

REGULAR MEETING – MAY 25, 2010

The regular meeting of the Common Council of the City of Marshall was held on May 25, 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; Harry Weilage, Director of Community Services; Kim Jergenson, Engineer Technician; Shane Waterman, Assistant City Engineer; Ilya Gutman, Building Official; 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:

Doom moved, DeCramer seconded, that the agenda be approved as presented. All voted in favor of the motion.

APPROVAL OF THE MINUTES:

Sanow moved, DeCramer seconded, that the minutes of the regular meeting held on May 11, 2010 be approved as corrected and as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

PUBLIC HEARING ON THE AMENDMENT RELATED TO CITY COUNCIL FILING DATES:

This was the date and time set for a public hearing on the amendment to Section 4.03 Nominations by Affidavit. The Charter Commission is recommending that the Charter be amended to reflect the filing period as presently existing pursuant to Minnesota Statute 205.13 Subd. 1a; therefore if the State Legislature amends the filing period again the City will be in compliance and not have to make another amendment to the City Charter. Sanow moved, Ritter seconded, that the public hearing be closed. All voted in favor of the motion.

Doom moved, DeCramer seconded, the adoption of ORDINANCE NUMBER 618, SECOND SERIES and that the reading of the same be waived. Ordinance Number 618, Second Series is an Ordinance Amending Chapter 4 of the City of Marshall Charter. This amendment provides for the filing period for the City of Marshall to reflect the filing period as pursuant to Minnesota Statute 205.13 Subd. 1a. All voted in favor of the motion.

AWARD OF BIDS – PROJECT Y28 BASELINE ROAD AND SUSAN DRIVE IMPROVEMENT PROJECT – A. DECLARATION OF OFFICIAL INTENT REGARDING THE REIMBURSEMENT OF EXPENDITURES WITH THE PROCEEDS OF TAX-EXEMPT BONDS; B. CONSIDER RESOLUTION ACCEPTING BID:

Shane Waterman, Assistant City Engineer, indicated that this project involves the construction/reconstruction of Baseline Road from Susan Drive to Nwakama Street and Susan Drive from Clarice Avenue west 1,350 feet. Baseline Road construction/reconstruction shall consist of curb and gutter, sidewalk, aggregate base, pavement construction and miscellaneous work. Susan Drive improvements shall consist of sanitary sewer main and services, watermain services for Outlot B of J-C Boyer Addition, curb and gutter, sidewalk, aggregate base, pavement construction and miscellaneous work.

REGULAR MEETING – MAY 25, 2010

Sanow moved, DeCramer seconded, the adoption of RESOLUTION NUMBER 3408, SECOND SERIES and that the reading of the same be waived. Resolution Number 3408, Second Series is a resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for the Baseline Road and Susan Drive Improvement Project Y28. All voted in favor of the motion.

Bids were received, opened and read on May 11, 2010 for the Baseline Road and Susan Drive Improvement Project Y28. The bids received, opened and read were from:

R & G Construction Co.	D & G Excavating Inc.	Kraemer Trucking
Marshall, Minnesota	Marshall, Minnesota	Cold Spring, Minnesota
\$552,551.50	\$599,194.35	\$641,180.44

Sanow moved, DeCramer seconded, the adoption of RESOLUTION NUMBER 3409, SECOND SERIES and that the reading of the same be waived. Resolution Number 3409, Second Series is a resolution Accepting Bid (Award Contract) for Baseline Road and Susan Drive Improvement Project Y28. This contract was awarded to R & G Construction, Marshall, Minnesota in the amount of \$552,551.50. All voted in favor of the motion.

AWARD OF BID – 2010 CUL-DE-SAC RECONSTRUCTION PROJECT (PROJECT Y63 LAWRENCE COURT; PROJECT 64 BRUCE CIRCLE; AND PROJECT Y75 PELTIER STREET):

Shane Waterman, Assistant City Engineer, indicated that the 2010 Cul-de-sac Reconstruction Project includes three segments as follows:

Lawrence Court Reconstruction Project Y63 involves the reconstruction of the bituminous pavement and aggregate base and installation of drain tile. The proposed project will reconstruct Lawrence Court southerly from East Southview Drive.

Bruce Circle Project Y64 involves the replacement of watermain and sanitary sewer and street reconstruction. The proposed project will reconstruct Bruce Circle and described utilities east from South Bruce Street.

Peltier Street Improvement Project Y75 involves the partial reconstruction and new construction of the westerly end of Peltier Street, including improvements to drainage along the Burlington Northern Railroad tracks.

Council Member Boedigheimer was concerned about residents having access, especially those with limited mobility. Mr. Waterman indicated that they will work with the contractor to keep access available as much as possible. There were also concerns with off-street parking and refuse pickup. Mr. Waterman indicated that these items have been discussed at the pre-construction meetings.

Boedigheimer moved, Doom seconded, the adoption of RESOLUTION NUMBER 3410, SECOND SERIES and that the reading of the same be waived. Resolution Number 3410, Second Series is a resolution Declaring Official Intent Regarding the Reimbursement of

REGULAR MEETING – MAY 25, 2010

Expenditures with the Proceeds of Tax-Exempt Bonds for the 2010 Cul-de-sac Reconstruction Project consisting of Lawrence Court Reconstruction Project Y63, Bruce Circle Project Y64 and Peltier Street Improvement Project Y75. All voted in favor of the motion, except Sanow who voted no.

Bids were received, opened and read on May 12, 2010 for the 2010 Cul-de-sac Reconstruction Project consisting of Lawrence Court Reconstruction Project Y63, Bruce Circle Project Y64 and Peltier Street Improvement Project Y75. The bids received, opened and read were from:

Thompson Excavating
Taunton, Minnesota
\$277,618.70

D & G Excavating Inc.
Marshall, Minnesota
\$316,731.30

R & G Excavating Co.
Marshall, Minnesota
\$329,702.20

McLaughlin & Schulz Inc.
Marshall, Minnesota
\$335,115.35

Boedigheimer moved, Doom seconded, the adoption of RESOLUTION NUMBER 3411, SECOND SERIES and that the reading of the same be waived. Resolution Number 3411, Second Series is a resolution Accepting Bid (Award Contract) for the 2010 Cul-de-sac Reconstruction Project consisting of Lawrence Court Reconstruction Project Y63, Bruce Circle Project Y64 and Peltier Street Improvement Project Y75. This contract was awarded to Thompson Excavating, Taunton, Minnesota in the amount of \$277,618.70. All voted in favor of the motion, except Sanow who voted no.

CONSENT AGENDA – A. PRELIMINARY PLAT OF SONSTEGARD SUBDIVISION I – INTRODUCE PLAT AND CALL FOR PUBLIC HEARING; B. CONSIDER THE REQUESTS OF HOLY REDEEMER CATHOLIC CHURCH FOR 503 WEST LYON STREET – INTRODUCE ORDINANCES AND CALL FOR PUBLIC HEARINGS FOR ORDINANCE REVISING DEFINITION OF THE DOWNTOWN DISTRICT AND REVISING THE LIMITS OF THE DOWNTOWN DISTRICT AND ORDINANCE REZONING FROM R-4 (HIGHER-DENSITY, MULTIPLE FAMILY RESIDENCE DISTRICT) TO A B-2 (CENTRAL BUSINESS DISTRICT); C. TRANSIENT MERCHANT LICENSE FOR TNT FIREWORKS TO SELL FIREWORKS IN THE WAL-MART PARKING LOT AT 1221 EAST MAIN STREET; D. TEMPORARY ON-SALE LIQUOR LICENSE FOR THE MARSHALL AREA CHAMBER OF COMMERCE TO BE USED AT VAN'S SOUNDROOM, 114 NORTH 3RD STREET, SUITE A, ON JUNE 22, 2010; E. APPROVAL BILLS/PROJECT PAYMENTS:

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

The introduction of the Preliminary Plat of Sonstegard Subdivision I and call for a public hearing to be held on June 8, 2010 at 5:30 P.M.

REGULAR MEETING – MAY 25, 2010

The introduction of an Ordinance Amending Chapter 86 of the City Code relating to zoning and call for a public hearing to be held on June 8, 2010 at 5:30 P.M. amending the definition of the Downtown District to include 503 West Lyon Street.

The introduction of an Ordinance Amending Chapter 86 of the City Code relating to zoning and call for a public hearing to be held on June 8, 2010 at 5:30 P.M. rezoning 503 West Main Street from an R-4 Higher Density Multiple Family Residence District to a B-2 Central Business District.

The approval of a Transient Merchant License for TNT Fireworks to sell Fireworks in the Wal-Mart Parking Lot at 1221 East Main Street from June 20, 2010 to July 4, 2010. The fee for this license is \$315.00.

The approval of a Temporary On-Sale Liquor License for the Marshall Area Chamber of Commerce to use on June 22, 2010 at Van's Soundroom, 114 North 3rd Street, Marshall, Minnesota. The fee for this license is \$30.00.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher no. 69758 through 69968.

All voted in favor of the motion.

CONSIDER LIBRARY CONSTRUCTION DOCUMENT AND AUTHORIZE RELEASE OF BIDS:

Ben Martig, City Administrator, Ron Halgerson, TSP, and Al Kruse, Marshall Lyon County Library Board, provided an update on the Library Construction Document Plans and Specifications and on the advertisement for bids.

The Library Board met on Wednesday, May 19, 2010 and reviewed several plan sheets for the library project. The Library Building Committee, Library Board and staff have reviewed the documents with the architect in detail. Al Kruse indicated that the Library Board is recommending moving forward with the construction and advertising of bids for the Library. Ron Halgerson reviewed the schedule for the Library project.

Ritter moved, Sanow seconded, approval of the Construction Document Plans and Specifications for the Library. All voted in favor of the motion.

Ritter moved, Sanow seconded, authorization for the Release of the Bids for the Library. All voted in favor of the motion.

CONSIDER ARCHITECT AGREEMENT FOR TELECOMMUNICATIONS SYSTEM FOR MARSHALL LYON COUNTY LIBRARY WITH TSP, INC:

Ben Martig, City Administrator, briefly reviewed the proposed Architect Agreement for Telecommunications System for the Marshall Lyon County Library with TSP, Inc. Mr. Martig indicated that he has met with Todd Pickthorn, Marshall High School District Technology Coordinator regarding the proposal that was submitted. Mr. Martig indicated that it is appropriate to have the full information technology needs incorporated into the building plans

and bid specifications. Ritter moved, DeCramer seconded, that the proper city personnel be authorized to enter into an Architect Agreement for Telecommunications System for the Marshall Lyon County Library with TSP, Inc. for a fee of \$9,200.00. All voted in favor of the motion.

APPROVAL OF VENDING AGREEMENT FOR THE AQUATIC CENTER:

Harry Weilage, Director of Community Services, indicated that the 10-year contract with Coke had expired and the Marshall Baseball Association (MBA) was entertaining a new Request for Proposals for soft drink vending at the Legion Field ballpark. The previous contract included Marshall Area Youth Baseball (MAYBA) as well. Mr. Weilage indicated that he checked with the City Administrator to verify if the Marshall Aquatic Center (MAC) could be considered in the RFP and he supported the contract. It is unique to bid in conjunction with other non-profits but in this case with similar seasonal activities for partner organizations the thought was that there would be a benefit to leverage the City's limited position by partnering with these other groups to try and get the best deal for all. The MAC has never had a contract since the total purchase amount in a summer doesn't allow for much bargaining and is done on a year to year basis. Again, the idea was to become a part of a bigger buying group to help the city gauge interest and possibly maintain or reduce costs.

Mr. Weilage indicated that the MBA contacted the various groups and asked if they want to be included in the proposal. All said yes – MBA, MAYBA, Marshall Softball Association (MSA) and MAC. Attorney Bob Gjorvad with Runchey, Louwagie & Wellman, P.L.L.P. was asked to review existing proposals with Southwest Minnesota State University and the Marshall High School for context. After drafting the RFP and reviewing with the partners, Mr. Gjorvad distributed the proposals to two area companies - Viking Coke of Marshall and Pepsi of Pipestone. The Request for Proposal and cover letter to Coke was included with the agenda as an attachment.

Mr. Weilage indicated that this past week the proposals were received and reviewed and the specifics of the contract were shared with the partners. It was decided that Pepsi of Pipestone had made a significant offer and it was agreed that it had value to pursue. Specifically, the Pepsi proposal had a guaranteed price at \$24.00 per case for five years and an annual donation above and beyond \$3,000 per year. The Coke proposal included three options none of which equaled the value of the Pepsi contract. These two proposals were included for information. The Coke Proposal was marked "Proposal #1" in the upper left hand margin. Staff was planning to move forward with the proposals to bring before the City Council for action. The urgency this past week was due to the upcoming games for both the MBA and the MAYBA.

Mr. Martig, City Administrator, indicated that following the preliminary review notices were sent out to members of the contract. Coke contacted Russ Sanow who had been coordinating the bids and indicated that they did not see that the aquatic center was included. Coke inquired with Russ Sanow if they could submit another proposal. Mr. Sanow indicated that they were moving ahead with the original contracts for consideration but also said he was not going to say they could not submit and that the individual entities would need to review.

REGULAR MEETING – MAY 25, 2010

Mr. Martig indicated that on Monday, May 17th, staff was informed that there was a second proposal from Coke. The proposal had similar prices on the pop that are not explicitly guaranteed prices for the contract term. However, the annual funding on Option 1 increased substantially and the contribution was proposed to be moved from the end of the season to the beginning of the season. There was also a new Option #4 added. Upon review, the second proposal came after the specifics of the first RFP were disclosed publicly and didn't warrant consideration. The original RFP did disclose all the partners clearly on the proposal.

Mr. Martig indicated that Pepsi showed up with equipment on Monday and started the changeover of the various machines at the Aquatic Center. That particular step in the process could have been handled differently. Coke's equipment is still in the facility as well. The equipment of both will remain pending action of the Council. There is still time before the Marshall Aquatic Center opens to go with either vendor.

City Staff was notified on Friday, May 21 mid-morning that the Marshall Softball Association withdrew their proposal to consider a different option with Coke instead. However, Pepsi agreed to keep the same per case offer as proposed and simply pro-rate down the annual contribution based on the number of cases purchased in the past. Therefore, the annual contribution was reduced to \$2,100 per year and it would be split between the three organizations for \$700 each per year.

Council Member Ritter indicated that if this had been handled differently there would have been no need to present this to the City Council. The reason it was on the agenda was because City staff brought the Aquatic Center into a private contract with an outside lawyer reviewing the agreement.

Council Member Boedigheimer indicated that poor planning by several people does not make this an emergency now. He indicated that staff knew this contract was going to expire this year and that they had plenty of time to get a new contract. Boedigheimer made a motion to award the contract to Coke, but was withdrawn.

Mayor Byrnes indicated that the City Council cannot control what the Baseball Association or the Softball Association does. The only concern for the Council is the Aquatic Center. Council Member Boedigheimer stated that he does not want both a Coke and Pepsi machine located at the Aquatic Center.

Council Member DeCramer asked why this was coming to the Council with the limited dollar amount. Ben Martig, City Administrator, indicated that this is a written contract and the City Council needs to act on all written contracts. Council Member Ritter reiterated his concern with bidding jointly with non-city entities.

Sanow moved, Doom seconded, to reject this contract and request proposals for the Aquatic Center. Mayor Byrnes suggested that this proposal includes healthier beverage alternatives. All voted in favor of the motion, except Boedigheimer who voted no. The City Council agreed that City staff should work out an agreement for Coke to provide product to the Aquatic Center.

PROJECT Y41 – TIGER LAKE EXPANSION PROJECT- A. PRESENTATION BY BOLTON & MENK, INC.; B. CONSIDER RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS:

Dan Sarff, Bolton & Menk Inc., was in attendance at the meeting to provide a presentation on the Tiger Lake Expansion Project Y41. This project consists of the expansion of the existing Tiger Lake Storm Water Management Pond to provide for improved flood control and storm water quality. Based on the previously prepared preliminary engineering report and discussions with the City, the following improvements are included in the design:

- Excavation and grading to enlarge the existing Tiger Lake Storm Water Management Pond. The design includes retention of a wet pond with dead storage, a dry pond surge basin and a filtration weir.
- Rerouting and extensions of storm sewers entering the storm water management pond
- A pedestrian/bike path around the north and east portion of the pond
- Erosion control and turf establishment
- Other miscellaneous items

The bids for this project will be received on June 15th. Ben Martig, City Administrator, indicated that there was a concern with the gas company being located close to the fire hall and ambulance garage. Staff will be in discussion with the owner about interest in selling the property to the City.

Ritter moved, DeCramer seconded, the adoption of RESOLUTION NUMBER 3412, SECOND SERIES and that the reading of the same be waived. Resolution Number 3412, Second Series is a resolution Approving the Plans and Specifications and Ordering Advertisement for Bids for Tiger Lake Expansion Project Y41. All voted in favor of the motion.

APPROVAL OF THE FIREWORKS CONTRACT:

Harry Weilage, Director of Community Services, indicated that in 2009 the fireworks display was purchased from Pyrotechnic Display out of Clear Lake, SD at a cost of \$11,500. This amount was funded by HyVee of Marshall for \$2,000 and \$9,500 from the City of Marshall. Mr. Weilage indicated that quotes were received for the 2010 firework. The quotes were received as follows:

- Pyrotechnic Display Inc. - \$11,500
- Premier Pyrotechnics Inc. - \$8,500

Mr. Weilage indicated that they have raised \$6,000 and they will continue to fundraise to cover the additional costs of fireworks (\$2,500) and other activities. Mr. Weilage indicated that they believe there are other businesses and individuals that will be willing to participate.

Ben Martig, City Administrator, indicated that there were a few questions that needed to be answered in regard to liability issues and the down payment. City Attorney Dennis Simpson will review the contract and make his recommendations. Ritter moved, DeCramer seconded, that the proper city personnel be authorized to enter into a contract with Premier Pyrotechnics Inc., in the amount of \$8,500 for the 4th of July Fireworks Display contingent upon review of the City Attorney. All voted in favor of the motion.

PROJECT Y44 – LEGION FIELD ROAD IMPROVEMENT PROJECT – CONSIDER CHANGE ORDER NO. 3 (FINAL) AND ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION WITH VOSS PLUMBING & HEATING OF PAYNESVILLE, MINNESOTA:

Shane Waterman, Assistant City Engineer, reviewed Change Order No. 3 (Final) for Legion Field Road Improvement Project Y44 with Voss Plumbing & Heating of Paynesville, Minnesota resulting in a contract increase of \$12,387.70. Mr. Waterman indicated that the change order is the result of final measurements and changes in item quantities during construction.

Doom moved, Sanow seconded, the approval of Change Order No. 3 (Final) with Voss Plumbing & Heating, for an increase in the amount of \$12,387.70 and the acknowledgement of the final payment in the amount of \$62,458.12 for Legion Field Road Improvement Project Y44. All voted in favor of the motion.

PROJECT Y84 – COMMENCEMENT BOULEVARD IMPROVEMENT PROJECT – CONSIDER RESOLUTION RECEIVING REPORT AND CALLING FOR HEARING ON IMPROVEMENT:

Shane Waterman, Assistant City Engineer, that this project involves the continuation of Commencement Boulevard from the eastbound Lane of Highway 23 to the end of the Bike/Pedestrian Underpass structure. Council Member Hulsizer questioned the need for another entrance off of Highway 23. Mr. Waterman indicated that project is part of a commercial development which may include a multi-sport complex for the Southwest Minnesota Amateur Sports Commission. If it wasn't completed now it would not be an option until the road until the road went through another full reconstruction. Mr. Waterman also indicated that there are baseball/softball fields proposed for this area.

Council Member DeCramer indicated that this project has been accelerated because of the Highway 23 project. Mr. Waterman indicated that the Bike trail will also be extended.

Doom moved, DeCramer seconded, the adoption of RESOLUTION NUMBER 3413, SECOND SERIES and that the reading of the same be waived. Resolution Number 3413, Second Series is a resolution Receiving the Feasibility Report and Calling for Hearing on Improvement for Project Y84 Commencement Boulevard Improvement. The public hearing will be held at 5:30 P.M. on June 8, 2010. All voted in favor of the motion, except Hulsizer who voted no.

PROJECT Y33 / 139-132-02 – CLARICE AVENUE FROM SUSAN DRIVE TO T.H. 23 IMPROVEMENT PROJECT – CONSIDER RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS:

Shane Waterman, Assistant City Engineer, indicated that this project involves the construction of watermain, storm sewer, minor sanitary sewer and street construction. The proposed project will construct Clarice Avenue and described utilities from Susan Drive to T.H. 23.

Boedigheimer moved, Doom seconded, the adoption of RESOLUTION NUMBER 3414, SECOND SERIES and that the reading of the same be waived. Resolution Number 3414, Second Series is a resolution Approving the Plans and Specifications and Ordering

Advertisement for Bids for Project Y33 / 139-132-02 Clarice Avenue Improvement Project from Susan Drive to T.H. 23. Bids will be received on June 23, 2010. All voted in favor of the motion.

PROJECT Y65 – RANCH AVENUE / SOUCY DRIVE AREA RECONSTRUCTION PROJECT – CONSIDER RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS:

Shane Waterman, Assistant City Engineer, indicated that this project involves the replacement of watermain, sanitary sewer and storm sewer and street reconstruction. The proposed project will reconstruct Ranch Avenue, Soucy Drive, Winifred Circle, Fremont Street and Pleasant Avenue and described utilities westerly from north 6th Street.

Doom moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3415, SECOND SERIES and that the reading of the same be waived. Resolution Number 3415, Second Series is a resolution Approving the Plans and Specifications and Ordering Advertisement for Bids for Project Y65 Ranch Avenue / Soucy Drive Area Reconstruction. Bids will be received o June 22, 2010. All voted in favor of the motion, except Hulsizer who voted no.

PROJECT Y59 – T.H. 23 PEDESTRIAN UNDERPASS PROJECT – CONSIDER RESOLUTION FOR MUNICIPAL STATE SYSTEM FUNDS ADVANCE:

Ben Martig, City Administrator, indicated that on October 13, 2009 the City Council authorized execution of MN/DOT Cooperative Construction Agreement no. 95351-R. This cooperative construction agreement provides for payment by the City to the State of the City's share of the cost of the pedestrian underpass construction and other associated construction to be performed upon, along and adjacent to T.H. 23 in connection with the T.H. 23 Pedestrian Underpass Project. Mr. Martig indicated that this project is eligible for the use of Municipal State Aid System (MSAS) Funds. The City currently receives just over \$500,000 per year from this fund. The City has completed major roadway improvements utilizing the MSAS account including the 2007 Downtown Reconstruction Project, Windstar Street from South Saratoga Street to T.H. 59, Windstar Street east of T.H. 59, and Clarice Avenue from Windstar Street to T.H. 23. The City's current balance in the account is approximately -\$436,000. The City is eligible to advance State Aid to three times our annual appropriation, or approximately \$1,500,000. This request would be for up to \$850,000 to make the City's total advance of MSAS funds \$1,286,000 payable over three years. Advance MSAS funding is subject to review and approval of the Minnesota Department of Transportation.

Council Member Sanow was concerned with borrowing three years worth of MSAS Funds and not have any money left for a State Aid Project if another street needed to be reconstructed. Mr. Waterman indicated that the City is current on their State Aid Street projects.

Ritter moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3416, SECOND SERIES and that the reading of the same be waived. Resolution Number 3416, Second Series is a resolution for Municipal State Aid Street Funds Advance. This resolution provides for the City of Marshall to request an advance of Municipal State Aid system funding in the amount of \$850,000. This advance will be repaid in equal installments over the next three years from future MSAS disbursements. All voted in favor of the motion, except Sanow and Hulsizer who voted no.

JANITORIAL SERVICES FOR VARIOUS CITY-OWNED BUILDINGS – CONSIDER EXTENSION OF CLEANING SERVICES CONTRACTS WITH C & C CLEANING:

Ben Martig, City Administrator, 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 through May 31, 2010. These buildings included the Marshall-Lyon County Library, the Adult Community Center, the Street Department and the Wastewater Treatment Facility. On April 27, 2010 the City Council authorized the extension of the janitorial services with C & C Cleaning for the Airport A/D Building from April 30, 2010 to May 31, 2010.

Mr. Martig indicated that revisions have been made to the janitorial services proposals for the various City-owned buildings and the City received proposals from three firms on May 18, 2010. There were significant differences in the costs of the proposals. City staff reviewed the proposals, discussed the potential of advertising for cleaning services for City Hall and reviewed potential proposals with the Personnel Committee on May 20, 2010.

Mr. Martig indicated that during the review of the proposals, discussion was held concerning whether or not the existing City personnel could provide some of the services at these buildings or whether or not the City should also contract for janitorial services at City Hall. In addition, these services were discussed at a Council Personnel Committee meeting and determined further review is required and to bring back to another Council meeting to consider the award of proposals. The owner of C & C Cleaning, Charlie Sanow, has agreed to the extension of janitorial services to June 30, 2010 to allow for further review and consider additional options. Further review would also include the award of the janitorial services to C & C Cleaning for the Airport A/D Building, the Marshall-Lyon County Library and the Adult Community Center and the City's existing Building Maintenance staff continue to provide janitorial and maintenance services for City Hall and Studio I and provide janitorial and maintenance services for the Street Department and the Wastewater Treatment Facility.

The existing City Building Maintenance staff provides janitorial services at City Hall and Studio I along with maintenance services at all City-owned buildings. Their services also include outside janitorial services, including snow removal during the winter months which can be substantial depending on the amount of snow.

In discussion with C & C Cleaning concerning an estimate of the amount of time necessary to include City Hall with the janitorial proposal, C & C Cleaning indicated that a good estimate for City Hall services would be an additional \$30,000 to \$35,000 per year. The existing City Building Maintenance staff should have a minimum of two personnel for maintenance and miscellaneous janitorial services. This also includes coverage for vacation, sick leave and other special events.

Mr. Martig indicated that the City Council needs to consider two items which are to approve the extension of the existing Proposal for Janitorial Services until June 30, 2010 with C & C Cleaning for the Airport A/D Building, Marshall-Lyon County Library, Adult Community Center, Street Department and the Wastewater Treatment Facility. The other item is to award the proposal for Janitorial Services for various City-owned buildings at the June 22, 2010 City

REGULAR MEETING – MAY 25, 2010

Council meeting for the period ending June 30, 2011. Upon award of the proposals, staff will also be recommending consideration of the extension period of June 1, 2010 to June 30, 2010.

Council Member Boedigheimer indicated that he came to the meeting with the intention of awarding this contract as advertised.

Council Member Hulsizer indicated that she would like to see a proposal for City Hall and Studio 1 included in these bids. Mayor Byrnes indicated that this was discussed at the last council meeting which resulted in additional review of the cleaning contract. Mr. Martig indicated that they included the analysis because the positions are more than just cleaning positions. Mr. Martig indicated that this will be discussed by the Personnel Committee and that he did receive some estimates on the cost of including City Hall and Studio 1. Council Member Ritter indicated that Personnel Committee did talk about getting actual bids.

Council Member Sanow clarified that he would accept a one month extension of the existing contract. Mr. Sanow also indicated that the documentation for conflict of interest was not available at the meeting to allow a Council Member to contract with the City. He also indicated that he was not very happy extending the contract at the current rate. Dennis Simpson, City Attorney, indicated that they were extending the contract under the existing terms.

DeCramer moved, Ritter seconded, to approve the extension of the existing Proposal for Janitorial Services until June 30, 2010 with C & C Cleaning for the Airport A/D Building, Marshall-Lyon County Library, Adult Community Center, Street Department and the Wastewater Treatment Facility. All voted in favor of the motion, except Boedigheimer who voted no and Sanow who abstained.

Doom moved, Ritter seconded, to consider awarding the proposal for Janitorial Services for all City-owned buildings at the June 22, 2010 City Council meeting for the period ending June 30, 2011. This motion includes receiving proposals for City Hall and Studio 1. All voted in favor of the motion, except Boedigheimer who voted no and Sanow who abstained.

Mayor Byrnes called for a 5-minute recess at 7:15 P.M.

AUTHORIZATION TO EXECUTE THE JOINT POWERS AGREEMENT BETWEEN SOUTHWEST/WEST CENTRAL SERVICE COOPERATIVE/CITY OF MARSHALL/MARSHALL MUNICIPAL UTILITIES:

Thomas M. Meulebroeck, Finance Director/City Clerk indicated that the Joint Powers Agreement with Southwest/West Central Services Cooperative is for Group Employee Benefits and Other Financial and Risk Management Services. This agreement has been reviewed by City Attorney Dennis Simpson. Marshall Municipal Utilities received the same agreement to be executed by them. The previous Joint Powers Agreement was dated August 7, 2000.

Ritter moved, DeCramer seconded, that the proper city personnel be authorized to enter into a Joint Powers Agreement for Group Employee Benefits and Other Financial and Risk Management Services with Southwest / West Central Service Cooperative. All voted in favor of the motion.

TRANSFER OF JURISDICTION BRANCH 10 CD 60B CITY OF MARSHALL AS WATER MANAGEMENT AUTHORITY:

Dennis Simpson, City Attorney, indicated that the Lyon County Board of Commissioners is the drainage authority regarding various agricultural drainage ditches located in Lyon County. One of those ditches is identified as Branch 10 of Lyon County Ditch 60B. A portion of Branch 10 is located within the City limits of the City of Marshall. That portion of Branch 10 located within the City of Marshall consists of a 36 inch tile line running generally in an easterly direction from the Southeast Quarter of the Northeast Quarter of Section 3 in Lake Marshall Township and then running easterly through the Northwest Quarter of Section 2. That portion of land is now located within the City of Marshall.

Mr. Simpson indicated that Minnesota Statutes §103E.812 authorizes the transfer of jurisdiction of that portion of the ditch lying within City limits to the City of Marshall as the water management authority pursuant to statute. The City of Marshall believes that the management of this portion of Branch 10 of Lyon County Ditch No. 60B could be handled efficiently and expeditiously by the City and is therefore requesting that the City Council authorize City staff to present petition to County Commissioners asking that this portion of Branch 10 be transferred to City jurisdiction. The City does not intend to disrupt or change any of the size of the ditch as located within the City of Marshall. In fact, the City is proposing to construct two stormwater detention ponds so as to meter water into the system at a slower rate. City Engineer is proposing that said stormwater detention will not have any adverse impact or consequences to downstream owners

Doom moved, DeCramer seconded, the adoption of RESOLUTION NUMBER 3417, SECOND SERIES and that the reading of the same waived. Resolution Number 3417, Second Series is a resolution Authorizing a Petition to Transfer Part of Drainage System Branch 10 of Lyon County Ditch 60B. This resolution provides for the submission of a Petition to Transfer Part of Drainage System of Lyon County Ditch 60B to Lyon County Commissioners for action as authorized by Minnesota Statute §103E.812. All voted in favor of the motion.

CONSIDER RESOLUTION AUTHORIZING SALE OF CITY OWNED PROPERTY:

Dennis Simpson, City Attorney, indicated that in 1988 the City of Marshall acquired vacant property adjacent to the Public Housing high-rise facility in downtown Marshall. There have been ongoing negotiations between the Public Housing Commission and the City of Marshall regarding the proposed sale of property from City of Marshall to the Public Housing Commission. The purchase will be funded by federal Housing and Urban Development (HUD) money. There are numerous federal regulations that need to be complied with and the closing is taking some time to conclude. However, City staff believes that the transaction is moving towards a closing and as such the City Council needs to authorize sale of City owned property.

Mr. Simpson indicated that an appraisal of the property has been indicating that the property is worth \$14,200. The City is prepared to convey property for that price. The complete appraisal is available at the Economic Development Office at City Hall or through the City Attorney's office.

Ritter moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3418, SECOND SERIES and that the reading of the same be waived. Resolution Number 3418, Second Series is a resolution Authorizing the Proper City Officials to Execute a Deed to Convey Real Estate Owned by the City of Marshall. This resolution provides for the sale of property from the City of Marshall to the Public Housing Commission. All voted in favor of the motion.

EDA SUBORDINATION POLICY COMMERCIAL OR RENTAL:

Boedigheimer moved, Ritter seconded, that the proper city personnel be authorized to execute the City of Marshall, Minnesota Loan Subordination Policy for Commercial Building Rehabilitation or Rental Building Rehabilitation Properties as Secured by the Small Cities Development Rehabilitation Program. All voted in favor of the motion.

APPROVAL OF THE SMALL CITIES GRANT:

Ben Martig, City Administrator indicated that the City of Marshall received a Small Cities Development Program (SCDP) grant in the amount of \$522,500 to rehabilitate 25 owner-occupied houses. Staff had originally requested \$526,600 for the SCDP grant. The SCDP target area is a large portion of the old city near the original industrial development sites and railroad tracks, adjacent to Marshall's downtown and athletic fields. The target area consists of 365 owner-occupied units with approximately 21% of the housing stock built prior to 1940, representing one of the oldest parts of the City off of the downtown area. Mr. Martig indicated that the funding is offered to individuals as a 10-Year Deferred Forgivable Loan with no interest. Each year, one-tenth of the amount is forgiven assuming that the person continues to live in the home and meets other criteria. The program requires a minimum of \$150,400 in privately leveraged funds. These leveraged funds can be in the form of owner cash contribution, private loans or other loan packages offered through the Greater Minnesota Housing Fund. The program is expected to be very popular based on past waiting lists that demonstrated a need for this funding. The program will generate a minimum of \$672,900 in housing investment and business locally.

DeCramer moved, Ritter seconded, that the proper city personnel be authorized to enter into agreement with the State of Minnesota Department of Employment and Economic Development Business and Community Development Division Small Cities Development Program Grant Agreement in the amount of \$522,500. All voted in favor of the motion.

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 Development Commission met last week in Jackson and discussed transportation issues; Regional Radio Board meets monthly.

Hulsizer Human Rights Commission met on Monday and introduced the new members.

Doom Planning Commission minutes are included in the agenda packet.

REGULAR MEETING – MAY 25, 2010

Sanow Marshall Area Transit met last week.

DeCramer Utilities Commission reviewed the 2009 Audit, the water study report was reviewed and scholarships were awarded.

Boedigheimer No report.

Ritter EDA and the Personnel Committee met.

STAFF REPORTS:

Ben Martig indicated that MN/DOT has requested monthly meetings to provide updates on the Highway 23 construction project; the Police Department has been contracted to provide traffic control along Highway 23 by the High School; signage is being worked on to help the business places that are impacted by the Highway 23 construction; the Council needs to schedule a time to review the City Audit; there will be a joint meeting with the Lyon County Commissioners and staff to discuss an EDA Director; the Charter Commission has met and discussed filling vacancies on the Council with a special election or by appointment; seasonal employees are being hired; the Public Safety Department is continuing to work with Western Community Action on the Sky Fest scheduled for July 10th and 11th; the Ways and Means Committee is discussing the purchasing policy and general fund reserve designation, and the Personnel Committee will be discussing the travel mileage policy.

Council Member Hulsizer questioned the need for more members to be added to the Charter Commission. Mr. Martig indicated that the Charter allows for additional members. Mayor Byrnes suggested it could help with getting a quorum and since they generally don't meet often. It would help with cases when people move, so that there are enough to retain knowledge on the commission in addition to quorums.

Shane Waterman, Assistant City Engineer, indicated that the Bike Trail has been completed along Country Club Drive and Camden Drive. The Pedestrian walk bridge was delivered today and will be set in place by Wednesday, May 26th.

Dennis Simpson, City Attorney, indicated that the signed easement has been sent to the Railroad. Mr. Simpson indicated that he has started discussion with the Corp of Engineers on the process.

Mr. Simpson indicated that there is one more piece of property that needs to be acquired for the Tiger Lake Project; the Plating issues are being worked on and the criminal process is complete for the dog bite case – the owner of the dog was found guilty on 2 of the 4 counts.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included MN/DOT has been busy filling the pot holes on East College Drive; Council Member Doom will not be at the June 8th meeting and Council Member DeCramer will not be at the June 22nd meeting.

REGULAR MEETING – MAY 25, 2010

REVIEW OF PENDING AGENDA ITEMS:

There 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	Menard, Inc.	1500	Boyer	Drive	Commercial Building	\$3,200,000
2	Daniel L. Giles & Paula Schneekloth	112	Park	Avenue	Kitchen Remodel	\$1,000
3	Alan Zant	602	Elaine	Avenue	Reroof (asphalt), Replace Door	\$5,800
4	Lawrence L. & Faye C. Haugen	1104	Willow	Lane	Reside Apartment (vinyl)	\$3,100
5	Michael & Vicky Felcyn	403	Viking	Drive	Reroof Dwelling (asphalt)	\$8,900
6	Kesteloot Construction, Inc.	602	South 2nd	Street	Reroof Dwelling (asphalt)	\$5,000
7	Janet Lindsay	1420	Floyd Wild	Drive	Reroof Dwelling (asphalt)	\$7,500
8	Michael Slagel Construction	700	Marguerite	Avenue	Sheetrock Garage	\$1,100
9	Richard Louwagie Construction	405	North 6th	Street	Reroof Dwelling (asphalt)	\$6,000
10	James Lozinski Construction Inc.	615	Camden	Drive	Reroof Dwelling (asphalt)	\$6,000
11	James Lozinski Construction Inc.	305	West Saratoga	Street	Reroof Dwelling (asphalt) & Replace Door	\$11,000
12	Joseph & Rachel Schaffran	106	George	Street	Reroof Dwelling (asphalt)	\$5,000
13	Frank & Cecilia Sanow	311	Lawerence	Street	Reroof Dwelling (asphalt)	\$2,000

REGULAR MEETING – MAY 25, 2010

14	Steven & LeeAnn Buysse	110 West Thomas Avenue	Reside and Reroof (asphalt)	\$9,800
15	Starlite Partnership	1005 Emerald Court	Reroof Apartment (asphalt)	\$5,900
16	Starlite Partnership	1001 & 1003 Indiana Jones Avenue	Reroof Garage (asphalt)	\$6,900
17	Ziegenhage Investments, LLC	100 North Highway 59	Demo Quonset from top of building	\$0
18	Coudron Construction, Inc.	715 Nuese Lane	Reroof Dwelling (asphalt)	\$9,400
19	Donald Mayaert	301 G Street	Reroof Dwelling (asphalt)	\$4,800
20	Mike Buysse Construction Inc.	1101 Eastwood Avenue	Reroof (asphalt)	\$7,500
21	Mike Buysse Construction Inc.	1103 Eastwood Avenue	Reroof (asphalt)	\$7,500
22	Mike Buysse Construction Inc.	1109 Eastwood Avenue	Reroof (asphalt)	\$7,500
23	Mike Buysse Construction Inc.	1107 Eastwood Avenue	Reroof (asphalt)	\$7,500
24	Mike Buysse Construction Inc.	1105 Eastwood Avenue	Reroof (asphalt)	\$7,500
25	Space Development Co. of Marshall	508 Pleasant Street	Reroof Dwelling (asphalt)	\$7,500
26	Kevin Lanoue Construction	501 Dogwood Avenue	Reroof Dwelling (asphalt)	\$8,600
27	Rolland J. & Mary D. Roseland	500 West Marshall Street	Remodel Bathroom	\$500
28	Dennis Lozinski Construction	401 South 4th Street	Replace doors	\$2,000

REGULAR MEETING – MAY 25, 2010

29	Dennis Lozinski Construction	1303	Horizon Drive	Reroof Dwelling (asphalt)	\$9,000
30	Dennis Lozinski Construction	703	South 1st Street	Reroof Dwelling (asphalt)	\$7,000
31	Rick Slagel Construction Inc	305	Carrow Street	Reroof Dwelling (asphalt)	\$6,000
32	Jullo Korr	701	South 4th Street	Steps	\$1,000
33	Allen L. Schmidt	501	Impala Court	Sunroom Addition	\$12,000
34	Scott VanOverbeke Construction	800	Cheryl Avenue	Reroof Dwelling (asphalt)	\$7,000
35	Gregory Matthys	111	"E" Street	Reroof Dwelling (asphalt)	\$7,500
36	Robert D. Andres	624	Donita Avenue	Reroof Dwelling (asphalt)	\$6,600
37	Thomas Ricke	105	"H" Street	Reroof Dwelling (asphalt)	\$5,000
38	Tanya L. Simon	505	East College Drive	Interior Remodel, Replace window	\$3,000
39	Gordon F. Edwards Jr.	502	Jewett Street	Finish Basement, Install Window	\$2,000
40	Brain Page	702	South 2nd Street	Stairs	\$700
41	DeWayne Johnson	1218	Parkside Drive	Reroof (asphalt)	\$5,000
42	Geske Home Improvement Co.	506	West Southview Drive	Window	\$6,000
43	Jeff Gladis Construction	306	Jean Avenue	Reroof Dwelling (asphalt)	\$4,000
44	Jeff Gladis Construction	611	Kathryn Avenue	Reroof Dwelling (asphalt)	\$9,800
45	Wade & Cindy McKittrick	1109	Jefferson Avenue	Reroof Dwelling (asphalt)	\$7,100

REGULAR MEETING – MAY 25, 2010

46	Jeff Gladis Construction	209	Carrow	Street	Reroof Dwelling (asphalt)	\$8,100
47	Jeff Gladis Construction	1109	Horizon	Drive	Reroof Dwelling (asphalt)	\$8,500
48	Jeff Gladis Construction	501	Genesis	Avenue	Reroof Dwelling (asphalt)	\$6,600
49	Darren A. Struck	109	Marlene	Street	Reroof Dwelling & Garage (asphalt)	\$5,600
50	Susan M. Broman	202	East Redwood	Street	Reroof Dwelling (asphalt)	\$4,300
51	James Lozinski Construction Inc.	204	Donita	Avenue	Reroof Dwelling (asphalt)	\$6,400
52	James Lozinski Construction Inc.	619	Kathryn	Avenue	Reroof Dwelling (asphalt)	\$5,800
53	James Lozinski Construction Inc.	607	Parkside	Drive	Reroof Dwelling (asphalt)	\$8,800
54	James Lozinski Construction Inc.	710	South 4th	Street	Reroof Dwelling (asphalt)	\$5,600
55	Alan Carpenter	608	Donita	Avenue	Reroof Garage (asphalt)	\$1,700
56	Alan Carpenter	608	Donita	Avenue	Reroof Dwelling (asphalt)	\$3,900
57	Kevin Lanoue Construction	1216	Patricia	Court	Reroof Dwelling (asphalt)	\$6,700
58	Kevin Lanoue Construction	614	Donita	Avenue	Reroof Dwelling (asphalt)	\$7,300
59	John W. Schaefer	610	West Main	Street	Reroof Dwelling (asphalt)	\$7,000
60	Haneca's Roofing	708	South 4th	Street	Reroof Dwelling (asphalt)	\$6,100
61	Doom & Cuypers, Inc.	401	South Saratoga	Street	Reroof (asphalt), Reside (vinyl)	\$4,000

REGULAR MEETING – MAY 25, 2010

					Storage Buildings	
62	Sequoia Holdings LLC	432	North	7th	Street	Reroof Dwelling (asphalt) \$5,000
63	Coudron Construction, Inc.	602	South	2nd	Street	Reroof Dwelling (asphalt) \$8,700
64	Rogers Rentals/Home Improv LLP	304		Walnut	Street	Deck \$1,500
65	Randy Sharbono	1235		Patricia	Court	Bathroom \$2,500
66	Michael Slagel Construction	703		Kennedy	Street	Replace Doors \$450
67	Roger B Holbeck	605	South	2nd	Street	Reroof Dwelling (asphalt) \$6,500

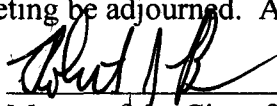
DETERMINATION TO GO INTO CLOSED SESSION PURSUANT TO MINNESOTA STATUTE 13D.05 SUBD. 3(C)(3) TO CONSIDER OFFERS FOR BLOCKS 16 AND 19:

Sanow moved, DeCramer seconded, that the Council go into closed session at 8:05.M. pursuant to Minnesota Statute 13D.05 Subd. 3(c)(3) to consider offers on purchasing city property for Blocks 16 and 19. All voted in favor of the motion.

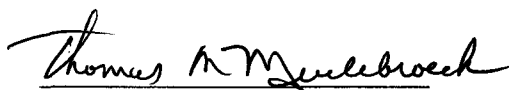
Those present at the closed session included: Mayor Byrnes, Council Members Hulsizer, Sanow, Doom, DeCramer, Boedigheimer and Ritter. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; and Thomas M. Meulebroeck, Finance Director/City Clerk.

The council came out of closed session at 8:17 P.M.

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


Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk