

REGULAR MEETING – JUNE 22, 2010

The regular meeting of the Common Council of the City of Marshall was held on June 22, 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, Boedigheimer and Ritter. Absent: DeCramer. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Rob Yant, Director of Public Safety; Thomas M. Meulebroeck, Financial 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 as presented.

APPROVAL OF THE MINUTES:

Sanow moved, Boedigheimer seconded, that the minutes of the regular meeting held on June 8, 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.

AWARD OF BIDS - PROJECT Y41 TIGER LAKE EXPANSION PROJECT – A. AUTHORIZATION TO ACQUIRE PROPERTY; B. DECLARATION OF OFFICIAL INTENT REGARDING THE REIMBURSEMENT OF EXPENDITURES WITH THE PROCEEDS OF TAX-EXEMPT BONDS; C. CONSIDER RESOLUTION ACCEPTING BID (AWARD CONTRACT):

Glenn Olson, Director of Public Works/City Engineer, indicated that the City of Marshall has previously acquired property from John Middleton, Nathan Peterson and Jeff and Nancy Pfaffe. There is additional green space available from homeowners Terry and Bette Zinnel. City staff and property owners have negotiated the terms of purchase of property. The City is proposing to acquire the Zinnel property for the same price as the City has acquired the Pfaffe property. Specifically the City would pay \$1.70 per square foot for total purchase price of \$21,335. City staff is therefore requesting Council approval to acquire this property so that the expansion project for Tiger Lake as proposed can proceed. City staff has been provided with documents so as to verify transfer of clear title from the property owners to the City of Marshall.

Ritter moved, Doom seconded, authorization to acquire additional green space property for the completion of the Tiger Lake Expansion project and approval of the Warranty Deed with Terry R. Zinnel and Bette Jo Zinnel for this piece of property. The City will pay \$21,335 for this piece of property. All voted in favor of the motion.

Glenn Olson, Director of Public Works/City Engineer, indicated that 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 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 extension of storms 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.

Boedigheimer moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3422, SECOND SERIES and that the reading of the same be waived. Resolution number 3422, Second Series is a resolution Declaring the Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for the Tiger Lake Expansion Project Y41. All voted in

REGULAR MEETING – JUNE 22, 2010

favor of the motion.

Bids were received, opened and read on June 15, 2010 for the Tiger Lake Expansion Project Y41. The bids received, opened and read were from:

Rogge Excavating, Inc. Ghent, Minnesota \$320,161.57	R & G Excavating Company Marshall, Minnesota \$471,655.00	D & G Excavating, Inc. Marshall, Minnesota \$521,583.40
Midwest Contracting, LLC Marshall, Minnesota \$551,108.50	Burski Excavating, Inc. Rice, Minnesota \$696,199.90	

Ritter moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3423, SECOND SERIES and that the reading of the same be waived. Resolution Number 3423, Second Series is a resolution Accepting Bid (Award Contract) for Tiger Lake Expansion Project Y41. This contract was awarded to Rogge Excavating, Inc., Ghent, Minnesota in the amount of \$320,161.57. All voted in favor of the motion.

AWARD OF BIDS – CONSIDER AWARD OF BIDS FOR CLEANING SERVICES FOR VARIOUS CITY-OWNED BUILDINGS:

Glenn Olson, Director of Public Works/City Engineer, indicated that the City has contracted with C & C Cleaning for more than a year for janitorial services for the Airport A/D Building, Library, Adult Community Center, Street Department and the Wastewater Administration Building. Recently, the City Council directed staff to also seek proposals for janitorial service for City Hall and Studio 1. The contract for the A/D Building at the airport expired on April 30, 2010, with the other contracted buildings contract expiring on May 31, 2010. The A/D Building contract was extended to May 31, 2010 and the intent of the new term was to be for 13 months, June 1, 2010 through June 30, 2011. At the City Council meeting held on May 25, 2010 they agreed to extend the cleaning contract with C & C Cleaning for an additional month with the contract amount to be negotiated with the provider. The new cleaning requirements will go into effect July 1, 2010 in accordance with the proposals. A checklist will be provided for the cleaning service to ensure compliance.

Proposals were received, opened and read for Janitorial Services for Various City-Owned Buildings. The proposals that were received, opened and read were from:

	<u>Airport A/D Building</u>		<u>Marshall Lyon County Library</u>	
	Cost of Services Per Month	Cost per Request Carpet/Upholstery Deep Cleaning	Cost of Services Per Month	Cost per Request Carpet/Upholstery Deep Cleaning
C & C Cleaning Marshall, MN	\$574.99	\$20/hr upholstery \$0.10/S.F. carpet	\$1,564	\$20/hr upholstery \$0.10/S.F. carpet
Heaven's Best Lynd, MN	\$4,676.40	\$0.15/S.F.	\$3,464	\$0.15/S.F.
Jubilee Cleaning Marshall, MN	\$1,558	\$705/time Once/year	No proposal	No proposal

REGULAR MEETING – JUNE 22, 2010

	<u>Adult Community Center</u>		<u>Street Department</u>	
	Cost of Services Per Month	Cost per Request Carpet/Upholstery Deep Cleaning	Cost of Services Per Month	Cost per Request Carpet/Upholstery Deep Cleaning
C & C Cleaning Marshall, MN	\$1,042.03	\$20/hr upholstery \$0.10/S.F. carpet	\$347.34	\$20/hr upholstery \$0.10/S.F. carpet
Heaven's Best Lynd, MN	\$2,164.78	\$0.15/S.F.	\$1,082.50	\$0.15/S.F.
Jubilee Cleaning Marshall, MN	\$1,735	\$704/time Twice/year	\$473	\$148/month for tile

	<u>Wastewater Treatment Facility</u>		<u>Studio 1</u>	
	Cost of Services Per Month	Cost per Request Carpet/Upholstery Deep Cleaning	Cost of Services Per Month	Cost per Request Carpet/Upholstery Deep Cleaning
C & C Cleaning Marshall, MN	\$476.66	\$20/hr upholstery \$0.10/S.F. carpet	\$228.71	\$20/hr upholstery \$0.10/S.F. carpet
Heaven's Best Lynd, MN	\$1732	\$0.15/S.F.	No proposal	No proposal
Jubilee Cleaning Marshall, MN	\$1,419	\$199/time Three times/year	\$400	\$0.25/S.F.

	<u>City Hall</u>	
	Cost of Services Per Month	Cost per Request Carpet/Upholstery Deep Cleaning
C & C Cleaning Marshall, MN	\$2,982	\$20/hr upholstery \$20/hr Meeting Rooms 0.10/S.F. carpet
Heaven's Best Lynd, MN	No proposal	No proposal
Jubilee Cleaning Marshall, MN	\$2,350.18	\$24/hr Meeting Rooms \$0.25/S.F.

Dennis Simpson, City Attorney, indicated that Minnesota Statute §471.88 subd. 1 does require a unanimous vote of the Council to approve the resolution authorizing the claim by a City Council member.

Council Member Ritter asked if the check off list would also be used by city staff for City Hall and the Marshall Lyon County Library. Mr. Olson indicated that city staff would be using the same check off list.

REGULAR MEETING – JUNE 22, 2010

Council Member Hulsizer asked how it was determined for city staff to clean City Hall and the Library. It was indicated that the Personnel Committee reviewed the proposals and the recommendation of city staff. It was also indicated that city staff performs all of the maintenance items for these two facilities that are not part of the janitorial services.

Ritter moved, Doom seconded, that the proposal for Janitorial Services for the Various City-Owned Buildings be awarded to C & C Cleaning of Marshall, Minnesota for June 1, 2010 through June 30, 2011 for the Airport A/D Building in the amount of \$538.00/month; Adult Community Center in the amount of \$975.00/month; Street Department in the amount of \$325.00/month; Wastewater Treatment Facility in the amount of \$446.00/month; Studio 1 in the amount of \$214.00/month plus sales tax for each of these areas and additional requests for deep cleaning upholstery will be \$20.00/hr. plus sales tax and additional requests for deep cleaning carpets will be \$0.10/S.F. plus sales tax. All voted in favor of the motion.

Ritter moved, Doom seconded, the adoption of RESOLUTION NUMBER 3425, SECOND SERIES and that the reading of the same be waived. Resolution Number 3425, Second Series is a resolution to Contract with a Council Member for Janitorial Services under Minnesota Statutes §§ 471.88, subd. 5 and 471.89, subd. 2. This contract is awarded to C & C Cleaning for Airport Arrival/Departure Building in the amount of \$538.00/month; Adult Community Center in the amount of \$975.00/month; Street Department in the amount of \$325.00/month; Wastewater Treatment Facility in the amount of \$446.00/month; Studio 1 in the amount of \$214.00/month plus sales tax for each of these areas and additional requests for deep cleaning upholstery will be \$20.00/hr. plus sales tax and additional requests for deep cleaning carpets will be \$0.10/S.F. plus sales tax. All voted in favor of the motion, except Sanow who abstained.

AWARD OF BIDS – DETECTIVE CAR FOR THE MARSHALL POLICE DEPARTMENT:

Bids were received, opened and read on June 7, 2010 for an unmarked Investigator's vehicle for the Police Department. The bids received, opened and read were from:

Kruse Motors
Marshall, Minnesota
2008 Impala with 22,095 miles
\$17,306.50

Lockwood Motors
Marshall, Minnesota
2009 Impala with 17,500 miles
\$18,128.50

Lockwood Motors
Marshall, Minnesota
2010 Impala LS with 25 miles
\$24,675.88

Lockwood Motors
Marshall, Minnesota
2010 Charger with no miles
\$24,538.49

Rob Yant, Director of Public Safety indicated that the car bid by Kruse Motors was 2008 red Chevrolet Impala with 22,095 miles on it, was bid at \$17,306. It is the oldest vehicle bid and is red in color. That is a very visible color which isn't desirable for an investigator's car which is often used for drug investigations and surveillance. The other cars were bid by Lockwood Motors. Two of them are 2009 silver Chevrolet Impalas with approximately 17,500 miles on them. One of those has multiple dings and small dents and wouldn't be desirable. Any of the other three cars would be acceptable to buy and use as an investigator's vehicle. However, Sgt. Curry and Chief Yant believe the best car to purchase would be the 2010 Dodge Charger which is a police package and available in several colors including silver and grey.

Doom moved, Sanow seconded, that the bid be awarded to Lockwood Motors, Marshall, Minnesota for a 2010 Dodge Charger in the amount of \$24,538.49. Council Member Boedigheimer indicated that it was not necessary to purchase a new vehicle to be used for an unmarked car. Voting

in favor of the motion were Doom, Sanow and Byrnes. Voting no were Ritter, Boedigheimer and Hulsizer. The motion failed.

Ritter moved, Boedigheimer seconded, the bid be awarded to Lockwood Motors for a 2009 Chevrolet Impala in the amount of \$18,128.50. Council Member Boedigheimer asked what would happen if this used vehicle was no longer available and Mr. Yant indicated that the bids were good for 30 days. All voted in favor of the motion except Doom who voted no.

AWARD OF BIDS – PAY LOADER REPAIRS FOR THE STREET DEPARTMENT:

Glenn Olson, Director of Public Works/City Engineer, indicated that the Street Department 1995 Caterpillar front-end loader (with just under 10,000 hours – just over 5,000 on this engine. The original engine was replaced in 1999 due to service error by Ziegler Equipment) was taken to Ziegler Equipment of Marshall, Minnesota for investigation of problems associated with overheating under heavy use. After investigation, it was found that the head gasket was bad and created problems for two cylinders requiring the replacement of the engine or resurfacing of the block. The costs for repairing the engine are based upon three options.

1. Completely tear down and resurface block, reinstall all existing parts - \$16,500
2. Replace with complete remanufactured Caterpillar engine (includes everything except alternator and starter), with 6-month warranty - \$20,800.
3. Completely rebuild original engine through Ziegler Equipment with a 2-year warranty (or 2,000 hours) - \$24,000.

Mr. Olson indicated that they also contacted RDO Equipment of Marshall, Minnesota, for a quotation for repair which was substantially higher than these three options. The Street Superintendent is investigating various values of existing condition and repaired condition as it relates to replacement.

Doom moved, Ritter seconded, that the Equipment Review Committee review the alternatives with a recommendation to come forward at the July 13, 2010 City Council meeting. All voted in favor of the motion.

CONSENT AGENDA – A. CONSIDER APPROVAL OF QUIT CLAIM DEED CITY OF MARSHALL TO TERENCE D. LOUWAGIE; B. CONSIDER THE REQUEST OF DUANE ANDERSON FOR A FIVE-YEAR RENEWAL OF A CONDITIONAL USE PERMIT FOR HOME OCCUPATION FOR AN ACCOUNTING AND CONSULTING BUSINESS IN AN R-1 ONE-FAMILY RESIDENCE DISTRICTED LOCATED AT 1303 WESTWOOD DRIVE; C. CONSIDER APPROVAL OF ADDENDUM TO THE DIRECTOR OF PUBLIC SAFETY, CITY ADMINISTRATOR AND CITY ENGINEER CONTRACTS; D. APPROVAL BILLS/PROJECT PAYMENTS:

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

The adoption of RESOLUTION NUMBER 3425, SECOND SERIES and that the reading of the same be waived. Resolution Number 3425, 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 transfer of a small parcel of property from the City of Marshall to adjacent property owner Terence D. Louwagie.

The approval of the request of Duane J. Anderson for a five-year renewal of a Conditional Use Permit for an accounting and consulting business at 1303 Westwood Drive with the following conditions:

1. This permit expires five years from its date of adoption.
2. Business hours shall be between 6:00 a.m. and 10:00 p.m. only.

The approval of an Addendum to the Director of Public Safety, City Administrator and

REGULAR MEETING – JUNE 22, 2010

Director of Public Works/City Engineer contracts to eliminate Paragraph 8 of the Employment Agreement. This amendment provides for the employee to be paid a monthly allowance for use of his personal automobile for Employer business. Payment shall be pursuant to terms of the City Personnel Policy as approved by the City Council.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 70173 through 70382.

All voted in favor of the motion.

CONSIDERATION OF APPROVAL OF THE 2009 AUDITED FINANCIAL REPORT FOR THE CITY OF MARSHALL:

Kyle Meyers provided an overview of the 2009 Audit Report prepared by Abdo, Eick Meyers. Mr. Meyers reviewed and hi-lighted various sections of the report and responded to any questions. Council Member Boedigheimer wanted to know how the City of Marshall compared to other cities their size. Mr. Meyers indicated that the City is in good financial condition.

Sanow moved, Boedigheimer seconded, to accept and approve the 2009 Audited Financial Report draft with changes as presented by Abdo, Eick & Meyers. All voted in favor of the motion.

CONSIDER THE REQUEST OF MARTIN BOUCEK FOR A VARIANCE ADJUSTMENT PERMIT TO CONSTRUCT AN ACCESSORY BUILDING AT 601 NORTH 4TH STREET:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request from Martin Boucek, 601 North 4th Street, for a Variance Permit to construct an accessory building that will extend 1.5 feet into the required 5 foot side yard and 13 feet into the required 15 foot rear yard as permitted by the City Code, Section 86-163 (b) (3). Mr. Olson indicated that Mr. Boucek wants to construct a new garage on the existing concrete slab left from the old garage that had been demolished by the previous property owner. However, it is possible to construct the garage in compliance with all required yard regulations of the City code. In this case, the existing tree in the middle of the yard will have to be cut down.

Doom moved, Ritter seconded, the approval of the request of Martin Boucek for a Variance Adjustment Permit to construct an accessory building that will extend 1.5 feet into the required 5 foot side yard and 13 feet into the required 15 foot rear yard as permitted by code at 601 north 4th Street with the condition that the garage be 14 x 20, be built on the current slab and never to be added onto. All voted in favor of the motion.

CONSIDER DOCUMENTS FOR SKYFEST ON JULY 10-11, 2010 – A. CONSIDER APPROVAL OF SPECIAL EVENT PERMIT; B. CONSIDER ENTERING INTO AN AGREEMENT WITH WESTERN COMMUNITY ACTION; C. CONSIDER REQUEST FOR PERMIT FOR PRIVATE USE OF CITY-OWNED PARKING LOT; D. CONSIDER MOTION TO AUTHORIZE CITY OF MARSHALL PUBLIC RESOURCES:

Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that on April 13, 2010 the City Council adopted a resolution Declaring Western Community Action SkyFest as a Community Festival. SkyFest is scheduled for Saturday, July 10, 2010 through Sunday, July 11, 2010. This application identifies the various individuals, organizations and activities involved with the SkyFest event. Approval of the permit would allow the holder of a retail intoxicating liquor license to serve intoxicating liquor off their premises. By approving this Special Event Permit Pappy's will be allowed to serve alcohol at the Southwest Minnesota Regional Airport – Marshall/Ryan Field. Western Community Action and Pappy's will be providing the necessary insurance certificates.

REGULAR MEETING – JUNE 22, 2010

Glenn Olson, Director of Public Works/City Engineer, indicated that Western Community Action (WCA) desires to conduct an air show at Marshall, Minnesota on July 10-11, 2010. This Air Show is intended as entertainment for the general public and WCA intends to sell general admission tickets to members of the public who desire to view the Air Show. The purpose of this agreement is to provide WCA permission to use the Southwest Minnesota Regional Airport-Marshall/Ryan Field, Marshall, MN airport to conduct the Air Show under the conditions and duties expressed in the agreement. Mr. Olson indicated that the Airport Commission reviewed this agreement and is recommending council approval.

Mr. Olson also reviewed a request from WCA for use of the City-owned parking area adjacent to USBank along Channel Parkway. Mr. Olson indicated that there are no softball tournaments scheduled during the weekend of SkyFest. WCA has also requested the utilization of City-owned property adjacent to CSAH 7 and the Diversion Channel for potential overflow parking. This area is a grassy area that has already been hayed and could be used if significant rainfall has not occurred prior to the event. WCA would have to repair any damages incurred to this property from the WCA activities.

Rob Yant, Director of Public Safety indicated that WCA is holding a general public air show as a community event for the region and a fund raising event for their agency. The event will also have other activities at the airport including a custom car and motorcycle show, a radio controlled airplane show, and a military recognition ceremony. As a community event that is expected to bring in 4,000 to 5,000 people per day, public safety is a concern. The south side of the airport along Channel Parkway and Co. Road 7 is also the alternate route for the Hwy. 23 detour. Rob indicated they have been working with event planners and have made plans to have City and non-City Public Safety resources at hand to help the event to be successful and as safe as possible. The City has done this using the minimum number of staff possible. This plan will take additional personnel who are generally working outside of their regular duties.

The Police Department has all available personnel working this event – including part-time officers and Community Service Officers who had not been previously authorized vacation. There will be two personnel at the Bike Trails dedication for one hour, providing bicycle registration for interested bicyclist. Mr. Yant indicated that not including the cost of providing personnel for the Bicycle Trail Kick off or his time, the Police Department will be having about six personnel working during the show for a minimum total of approximately 87 hours. Some will be paid their regular rate of pay but most will be being paid at their overtime rate. The normal contract rate of a staff person, almost always a Police Officer, is \$53.48 per hour. This is our Sergeant's overtime pay rate plus 17% to cover the cost of benefits. Normally we include a vehicle with any such assignment at this rate. The total estimated cost of providing these personnel at the contract rate for 87 hours would be \$4,652.76. Mr. Yant indicated that it would be appropriate to charge Western Community Action for about half that cost; for three contract persons for about 45 hours for a total of approximately \$2,406. This does not include any cost for the provision of providing the vehicles the Police Department staff will be using. The three positions that Mr. Yant would like WCA to pay for are: the Police Supervisor coordinating our activities; the Officer working primarily on the airport grounds, and the officer directing traffic into the parking lots off of County Road 7. These are the positions most focused on dealing with the air show activities. Mr. Yant indicated that charging Western Community Action for the three positions approximately \$2,406.60 would leave a balance of approximately \$2,246 being absorbed by the Police Department's budget. This does not include the cost for operating five to six vehicles at the event. These costs to staff the SkyFest weren't planned for as a operating expense last year and the current budget was never increased to cover the cost of providing personnel for the Sounds of Summer Festival, making it more important to have some

REGULAR MEETING – JUNE 22, 2010

revenue to offset unbudgeted expenses.

The Fire Department will have a truck on hand with minimum of two Fire Fighters all of the time that the planes are flying. Normally there would be a charge of \$150 per hour for this. The truck is subject to call out if something serious should occur. With a minimum of five hours of flying for only Saturday and Sunday this would be valued at least \$750 per day or \$1,500.

Mr. Yant indicated that non-City Public Safety Participation is also occurring. This includes:

North Ambulance Service: Will have an ambulance with a Paramedic and EMT on hand when the planes are flying. North is a corporate sponsor and so services are being donated. The normal cost of this would be approximately \$500 per day or \$1,000 for the show.

Lyon County Sheriff's Office: Will have an on duty deputy focusing on this area; particularly patrolling the township roads on the north side of the airport as much as possible.

Minnesota State Patrol: Will have one on duty trooper working this region and they will try and have this trooper focus on patrolling the state highways in proximity to the show and the detour.

Allan Bakke and Jessie Soucy, representatives from Western Community Action, were in attendance at the meeting. Mr. Bakke indicated that there will be free admission for the National Guard and their families. He is also requesting that the City fees be waived.

Council Member Ritter asked if the Convention and Visitors Bureau was involved and Mr. Bakke indicated that they helped with the promoting.

Ritter moved, Doom seconded the approval of the Special Event Permit for Western Community Action SkyFest. This permit will allow Pappy's to serve alcohol at the Southwest Minnesota Regional Airport – Marshall/Ryan Field. All voted in favor of the motion.

Council Member Ritter asked if Enterprise Rent-A-Car had been notified about the Air Show and Mr. Olson indicated that they were notified.

Council Member Sanow indicated that there will be extra cleaning involved because of the Air Show and it was indicated that WCA would be helping with this.

Glenn Olson, Director of Public Works/City Engineer, indicated that the request for Permit for Private Use of City-owned Parking Lot has been administratively approved for this event.

Council Member Boedigheimer asked if the Sounds of Summer is charged for city services. Mr. Yant indicated that they have charged for services for the dance prior to Sounds of Summer being organized.

Boedigheimer moved, Ritter seconded, to provide Public Safety services for Western Community Action's SkyFest on Saturday, July 10th and Sunday, July 11th at the Southwest Minnesota Regional Airport – Marshall/Ryan Field at no cost. All voted in favor of the motion.

Mr. Bakke took this opportunity to thank the City Staff for all of their help.

CONSIDER APPROVAL OF THE FOLLOWING LICENSES FOR THE HUNAN LION RESTAURANT – A. CONSUMPTION AND DISPLAY LICENSE; B. WINE LICENSE; C. 3.2 PERCENT MALT LIQUOR LICENSE:

Thomas M. Meulebroeck, Finance Director/City Clerk, reviewed the request from Joe Ektanithpong, requesting that the license fees be pro-rated. The Consumption and Display License fee is \$130.00 and this license expires on March 31, 2011. The fee for the Wine License is \$800.00 and for the 3.2 Percent Malt Liquor License is \$250.00. Both of these licenses expire on December 31, 2010.

Mr. Meulebroeck also indicated that Mr. Ektanithpong is requesting the City of Marshall to adopt an ordinance to allow the Hunan Lion to serve strong beer. This is allowed under Minnesota State Statute 340A.404, Subd. 5. Staff is recommending that the request for an ordinance be referred to the City Attorney to draft the ordinance, and then the ordinance be considered by the Legislative and Ordinance Committee and then submitted to the City Council at the July 13th meeting for introduction. It is our understanding that the ordinance is specific to the holder of the Wine License.

Doom moved, Sanow seconded, the approval of a Consumption and Display License to expire on March 31, 2011 for the Hunan Lion at a fee of \$92.00, a Wine License to expire on December 31, 2010 for the Hunan Lion at a fee of \$365.00, and a 3.2 Percent Malt Liquor License to expire on December 31, 2010 for the Hunan Lion at a fee of \$115.00. All voted in favor of the motion, except Boedigheimer who voted no.

CONSIDER RESOLUTION AUTHORIZING EXECUTION OF DOCUMENTS FOR MARSHALL SMALL CITIES DEVELOPMENT PROGRAM – A. APPROVAL OF OWNER OCCUPIED POLICIES AND PROCEDURES; B. APPROVAL OF OWNER OCCUPIED REPAYMENT AGREEMENTS; C. APPROVAL OF ADMINISTRATIVE CONTRACT:

Ben Martig, City Administrator, indicated that on May 25, 2010, the Marshall City Council approved Small Cities Development Program Grant Agreement between the State of Minnesota and the City of Marshall. This program includes \$522,500 to be used for residential owner occupied grant/loan purposes. There is an additional \$150,400 of match funds to be provided. Previously approved grant agreement has been signed by the City and has been forwarded to the State of Minnesota for execution. Since that date, City staff has had discussions and meetings with representatives of Southwest Minnesota Housing Partnership. As a result of those meetings, documents have been prepared and have been submitted to City for approval. Upon approval, the documents will be submitted to Southwest Minnesota Housing Partnership for signature. The repayment agreements will be used by the program administrator and will be signed by the City and by the individual owner occupants. Original loan agreements will be filed for record in the office of the Lyon County Recorder.

Ritter moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3426, SECOND SERIES and that the reading of the same be waived. Resolution Number 3426, Second Series is a resolution Approving Documents for Implementation of the 2010 Small Cities Development Program/Owner Occupied Rehabilitation Program. All voted in favor of the motion.

Sanow moved, Ritter seconded, that the proper city personnel be authorized to execute the City of Marshall Small Cities Development Program (SCDP) Residential Owner Occupied Housing Rehabilitation Program – Procedural Guidelines. All voted in favor of the motion.

Ritter moved, Sanow seconded, that the proper city personnel be authorized to execute the City of Marshall contract for Administrative Services with the Southwest Minnesota Housing

Partnership. All voted in favor of the motion.

INDUSTRIAL PARK AREA SANITARY SEWER AND LIFT STATION IMPROVEMENT PROJECT – CONSIDER ENTERING INTO PROFESSIONAL SERVICES AGREEMENT WITH BOLTON & MENK, INC.

Glenn Olson, Director of Public Works/City Engineer, indicated that in 2001, the Marshall City staff prepared a plan of action to address the sewer backups that occurred in April 2001 due to unusually high rainfall. One of the items identified in the plan of action was to investigate possible improvements to the wastewater collection system that would help alleviate the sewer backups associated with excess wastewater flows at the City's Main Lift Station. One of the improvement projects that was identified was the construction of a new lift station and forcemain that would intercept the wastewater (and I/I) flow from a large area on the north and west sides of the City and divert the flow away from the Main Lift Station and directly to the Wastewater Treatment Plant. The project consists of the sanitary sewer, lift station improvements and forcemain improvements that will provide sanitary sewer service to the newly developing industrial park area and redirect wastewater flows from a service area of approximately 1,000 acres away from the Main Lift Station and directly to the wastewater treatment plant.

Boedigheimer moved, Doom seconded, that the proper city personnel be authorized to enter into a Professional Services Agreement for the Industrial Park Area Sanitary Sewer and Lift Station Improvement with Bolton & Menk, Inc. All voted in favor of the motion.

CONSIDER RESOLUTION APPROVING A ZERO DOLLAR PERMIT TO CONSTRUCT TO STATE OF MINNESOTA DEPARTMENT OF TRANSPORTATION FOR THE T.H. 68 AUDIBLE PEDESTRIAN SIGNAL SYSTEM PROJECT:

Glenn Olson, Director of Public Works/City Engineer, reviewed the Zero Dollar Permit to Construct to State of Minnesota Department of Transportation for the T.H.68 Audible Pedestrian Signal System Project which allows the State of Minnesota to use various City right-of-ways of land for highway purposes, without the City surrendering possession of said property. Mr. Olson indicated that this resolution also grants immediate permission to the State of Minnesota for construction letting and the subsequent construction to be commenced immediately and without interruption. In addition, it allows the State of Minnesota the right to enter upon said premises and construct said project as soon as practical, to continue to work the same until fully completed, and to travel the same when completed.

Doom moved, Hulsizer seconded, the adoption of RESOLUTION NUMBER 3427, SECOND SERIES and that the reading of the same be waived. Resolution Number 3427, Second Series is a resolution Approving a Zero Dollar Permit to Construct to the State of Minnesota Department of Transportation for the Trunk Highway #68 Audible Pedestrian Signal System Project. All voted in favor of the motion.

FAIRVIEW TOWNSHIP ROAD REPAIR AND MAINTENANCE AGREEMENT:

Glenn Olson, Director of Public Works/City Engineer, reviewed the Fairview Township Road Repair and Maintenance Agreement which designates responsibilities of both parties of the agreement for a portion of 269th Avenue relating to signage, repair and maintenance, and access. The City Attorney has indicated that all modifications to the agreement were made and agreed to.

Ritter moved, Doom seconded, the proper City Personnel be authorized to enter into the Township Road Repair and Maintenance Agreement with Fairview Township. The agreement designates responsibilities of both parties of the agreement for a portion of 269th Avenue relating to

signage, repair and maintenance, and access. All voted in favor of the motion.

PROJECT Y51 / S.P. 139-090-03: NORTH BIKE TRAIL AND PEDESTRIAN TRAIL IMPROVEMENT PROJECT – A. CONSIDER CHANGE ORDER NO. 1; B. CONSIDER STATE AID FOR LOCAL TRANSPORTATION SUPPLEMENTAL AGREEMENT NO. 1:

Glenn Olson, Director of Public Works/City Engineer, reviewed the North Bike Trail and Pedestrian Trail Project Y51 / S.P. 139-090-03. This project consists of bituminous off-road and on-road bike and pedestrian trail construction and signage from T.H. 19/68 to 269th Avenue just north of the Southwest Minnesota State University Campus; shaping and bituminous paving for the existing off-road trail beginning at 269th Avenue west to Justice Park (Kossuth and North 7th Streets); shaping and bituminous paving for the existing off-road trail beginning at CSAH 7 along the Redwood River to the Wayside Park on T.H. 23 South; and finally, bituminous off-road trail construction along Country Club Drive from Southview Drive to South 4th Street.

Boedigheimer moved, Sanow seconded, the approval of Change Order No. 1 with Rogge Excavating, Inc., resulting in a contract increase in the amount of \$19,874.06 and a 16-day extension from June 30, 2010 to July 16, 2010. This change order provides for an adjustment in bid quantity units for Class 5 aggregate base from cubic yards to tons; some extra common excavation was required to correct soft subgrade; and some extra storm sewer work to repair an existing storm sewer and manhole near the SMSU pond. All voted in favor of the motion.

Boedigheimer moved, Sanow seconded, the approval of State Aid for Local Transportation Supplemental Agreement No. 1. This agreement indicates that the City has determined that the compaction method for the bituminous pavement is not consistent with the compaction method for the aggregate base. All voted in favor of the motion.

PROJECT Y83: DEMOLITION OF FORMER ARRIVAL/DEPARTURE BUILDING PROJECT – CONSIDER CHANGE ORDER NO. 1:

Glenn Olson, Director of Public Works/City Engineer, indicated that on April 13, 2010 the City Council awarded the Demolition of the Former Arrival/Departure Building (1604 West College Drive) to D & G Excavating, Inc., subject to approval and participation by MN/DOT – Aeronautics through Grant Agreement no. 96825. At the April 27, 2010 City council meeting, Grant Agreement No. 96825 was received from the State approving the State participation of 70% (\$47,524.00) and 30% City participation (\$20,367.00) with the City share to be funded from General Fund – Airport Buildings & Building Improvements Account No. 101-60364-5520. Per MN/DOT – Aeronautics direction, notice of award of contract was delayed until receipt of fully executed copy from MN/DOT – Aeronautics. This document was received on May 24, 2010 therefore, a 30-day contract extension was requested by the contractor due to delays in the award of contract to finalize MN/DOT – Aeronautics funding.

Ritter moved, Sanow seconded, the approval of Change Order No. 1 with D & G Excavating, Inc., resulting in a 30-day extension to the Substantial Completion date from June 15, 2010 to July 15, 2010. All voted in favor of the motion.

CITY OF MARSHALL 2010 HEALTH INSURANCE THIRD PARTY ADMINISTRATOR PROPOSED CONTRACT CHANGES – A. CONSIDERATION TO TERMINATE THE AGREEMENT WITH TOTAL ADMINISTRATIVE SERVICES CORPORATION (TASC), THE THIRD PART ADMINISTRATION SERVICES FOR 2010 - EFFECTIVE JULY 1, 2010; B. CONSIDERATION OF THIRD PARTY ADMINISTRATION WITH BILL CHUKUSKE INSURANCE SERVICES, INC. :

Ben Martig, City Administrator, indicated that the City has continued to work to resolve errors and other issues with TASC per the third party administrator contract. Bill Chukuske Insurance Services is proposing to provide the administration of the Employer Self-Funded Benefits Plan effective July 1, 2010 through December 31, 2010. Mr. Martig indicated that he has requested their firm to prepare the process, procedures and forms to ensure they will be capable on improving the administration. Mr. Martig indicated that there needs to be an agreement in writing for the remainder of 2010 and would work with City Attorney Simpson on this agreement.

Bill Chukuske Insurance Services, Inc. currently does not provide this type of service. However, Tom Meulebroeck and Ben Martig have discussed with them and feel that they should be capable if they put the time and effort into managing this for the remainder of the year. The processing may take some time but is not that complicated if forms and procedures are well documented and established.

The Personnel Committee met on Monday, June 14, 2010 and voted unanimously to terminate the agreement with TASC and hire Bill Chukuske Insurance Services, Inc., effective July 1, 2010. The City is currently paying \$540 per month for the third party administrator services with TASC. Bill Chukuske Insurance Services, Inc. is proposing to continue these services for the same fee according to the attached terms.

Doom moved, Ritter seconded, that the agreement with TASC for third party administration services be terminated effective July 1, 2010 and that the proper city personnel be authorized to enter into an agreement with Bill Chukuske Insurance Services, Inc., to perform the third party administration services effective July 1, 2010 at a rate of \$540 per month. All voted in favor of the motion.

Mayor Byrnes called for a 5-minute recess at 7:03 P.M. Council Members Hulsizer and Boedigheimer left the meeting at this time.

CONSIDER APPROVAL OF THE 2009-2010 LABOR AGREEMENT BETWEEN THE CITY OF MARSHALL AND LAW ENFORCEMENT LABOR SERVICES, INC. (LELS), LOCAL #245 – POLICE SUPERVISORS:

Sanow moved, Doom seconded, that the proper city personnel be authorized to enter into the 2009-2010 Labor Agreement with the Police Supervisors LELS #245. The Sergeants have agreed to a two-year (2009-2010) contract with a 0.0% and 1.0% respectively. This wage increase is consistent with the wage increase negotiated with the two other bargaining units as well as the non-union wage increase for the same period of time. This agreement also provides for an increase in the maximum allowance for footwear from \$120 to \$150. This change is consistent with the allowance provided to all other union agreements and the Personnel Policy Manual. 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 No report.

REGULAR MEETING – JUNE 22, 2010

Doom No report.

Sanow No report.

Ritter EDA met.

STAFF REPORTS:

Ben Martig, City Administrator, indicated that the salaries of the Mayor and Council Members will be discussed at the next City Council meeting; he provided a brief update on the library project; the new Library Director Holly Martin Huffman started on June 21st; the bonding for capital projects and funding for the new Library will be combined; the auditors indicated that the City is in a good financial position; the budget process will be starting soon; the Energy Office Grant was approved for the City of Marshall; information on the Sonstegard property will be sent to the council members; and a joint meeting with the County needs to be scheduled to discuss a joint EDA position.

Glenn Olson, Director of Public Works/City Engineer, did not have a report at this time.

Dennis Simpson, City Attorney, indicated that the League of Minnesota Cities has provided a brief summary of new laws for 2010.

Ben Martig, City Administrator, indicated that he would not be attending the League of Minnesota Cities Conference but Council Member Boedigheimer will be attending.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included Council Member Sanow indicated that he tried to attend the Personnel Committee meeting as a member of the public, but was asked to leave because there would have been a quorum of the council. Sanow called the State Attorney General's Office and received a ruling back indicating he had the right to be there as a citizen of Marshall and Sanow indicated that he was very angry when he loses his rights to be at a meeting.

Dennis Simpson, City Attorney, indicated that having four council members present at the same committee meeting would violate the Minnesota open meeting law, which prohibits full-quorum council meetings without posting notice of the meetings.

Ben Martig, City Administrator, indicated that when you have four members you have to post it as a City Council meeting. Mr. Martig indicated that he will follow up Council Member Sanow's concern with the open meeting law.

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.	The Country Stop	1206	East	College Drive	Temporary Structure	\$0

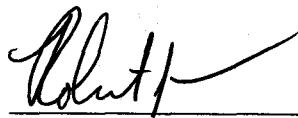
REGULAR MEETING – JUNE 22, 2010

2.	Lidbeck Construction	1301	Charles Avenue	Reroof (asphalt)	\$8,000
3.	James & Robin Knutson	1208	Horizon Drive	Reroof (asphalt), Bathroom	\$9,000
4.	Peggy Hames	103	Ranch Avenue	Reroof (asphalt), Insulate	\$5,300
5.	Cecil O. Doyle	1510	Westwood Drive	Reroof (asphalt)	\$10,000
6.	Maple Street Construction, LLC	603	Dogwood Avenue	Reroof (asphalt)	\$6,000
7.	Mike Buysse Construction Inc.	410 South 4th	Street	Exterior Remodel	\$3,000
8.	Richard Louwagie Construction	500 South Bruce	Street	Install Window	\$1,200
9.	Marsha Rose	708 South Bend	Avenue	Reroof - Asphalt	\$8,400
10.	Chauncey Welvaert Construction	602	Deschepper Street	Reroof (asphalt)	\$9,500
11.	Bradley Rau	1404	Floyd Wild Drive	Reroof (asphalt)	\$5,300
12.	Michael Slagel Construction	202	Park Avenue	Replace door	\$300
13.	CAB Quality Construction LLC	605 South 2nd	Street	Reside Vinyl	\$9,500
14.	Chuck Hess Concrete & Masonry	1213 East College	Drive	Demo	\$0
15.	Geske Home Improvement Co.	501	Kathryn Avenue	Reroof & Reside	\$17,500
16.	Geske Home Improvement Co.	202	Carrow Street	Install Window	\$5,000
17.	Michael A. Core	621	Elaine Avenue	Reroof (asphalt)	\$6,200
18.	Steven Otto Construction	1003	Hackberry Drive	Reroof (asphalt)	\$4,500
19.	Sussner Construction, Inc.	1301 South 4th	Street	Addition and Remodel	\$461,000
20.	Dennis Lozinski Construction	1406 East Lyon	Street	Reroof (asphalt)	\$50,000
21.	Shirley Peterson	400	Kathryn Avenue	Reroof (asphalt)	\$5,500
22.	Space Development Co. of Marshall	1103 West Main	Street	Concrete Floor Foundation	\$38,000
23.	Jay Catoor	313 North Highway 59		Signs	\$400
24.	Coudron Construction, Inc.	700	Adobe Road	Reroof (asphalt)	\$11,500
25.	Jason Neilsen	1008	Colombine Drive	Reside (vinyl), Replace Windows	\$13,500
26.	Derek N. Hayes	601	Genesis Avenue	Reroof (asphalt)	\$3,500
27.	Gil Sook	1306	Westwood Drive	Reroof Dwelling (asphalt)	\$4,500
28.	Tony Laleman	902	Birch Street	Reroof (asphalt)	\$3,200
29.	Chuck Hess Concrete & Masonry	1213 East College	Drive	Interior Remodel	\$4,500
30.	Tutt Construction, Inc.	1002	Country Club Drive	Reroof (shakes)	\$36,000
31.	CAB Quality Construction LLC	400	Sunrise Lane	Reroof (asphalt)	\$6,100
32.	CAB Quality Construction LLC	704	Marguerite Avenue	Reroof (asphalt)	\$7,500
33.	Thomas E. & Marlene A. Nordby	1236	Patricia Court	Deck, Bathroom Remodel	\$10,000

REGULAR MEETING – JUNE 22, 2010

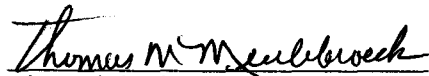
34.	Kevin Lanoue Construction	515	Lawerence	Street	Reroof (asphalt)	\$7,500
35.	Dan Schaefer Construction, Inc	100	Elaine	Avenue	Reroof (asphalt)	\$10,600
36.	Yvonne I Tubbs	1201	Cheryl	Avenue	Reroof (asphalt)	\$5,700
37.	Sara Jean Vanleeuwe	103	Gray	Place	Reroof (asphalt)	\$7,500
38.	Vincent VanOverbeke	616	Kathryn	Avenue	Reroof (asphalt)	\$4,100
39.	James Lozinski Construction Inc.	203	Jewett	Street	Reroof (asphalt)	\$19,000
40.	Kesteloot Construction, Inc.	307	Carrow	Street	Exterior Remodel (asphalt, Vinyl)	\$18,800
41.	Mike Buysse Construction Inc.	107 West	Southview	Drive	Reroof (asphalt)	\$3,500
42.	James Lozinski Construction Inc.	501 South	Whitney	Street	Reroof Youth Center (asphalt)	\$12,000
43.	Thooft Construction	1100 East	Main	Street	Interior Remodel, Handicap Entrance	\$9,200

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