre per year to \$177.70 per acre per year.

Mike Mortier is proposing a hefty rent increase and a 3-year extension on the lease that he currently has for the 152.4 acres. He is proposing a rental rate of \$185.00 per year, which includes the current year.

Dennis Simpson, City Attorney, indicated that the other farm leases for City property end in 2011. Council Member Ritter indicated that he was in favor of extending Mr. Mortier's lease for 1 year so that this lease expires the same time as the other farm leases.

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Council Member Doom indicated that he was in favor of extending the current lease for 2011 at the current rate. He indicated that everyone should have the opportunity to bid for this parcel in 2011 with all of the other farm leases.

Mr. Mortier indicated that his offer was more than fair and that he would like to be able to farm this parcel for an additional 3-years, which would allow him to recoup his cost of the tiling that he installed.

Council Member DeCramer indicated that it is the City's intent to develop this land. Council Member Ritter indicated that all the contracts need to be same.

Boedigheimer moved, Doom seconded, to approve the proposal for an amendment and extension to the existing farm lease for Mortier Farms, Inc., in the amount of \$185.00 per acre per year for the current 2010 year plus an extension of the lease at \$185.00 per acre per year, with the term of the lease ending December 31, 2013. All voted in favor of the motion, except Ritter who voted no.

**PRESENTATION OF THE SOUNDS OF SUMMER AS A COMMUNITY FESTIVAL –  
A. CONSIDER ADOPTION OF A RESOLUTION DECLARING THE SOUNDS OF  
SUMMER AS A COMMUNITY FESTIVAL; B. CONSIDER REQUEST FOR PRIVATE USE  
OF PUBLIC STREETS AND PARKING LOTS.**

Doom moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3398, SECOND SERIES, and that the reading of the same be waived. Resolution Number 3398, Second Series is a resolution Declaring the Sounds of Summer as a Community Festival. The Sounds of Summer is scheduled for Thursday, August 19, 2010 through Sunday, August 22, 2010. This provides an option for a holder of a retail intoxicating liquor license to apply for a Special Event Permit which would allow them to serve intoxicating liquor off their premises. All voted in favor of the motion.

Glenn Olson, Director of Public Works/City Engineer, reviewed the request from the Sounds of Summer Committee requesting street closure from 2:00 p.m. to 5:00 p.m. for the Sounds of Summer Parade on Saturday, August 21, 2010. Line-up would begin at 2:00 p.m. on Jewett Street and East Lyon Street to Bruce Street, the start of the parade. It would proceed to East Main Street (TH 59) northwesterly to downtown Marshall and ending at 5<sup>th</sup> and 6<sup>th</sup> Streets at approximately 5:00 p.m. If approved by the City Council, the request will be coordinated with Mn/DOT for their approval.

The Sounds of Summer Planning Committee is also requesting closure of the following areas:

1. Closure of Whitney Lot (former "P" Lot) from 8:00 a.m. on Saturday, August 21, 2010 to 2:00 a.m. on Sunday, August 22, 2010. This closure is requested for preparation and clean-up of the concert area for the concert to be held Saturday evening.
2. Closure of West Marshall Street next to Liberty Park to South First Street, as well as closure of North 1<sup>st</sup> Street from West Redwood Street to West Marshall Street on Thursday, August 19, 2010 from 2 pm to 10 pm
3. Closure of South "A" Street from the North Memorial Ambulance entrance to East Saratoga Street on Friday, August 20, 2010 from 10 am to 4 pm, subject to satisfactory arrangements with North Ambulance Service.

Mr. Olson indicated that in accordance with Section 62-6 of the Marshall City Code, any private use of public streets and parking lots on either a temporary or permanent basis should be considered by the Marshall City Council. Due to the magnitude of the proposed event and potential impact to the businesses adjacent to the areas that are being requested to be blockaded, City Staff would recommend that the City Council hold a public hearing on this request prior to granting final approval. In the past, the City's Public Safety and Public Works Departments have been worked with applicants on the issues and public safety concerns that would have to be addressed as part of this

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request. In addition it would be City Staff's intent to have a representative from the Committee present at the hearing to provide a brief overview of the activities and events that are going to occur during the celebration.

Sanow moved, Ritter seconded, that a public hearing be held at 5:30 P.M. on May 11, 2010 for the private use of public streets and parking lots for the Sounds of Summer Event. All voted in favor of the motion.

**UPDATE ON THE AIRPORT ENVIRONMENTAL ASSESSMENT:**

Lyle Kratzke, TKDA, was in attendance to provide the City Council update regarding the Airport Environmental Assessment. A public hearing was held on the Draft Environmental Assessment on April 27, 2010 at 4:30 p.m. in the Professional Development Room of the Marshall Middle School located at 401 South Saratoga Street in Marshall, Minnesota.

Mr. Kratzke indicated that the Southwest Minnesota Regional Airport is proposing an expansion of its facilities and related infrastructure to meet local needs for additional commercial and corporate services during the next 20 years. The proposed facilities expansion will include corporate and larger-aircraft hangars, aircraft parking, aviation-related businesses, auto parking, maintenance facilities, a commercial service terminal, and other facilities necessary to support operations of commercial aviation services. The first phase, scheduled to begin in 2010, of the multi-phase development will include an access road to the area identified for the expanded facilities. The other site improvements are scheduled for later phases, as justification, demand, and funding become available.

Mr. Kratzke indicated that there are no known environmental impacts. The FAA issued a finding of No Historic Properties Affected on July 24, 2009 and the SHPO concurred on September 4, 2009. An Environmental Assessment was created on behalf of FAA to ensure compliance with the requirements set forth in the Council on Environmental Quality regulations for implementing the National Environmental Policy Act of 1969 (NEPA).

**APPROVAL OF A HOME SECURITY GRANT FOR \$70,000 FOR THE CAT TEAM:**

Ben Martig, City Administrator, indicated that at the city council meeting on October 13, 2009 approval to apply for the \$70,000 was granted. At this time, the S.W.MN C.A.T. would like to accept these funds. Attached is a copy of the grant information.

The State of Minnesota has been awarded additional federal funds to prepare for a terroristic event. Of these funds, \$70,000 has been allocated to each Chemical Assessment Team (C.A.T.). This is the second grant of this amount being awarded this year, but the earlier funds were from last year's federal award to the state. These funds are to intended to supplement the annual \$45,000 state funded operating grant award. The main intent by the state for the use of the grant is to fund equipment that would improve the team's safety and response capabilities but is too expensive to fund through the annual operating grant. Funds that aren't committed towards designated uses are available for the individual team to spend on areas that the team believes it needs.

Interoperability is critical for these teams who may be responding to a high band radio environment, which is what is used within S.W. MN C.A.T.'s region, or an 800 mhz. radio environment when they go to the St. Cloud or metro area. This will also prepare the team for the FCC mandate to be on narrow band by 2013. We are looking at using the equipment award primarily to fund new radios that will work in either environment.

DeCramer moved, Doom seconded, that the proper city personnel be authorized to enter into the Homeland Security Grant for \$70,000 for the S.W.MN C.A.T. and approve Rob Yant, Director of

Public Safety, as the administrator of this grant. All voted in favor of the motion.

**JOINT POWERS AGREEMENT BETWEEN MARSHALL POLICE DEPARTMENT AND BUREAU OF CRIMINAL APPREHENSION (BCA) AND QUARNSTROM & DOERING LAW OFFICE AND BCA:**

Dennis Simpson, City Attorney, indicated that BCA has developed an electronic charging or eCharging service to facilitate the movement of information between individual data systems in law enforcement, prosecution, courts and State agencies. Lyon County is one of the first counties within the State to have the eCharging service implemented. The Marshall Police Department and the City Attorney's office have been involved in weekly telephone conferences regarding the explanation and implementation of the project. The purpose of the project is to create efficiencies and eliminate unnecessary travel, paper, leg work, and duplicate data entry services.

Mr. Simpson indicated that the initial cost for the system includes \$100 annual security device (key fob) remote access agency cost and a \$15 per month access fee to the system for an annual cost of \$180. This amount will be billed at \$15 per month to the City Attorney's office.

Mr. Simpson also indicated that the implementation of the eCharging system will require improved internet firewall security measures on the computer network system at the City Attorney's office. The computer technicians are indicating that the cost for the implementation of the improved firewall security will be approximately \$925. Mr. Simpson is proposing to split that cost 50% with City and 50% to the Quarnstrom, Doering, Peterson, Leary Law Firm.

Doom moved, DeCramer seconded, the adoption of RESOLUTION NUMBER 3399, SECOND SERIES and that the reading of the same be waived. Resolution Number 3399, Second Series is a resolution Approving State of Minnesota Joint Powers Agreement with the City of Marshall on Behalf of its Police Department and City Attorney. This resolution provides for implementation of the eCharging service coordinated by the Bureau of Criminal Apprehension (BCA). All voted in favor of the motion.

**ACQUISITION OF "OUTLOT E" OF CARR SUBDIVISION I:**

Glenn Olson, Director of Public Works/City Engineer, indicated that the City of Marshall and developer Robert L. Carr entered into a development agreement dated April 4, 2005 regarding the process and procedure for the development of land in the City of Marshall platted as Carr Subdivision I. A provision of the development agreement granted to the City of Marshall an option to acquire Outlot E at a price of one-half of the development costs of Travis Road, up to a maximum of \$37,000. Outlot E is a one foot strip of land immediately adjacent to Travis Road creating the westerly boundary of the Carr Subdivision I. Acquisition of this land will allow for the limited access to Travis Road at future time, as well as for the orderly development of the next subdivision development westerly of Carr Subdivision I.

Mr. Olson indicated that the reason for the acquisition at this time is to eliminate paying interest at 7% per year in accordance with the First Development Contract for Carr Subdivision I and this will act as a deferred assessment for the future development of the property to the west of Carr Subdivision I outside of the current City Limits.

Doom moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3400, SECOND SERIES and that the reading of the same be waived. Resolution Number 3400, Second Series is a resolution Approving Acquisition of Real Property Outlot E Carr Subdivision I, City of Marshall, Lyon County, Minnesota. This resolution provides for the City of Marshall to exercise the option for the purchase of Outlot E for \$30,000 plus usual and customary fees associated with the purchase of

said property. All voted in favor of the motion.

**PROJECT Y50: WEST REDWOOD STREET/NORTH 4<sup>TH</sup> STREET IMPROVEMENT PROJECT – CONSIDER CHANGE ORDER NO. 3 (FINAL) AND ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION:**

Glenn Olson, Director of Public Works/City Engineer, reviewed Change order No. 3 (Final) for West Redwood Street/North 4<sup>th</sup> Street with Gaub, Inc., of Lake Lillian, Minnesota resulting in a contract increase of \$17,595.74. Mr. Olson indicated that the change order is a result of final measurements and changes in item quantities during construction.

DeCramer moved, Ritter seconded, the approval of Change Order No. 3 (Final) with Gaub, Inc., for an increase in the amount of \$17,595.74 and the acknowledgement of the final payment in the amount of \$14,174.61 for West Redwood Street/North 4<sup>th</sup> Street Project Y50. All voted in favor of the motion.

**PROJECT Y84 COMMENCEMENT BOULEVARD IMPROVEMENT PROJECT – CONSIDER RESOLUTION ORDERING PREPARATION OF REPORT ON IMPROVEMENT:**

Glenn Olson, Director of Public Works/City Engineer, indicated that the City is engaged with the construction of a pedestrian underpass beneath T.H. 23 between the university and high school areas. This project includes not only the construction of the underpass, but also a short section of Commencement Boulevard. This project will extend Commencement Boulevard from the eastern edge of the current project development plan northeasterly to Tiger Drive to the main entrance to the high school.

Boedigheimer moved, Doom seconded, the adoption of RESOLUTION NUMBER 3401, SECOND SERIES and that the reading of the same be waived. Resolution Number 3401, Second Series is a resolution Ordering Preparation of Reports on Improvements. Resolution Number 3401, Second Series is a resolution Ordering Preparation of Report on Improvement for Commencement Boulevard Project Y84. All voted in favor of the motion, except Hulsizer who voted no.

**PRELIMINARY PLAT OF CARR SUBDIVISION II – INTRODUCE PLAT AND CALL FOR PUBLIC HEARING:**

Glenn Olson, Director of Public Works, indicated that this is a small portion of the southwest area of Carr Subdivision I which included a portion of Mn/DOT right-of-way set aside for the future connection of Travis Road to T.H. 23. After discussions with Mn/DOT they, provided a monetary incentive to the City and Developer to eliminate the access and transfer the property to the City. This excess right-of-way enables the replatting of Carr Subdivision I as shown on the proposed plat.

Doom moved, Sanow seconded, to introduce the preliminary plat of Carr Subdivision II and call for a public hearing on the preliminary plat to be held on May 11, 2010. All voted in favor of the motion.

**JANITORIAL SERVICES FOR VARIOUS CITY-OWNED BUILDINGS – A. CONSIDER EXTENSION OF CLEANING SERVICES CONTRACTS WITH C&C CLEANING FOR THE ARRIVAL/DEPARTURE BUILDING; B. CONSIDER AUTHORIZATION TO CALL FOR PROPOSALS FOR JANITORIAL SERVICES FOR VARIOUS CITY-OWNED BUILDINGS:**

Glenn Olson, Director of Public Works/City Engineer, indicated that on April 11, 2009, the City Council awarded the proposal for janitorial services for the Arrival/Departure Building to C&C Cleaning for the period from May 1, 2009 to April 30, 2010. The City also has existing cleaning



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services contracts at other City-owned buildings which all expire on May 31, 2010. Until that time, if negotiations can be made with the owner of C&C Cleaning, Mr. Olson is recommending that we extend the janitorial services for one month for the Arrival/Departure Building and decide what the City's process will be for services after June 1, 2010. Mr. Olson indicated that it would be his intent to combine the cleaning services and have the expiration dates consistent.

Mr. Olson indicated that on June 1, 2009, the City of Marshall entered into an agreement with C&C Cleaning for janitorial services for various City-owned buildings for one year. These buildings include the Marshall-Lyon County Library, the Adult Community Center, the Street Department and the Wastewater Treatment Facility. Mr. Olson has had discussions with staff of the various City-owned buildings regarding revisions to the janitorial services at each location. There will be some revisions to the proposals for cleaning services to be provided after June 1, 2010. Because of the changes to the scope of work and the expiration of the agreement, Mr. Olson is asking for authorization to call for proposals for these janitorial services.

Boedigheimer moved, Doom seconded, approval to extend the janitorial services for the Arrival/Departure Building with C&C Cleaning for the month of June. All voted in favor of the motion, except Sanow who abstained.

DeCramer moved, Doom seconded, that the proper city personnel be authorized to advertise for proposals for Janitorial Services for various City owned buildings. Council Member Doom requested a summary of city costs vs. outside service costs for all City owned buildings.

Council Member Ritter asked if there was a need for 2 janitors for the Municipal Building. It was indicated that they clean the Municipal Building and are responsible for the maintenance of all City owned buildings. Council Member Hulsizer requested that the cleaning of the Municipal Building be considered to be contracted.

Glenn Olson, Director of Public Works/City Engineer, indicated that there were 3-full time employees and that it is his recommendation to keep 2 full time employees and contract the cleaning for all the buildings except the Municipal Building. Mr. Olson indicated that in addition to cleaning the Municipal Building they also do all of the maintenance. Council Member Ritter suggested including the Municipal Building and only having 1 maintenance person. Council Member Doom was concerned that 1 maintenance person can take care of all of the buildings.

All voted in favor of the motion, except Sanow who abstained.

### **PRESENTATION OF THE CAPITAL IMPROVEMENT PROJECT:**

Ben Martig, City Administrator, indicated that at the City Council meeting on Tuesday, April 13, 2010, the Council discussed the 2010 Capital Improvement Plan and requested city staff to review the prioritization for consideration at the next meeting. Staff has put together some definitions for ranking consideration as assigned by the City Administrator. Again, these are generally subjective to give some guidance of priority through the budget process but do not necessarily result in whether projects ultimately are approved or not. The "project description" and "project justification" summaries in the Capital Improvement Plan should provide some guidance to the priority designation made. It was the general consensus of the council that city staff will proceed with the implementation of the 2010 Capital Improvement Plan Budget as originally adopted and amended.

### **CONSIDER APPOINTMENTS TO BOARDS AND COMMISSIONS:**

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

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commissions and that the proper city personnel be authorized to advertise for the vacant position on the Cable Commission:

- Airport Commission – David Barnes be appointed for a 3-year term to expire on May 31, 2013
- Airport Commission – Paul Johnson be appointed for a 3-year term to expire on May 31, 2013
- Cable Commission – Van Harris be appointed for a 3-year term to expire on May 31, 2013
- Economic Development Authority – Chester Lockwood be reappointed for a 6-year term to expire on May 31, 2016
- Housing commission – Carol Briggs be appointed for a 5-year term to expire on May 31, 2015
- Human Rights Commission – John Lind be reappointed for a 3-year term to expire on May 31, 2013
- Human Rights Commission - Elena Grothe be reappointed for a 3-year term to expire on May 31, 2013
- Human Rights Commission – Michele Larson be appointed for a 3-year term to expire on May 31, 2013
- Human Rights Commission – Andy Hedlin be appointed for a 1-year unexpired term to expire on May 31, 2011
- Planning Commission – James Lozinski be reappointed for a 3-year term to expire on May 31, 2013
- Planning Commission – Amanda Schroeder be appointed for a 3-year term to expire on May 31, 2013
- Police Civil Service Commission – Joyce Arends be reappointed for a 3-year term to expire on May 31, 2013
- Senior Citizen Center Commission – Andrea Lingl be reappointed for a 3-year term to expire on May 31, 2013
- Utilities Commission – Bill Ziegenhagen be appointed for a 5-year term to expire on May 31, 2015

Mayor Byrnes called for a 5-minute recess at 7:05 P.M.

**DETERMINATION BY CITY COUNCIL TO GO INTO CLOSED SESSION PURSUANT TO MINNESOTA STATUTE 13D.03 SUBD. 1(B) RELATED TO UNION CONTRACT NEGOTIATION:**

Sanow moved, Ritter seconded, that the Council go into closed session at 7:13 P.M. pursuant to Minnesota Statute 13D.03 related to union contract negotiations. All voted in favor of the motion.

Those present at the closed session included: Mayor Byrnes, Council Members Hulsizer, Sanow, Doom, DeCramer, Boedigheimer and Ritter. Staff present 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 7:16 P.M.

**CONSIDER APPROVAL OF THE 2009-2010 LABOR AGREEMENT BETWEEN THE CITY OF MARSHALL AND LAW ENFORCEMENT LABOR SERVICES (LELS) CONTRACT:**

Ritter moved, DeCramer seconded, the approval of the 2009-2010 Labor Agreement between the City of Marshall and Law Enforcement Labor Services (LELS) Contract. This contract provides for a 0% increase in wages for 2009 and a 1% increase in wages for 2010; and an increase in the maximum City cost for approved footwear from \$120 to \$150 per year. All voted in favor of the motion.

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**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 met last week; Complete Count Committee held their final meeting last week – they will be going to the residents who did not return their form.
- Hulsizer        Human Rights Commission did not have a quorum.
- Doom            No report.
- Sanow           No report.
- DeCramer       Utilities Commission reviewed a summary of their projects from the past 2 years, they also discussed the customer inter connect policy and reviewed policy changes.
- Boedigheimer PrairieNet Consortium will meet this week; Ways and Means discussed the Fire Department Scholarship Awards.
- Ritter            EDA met earlier

**STAFF REPORTS:**

Ben Martig, City Administrator, indicated that TSP has provided an amendment to the Library proposal in regard to technology; the City of Marshall received a Small Cities Development Program Grant in the amount of \$522,500 to rehabilitate single family homes; the Accident Report Policy is being worked on; the auditors will be here next week.

Glenn Olson, Director of Public Works/City Engineer, indicated that MN/DOT will be hosting an open house to provide information on the Highway 23 Project and Roger Kulla from the Street Department is retiring on April 30, 2010.

Dennis Simpson, City Attorney, indicated that he is in the process of completing the necessary papers from the previous small cities grant; and he is reviewing the necessary insurance for upcoming events in the City of Marshall.

**COUNCIL MEMBER INDIVIDUAL ITEMS:**

Other items brought forth by the Mayor and Council members included

**REVIEW OF PENDING AGENDA ITEMS:**

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

**INFORMATION ONLY:**

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

Applicant		Location Address				Description of Work	Valuation
1.	Michael L. Nassif	101	South	Whitney	Street	Bathroom Remodel	\$1,300
2.	Manderscheid Construction of Murray County Inc.	1401	South	Saratoga	Street	Reroof Dwelling (asphalt)	\$8,000
3.	Contegrity Group, Inc. c/o Pete Flippi	607	West	Main	Street	Courthouse Remodel	\$169,300
4.	Wilson and Sons Construction	501		Jewett	Street	Reroof Apt. (asphalt)	\$18,700
5.	James Lozinski Construction Inc.	113		G	Street	Reroof Dwelling (asphalt)	\$7,000

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6.	James Lozinski Construction Inc.	115		G	Street	Reroof Dwelling (asphalt)	\$9,000
7.	James Lozinski Construction Inc.	502		Kennedy	Street	Reroof Dwelling (asphalt), Replace Door	\$7,800
8.	Jesse L. & Amanda L. Podratz	309		Athens	Avenue	Finish Basement & Garage	\$5,500
9.	Sussner Construction, Inc.	611		Viking	Drive	Reroof Dwelling (asphalt)	\$16,000
10.	Coudron Construction, Inc.	721		Marguerite	Avenue	Reroof Dwelling (asphalt)	\$5,500
11.	Dennis Lozinski	616	West	Marshall	Street	Replace Door	\$500
12.	Dennis Lozinski Construction	706	South	1st	Street	Reroof Dwelling (asphalt)	\$6,500
13.	Dennis Lozinski Construction	610		Donita	Avenue	Reroof Dwelling (asphalt)	\$5,500
14.	Bakke's Home Repair & Construction	615		Kathryn	Avenue	Finish Basement	\$2,500
15.	Kesteloot Construction, Inc.	701		Jewett	Street	Reroof Commercial (asphalt)	\$21,000
16.	Jeff Gladis Construction	703		Deschepper	Street	Reroof Dwelling (asphalt)	\$9,500
17.	Jeff Gladis Construction	616		Elaine	Avenue	Reroof Dwelling (asphalt)	\$5,600
18.	Jeff Gladis Construction	109		"F"	Street	Reroof Dwelling (asphalt)	\$3,700
19.	Van Damme Woodworking LLC	205		Elaine	Avenue	Reroof Dwelling (asphalt)	\$6,500
20.	Coudron Construction, Inc.	607	West	James	Avenue	Reroof Dwelling (asphalt)	\$7,200
21.	Pride Neon Signs	1500	East	College	Drive	Signs	\$5,000
22.	DePyper Masonry	508		Donita	Avenue	Replace Basement Wall	\$1,900
23.	MN Superior Exteriors	1001	North	4th	Street	Replace Windows, Replace Door	\$6,000
24.	Ronald L. & Elizabeth L. Schoephoerster	902		Willow	Avenue	Reroof Dwelling (asphalt)	\$2,200
25.	Scott C. Morris	106		Kathryn	Avenue	Reroof Dwelling (asphalt)	\$6,800
26.	Gary Vlaminc Construction	1202		Parkside	Drive	Reroof Dwelling (asphalt)	\$7,000
27.	James Lozinski Construction Inc.	604		Lawerence	Street	Reroof (asphalt)	\$5,900
28.	James Lozinski Construction Inc.	607		Lawerence	Street	Reroof (asphalt)	\$7,400
29.	James Lozinski Construction Inc.	405	South	Whitney	Street	Reroof (asphalt)	\$4,800
30.	James Lozinski Construction Inc.	603		Lawerence	Street	Reroof (asphalt)	\$6,800
31.	Jeff Gladis Construction	508		Kathryn	Avenue	Reroof (asphalt)	\$6,300
32.	Kevin Lanoue Construction	1316		Parkside	Drive	Reroof Dwelling (asphalt)	\$6,400
33.	Kevin Lanoue Construction	600		Donita	Avenue	Reroof Dwelling (asphalt)	\$6,500
34.	Brian Swanson	809	West	Southview	Court	Install Stars (Apt.)	\$400
35.	True Value Home Center	606		Viking	Drive	Reroof Dwelling (asphalt)	\$9,000

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36.	Mike Buisse Construction Inc.	1006		Indiana Jones	Avenue	Reroof (asphalt)	\$7,500
37.	Mike Buisse Construction Inc.	1002		Indiana Jones	Avenue	Reroof (asphalt)	\$7,500
38.	Mike Buisse Construction Inc.	1004		Indiana Jones	Avenue	Reroof (asphalt)	\$7,500
39.	Martin P. Moore	202		Elaine	Avenue	Reroof Dwelling (asphalt)	\$7,000
40.	Timothy D. & Darcy Wall	902		Boxelder	Avenue	Deck	\$1,200
41.	Richard Louwagie Construction	700		Brian	Street	Reroof Dwelling (asphalt)	\$7,700
42.	J F Taylor & Sons, Inc.	904		Hackberry	Drive	Reroof Garage (asphalt)	\$3,900
43.	James J. Doom	216		Carrow	Circle	Reroof Dwelling (asphalt)	\$6,800
44.	Dennis Lozinski Construction	701	South	1st	Street	Reroof (Asphalt)	\$6,000
45.	Robin M. Dorenkamper	406		Mason	Street	Replace windows	\$3,000
46.	Rick Slagel Construction Inc	611		Deschepper	Street	Reroof Dwelling (asphalt)	\$9,000
47.	Western Mental Health Center	1212	East	College	Drive	Wall	\$1,100
48.	Gary Vlaminc Construction	115		George	Street	Reroof Dwelling (asphalt)	\$7,500
49.	Gary Vlaminc Construction	1214		Westwood	Drive	Reroof Dwelling (asphalt)	\$7,000
50.	Cody C. & Amanda Mellenthin	201		Robert	Street	Reroof Dwelling (asphalt)	\$4,000
51.	Paul & Krista Walerius	109		Kathryn	Avenue	Reroof Dwelling (asphalt)	\$3,000
52.	AMEN Roofing & Construction	100		Whitney	Circle	Reroof Dwelling (asphalt)	\$11,000
53.	Pride Neon Inc.	1500	East	College	Drive	Sign	\$1,000

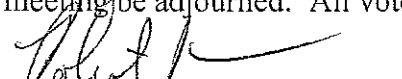
**DETERMINATION BY CITY COUNCIL TO GO INTO CLOSED SESSION PURSUANT TO MINNESOTA STATUTE 13D.05 SUBD. 3(C)(3) FOR THE MOSCH/BLADHOLM PROPERTY:**

Ritter moved, Sanow seconded, that the Council go into closed session at 7:33P.M. pursuant to Minnesota Statute 13D.05 Subd. 3(c)(3) for the Mosch/Bladholm property. All voted in favor of the motion.

Those present at the closed session included: Mayor Byrnes, Council Members Hulsizer, Sanow, Doom, DeCramer, Boedigheimer and Ritter. Staff present 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 7:50 P.M.

DeCramer moved, Doom seconded, that the meeting be adjourned. All voted in favor of the motion.

  
 Mayor of the City of Marshall

ATTEST:

  
 Financial Director/City Clerk