

REGULAR MEETING – JULY 13, 2010

The regular meeting of the Common Council of the City of Marshall was held on July 13, 2010 in the Professional Room at the Marshall Middle School, 401 South Saratoga Street. The meeting was called to order at 5:30 P.M. by Mayor Byrnes. In addition to Byrnes the following members were present: Hulsizer, Doom, Sanow, DeCramer, Boedigheimer and Ritter. Absent: none. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Rob Yant, Director of Public Safety; Thomas M. Meulebroeck, Finance Director/City Clerk; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

It was the general consensus of the Council that the agenda be approved with the addition of item 6n, which is consider approval of an LG220 Application for Exempt Permit for AVERA for September 13, 2010.

APPROVAL OF THE MINUTES:

Ritter moved, Sanow seconded, that the minutes of the special meeting held on June 22, 2010 and the minutes of the regular meeting held on June 22, 2010 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

AWARD OF BIDS – CONSIDER REJECTING BIDS FOR INVESTIGATOR VEHICLE AND AUTHORIZATION FOR RELEASE OF BIDS FOR INVESTIGATOR VEHICLE:

Rob Yant, Director of Public Safety, indicated that the bids for an investigator's vehicle for the Marshall Police Department received from Lockwood Motors and Kruse Motors both of Marshall to replace the current 1997 Ford Taurus that has been used by the Police Department as an Investigator's vehicle. Lockwood Motors bid three used vehicles and one new one and Kruse bid a red used vehicle. The Equipment Committee recommended the purchase of a new Dodge Charger from Lockwood Motors and then Council authorized the purchase of a 2009 Chevrolet Impala from Lockwood Motors. Mr. Yant indicated that it was their understanding that these would be available through the bidding process and the vehicles were available when Mr. Yant's to council was written earlier in the week. The bid advertisement stated that the vehicles had to be held until the council meeting of June 22, 2010.

However, when Lockwood Motors was contacted on Wednesday, June 23 to authorize the purchase City staff was informed that they had sold one of the 2009 Chevrolet Impalas that they had bid on the Friday before the Council meeting and the other one the next day. They didn't have either car but believed that providing a comparable car at the bid price would meet the requirements of the bid award. City Administrator Ben Martig reviewed the bid documents and also consulted Marshall City Attorney Dennis Simpson regarding this bid. Both Martig and Simpson concurred that the bids were clearly for a specific car -- not a category and price on one. Therefore, there would need to be a new bid process if there were not satisfactory vehicles available for consideration. The only other vehicles that were bid that were still valid as of Wednesday, June 22, 2010 were the red impala with Kruse Motors and the Charger with Lockwood's. The red color is not satisfactory with the police department and prohibited on the bid specifications. Lockwood's had a used red vehicle available as well and did not bid it as they felt it did not meet the specs. The Charger was rejected on a split vote by the Council and therefore staff feels that there should be alternative used vehicles available for consideration based on the second vote to purchase the used Impala.

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Staff recommended that this vehicle be re-bid with a very tight time frame and to remove the requirement to hold the vehicles for an extended period of time as this was an issue with this bid. The bid specifications and advertisement form are the same except as it relates to the timeline and change of the requirement to hold the vehicles.

A brief discussion on the specs included: holding the vehicle bid until the bids are awarded; the color should be neutral (not shall be neutral); DVD player and carpet floor mats be removed from the bid specifications.

Boedigheimer moved, Ritter seconded, to reject all bids received on June 7, 2010 and re-advertise for an unmarked investigator's vehicle for the Marshall Police Department. All voted in favor of the motion.

AWARD OF BIDS – STREET DEPARTMENT PAY LOADER REPAIRS:

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 on three options from Ziegler Equipment:

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 the options from Ziegler Equipment.

Council Member Doom indicated that the extended warranty was only for the engine and was not in favor of this. Council Member Sanow expressed his opposition to the warranty. Council Member Ritter expressed his support for a warranty.

Doom moved, Sanow seconded, approval for the Street Department 1995 Caterpillar front-end loader be repaired with remanufactured Caterpillar engine, including everything except the alternator and starter, with a 6-month warranty with Ziegler Equipment, Marshall Minnesota at a cost of \$20,800. All voted in favor of the motion, except Ritter and DeCramer who voted no.

AWARD OF BIDS – PROJECT Y65 RANCH AVENUE/SOUCY DRIVE AREA RECONSTRUCTION PROJECT – A. DECLARATION OF OFFICIAL INTENT REGARDING THE REIMBURSEMENT OF EXPENDITURES WITH THE PROCEEDS OF TAX-EXEMPT BONDS; B. RESOLUTION ACCEPTING BID (AWARDING CONTRACT):

Glenn Olson, Director of Public Works/City Engineer, reviewed Project Y65 Ranch Avenue/Soucy Drive Area Reconstruction. 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.

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DeCramer moved, Doom seconded, the adoption of RESOLUTION NUMBER 3428, SECOND SERIES and that the reading of the same be waived. Resolution Number 3428, Second Series is a resolution Declaring the Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for the Ranch Avenue/Soucy Drive Area Reconstruction Project Y65. All voted in favor of the motion.

Bids were received, opened and read on June 22, 2010 for the Ranch Avenue/Soucy Drive Area Reconstruction Project Y65. The bids received, opened and read were from:

Chad Monson Excavating, LLC Willmar, Minnesota \$994,300.00	Northdale Construction Albertville, Minnesota \$998,589.80	GM Contracting, Inc. Lake Crystal, Minnesota \$1,061,887.23
Kuechel Underground, Inc. Kimball, Minnesota \$1,085,465.40	Quam Construction Co., Inc. Willmar, Minnesota \$1,053,024.50	R & G Construction Co. Marshall, Minnesota \$1,106,251.43

Ritter moved, DeCramer seconded, the adoption of RESOLUTION NUMBER 3429, SECOND SERIES and that reading of the same be waived. Resolution Number 3429, Second Series is a resolution Accepting Bid (Award Contract) for the Ranch Avenue/Soucy Drive Area Reconstruction Project Y65. This contract was awarded to Chad Monson Excavating, Inc., Willmar, Minnesota in the amount of \$994,300.00. All voted in favor of the motion.

AWARD OF BIDS – PROJECT Y33 / 139-132-02 CLARICE AVENUE FROM SUSAN DRIVE TO T.H. 23 IMPROVEMENT PROJECT - A. DECLARATION OF OFFICIAL INTENT REGARDING THE REIMBURSEMENT OF EXPENDITURES WITH THE PROCEEDS OF TAX-EXEMPT BONDS; B. RESOLUTION ACCEPTING BID (AWARDING CONTRACT):

Glenn Olson, Director of Public Works/City Engineer, reviewed Project Y33 / 139-132-02, Clarice Avenue from Susan Drive to T.H. 23 Improvement Project. 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.

Doom moved, DeCramer seconded, the adoption of RESOLUTION NUMBER 3430, SECOND SERIES and that the reading of the same be waived. Resolution Number 3430, Second Series is a resolution Declaring the Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for the Clarice Avenue from Susan Drive to T.H. 23 Improvement Project Y33 / 139-132-02. All voted in favor of the motion.

Bids were received, opened and read on June 23, 2010 for the Clarice Avenue from Susan Drive to T.H. 23 Improvement Project Y33 / 139-132-02. The bids received, opened and read were from:

R & G Construction Co. Marshall, Minnesota \$731,806.23	Duininck Bros., Inc. Prinsburg, Minnesota \$741,725.99	Quam Construction Co., Inc. Willmar, Minnesota \$791,615.78
D & G Excavating, In. Marshall, Minnesota \$828,043.20	Northdale Construction Albertville, Minnesota \$864,675.88	

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Doom moved, DeCramer seconded, the adoption of RESOLUTION NUMBER 3431, SECOND SERIES and that reading of the same be waived. Resolution Number 3431, Second Series is a resolution Accepting Bid (Award Contract) for the Clarice Avenue from Susan Drive to T.H. 23 Improvement Project Y33 / 139-132-02. This contract was awarded to R & G Construction Co., Marshall, Minnesota in the amount of \$731,806.23. All voted in favor of the motion.

CONSENT AGENDA – A. AUTHORIZATION TO DECLARE ITEMS AS SURPLUS PROPERTY - BICYCLES AND MISCELLANEOUS ITEMS; B. TEMPORARY 3.2 PERCENT MALT LIQUOR LICENSE FOR VFW FOR JULY 31, 2010 FOR TOYS FOR TOTS AND THE FAIRGROUNDS AND FOR THE MONTH OF AUGUST FOR THE LYON COUNTY FAIR; C. LG220 APPLICATION FOR EXEMPT PERMIT FOR SMSU FOR OCTOBER 2, 2010 AND FOR FEBRUARY 25, 2011; D. PROJECT Y81: SONSTEGARD INDUSTRIAL PARK IMPROVEMENT PROJECT - CONSIDER RESOLUTION ORDERING PREPARATION OF REPORT ON IMPROVEMENT; E. PROJECT Y85: INDUSTRIAL PARK AREA SANITARY SEWER & LIFT STATION IMPROVEMENT PROJECT - CONSIDER RESOLUTION ORDERING PREPARATION OF REPORT ON IMPROVEMENT; F. CONSIDER REQUEST OF DOWNTOWN BUSINESS ASSOCIATION FOR “THURSDAYS ON THIRD”; G. AMENDMENT TO CHAPTER 38 FLOODS - INTRODUCTION OF ORDINANCE AND CALL FOR PUBLIC HEARING; H. AMENDMENT TO CHAPTER 86, SEC. 86-107, I-2 GENERAL INDUSTRIAL DISTRICT - INTRODUCTION OF ORDINANCE AND CALL FOR PUBLIC HEARING; I. REZONE OF PROPOSED SONSTEGARD SUBDIVISION I FROM A B-3 GENERAL BUSINESS DISTRICT AND AN A-AGRICULTURAL DISTRICT TO A B-3 GENERAL BUSINESS DISTRICT AND AN I-2 GENERAL INDUSTRIAL DISTRICT - INTRODUCTION OF ORDINANCE AND CALL FOR PUBLIC HEARING; J. SPECIAL VEHICLE PERMIT FOR ALLEN SCHMIDT; K. APPROVAL OF AMENDED LEASE WITH DAN GREGOIRE FOR THE PARKWAY III PROPERTY; L. INTRODUCTION OF ORDINANCE TO SELL INTOXICATING MALT LIQUOR AT HUNAN LION, INC; M. APPROVAL BILLS/PROJECT PAYMENTS; N. LG220 APPLICATION FOR EXEMPT PERMIT FOR AVERA FOR SEPTEMBER 13, 2010:

Item h, which is introduction of an Ordinance and call for a public hearing to consider an amendment to Chapter 86, Sec. 86-107, I-2 General Industrial District, was removed from the consent agenda.

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

Authorization to declare bicycles as surplus property and that the proper city personnel be authorized to dispose of these bicycles by donating them to a positive program within Marshall, be sold by the Police Department or crushed.

Authorization to declare excess city property as surplus property and that the proper city personnel be authorized to dispose of surplus City property at a Rummage Sale to be held on Crazy Days.

Approval of a Temporary 3.2 Percent Malt Liquor License for the VFW Post 742 to use on July 31, 2010 at the Lyon County Fair Grounds for Toys for Tots and a 3.2 Percent Malt Liquor License for the VFW Post 742 to use for the month of August at the Lyon County Fair Grounds for the Lyon County Fair on August 4, 2010 through August 8, 2010.

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BE IT RESOLVED, that the proper City personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the Application for Exempt Permit – LG220 for Southwest Minnesota State University Foundation for a raffle to be held at Southwest Minnesota State University Regional Event Center, 401 Mustang Trail, Marshall, Minnesota on October 2, 2010 and that the 30 day waiting period be waived.

BE IT RESOLVED, that the proper City personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the Application for Exempt Permit – LG220 for Southwest Minnesota State University Foundation for a raffle to be held at Southwest Minnesota State University Conference Center, 310 North O'Connell Street, Marshall, Minnesota on February 25, 2011 and that the 30 day waiting period be waived.

The adoption of RESOLUTION NUMBER 3432, SECOND SERIES and that the reading of the same be waived. Resolution Number 3432, Second Series is a resolution Ordering Preparation of Report on Improvement for Sonstegard Industrial Park Improvement Project Y81. This project may consist of sanitary sewer installation, watermain installation, storm sewer and pond installation, site grading, street construction and miscellaneous work.

The adoption of RESOLUTION NUMBER 3433, SECOND SERIES and that the reading of the same be waived. Resolution Number 3433, Second Series is a resolution Ordering Preparation of Report on Improvement for Industrial Park Area Sanitary Sewer and Lift Station Improvement Project Y85. This 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.

Approval of the request for street closure for "Thursdays on Third" to be held Thursday evenings in the summer from July 8, 2010 to August 19, 2010 from 5:00 P.M. to 8:00 P.M. with the requirement that proper MUTCD traffic control devices are in place for the events.

The introduction of an ordinance Amending Marshall City Code Ordinances – Chapter 38 Relating to Floods and call for hearing to be held at 5:30 P.M. on July 27, 2010. This ordinance would provide revisions concerning floodplain management.

The introduction of an ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance will rezone the Proposed Sonstegard Subdivision I from A (Agricultural District) and B-3 (General Business District) to I-2 (General Industrial District) and B-3 (General Business District).

The approval of a Special Vehicle Permit for Allen Schmidt to drive his golf cart on designated City streets during designated hours.

The proper city personnel be authorized to enter into an Addendum to Farm Lease with Dan Gregoire. The amendment provides for lease of the Parkway property being reduced from 18.19 acres to 16.96 acres of farm land.

The introduction of an ordinance Authorizing the Sale of Intoxicating Malt Liquors. This ordinance will allow the Hunan Lion, Inc., to serve On-Sale Intoxicating Malt Liquor. Minnesota Statute 340A.404 subd. 5b does authorize, by ordinance, on-sale of intoxicating malt liquor without the issuance of an additional liquor license if the establishment has a wine license, 3.2% malt liquor license and has gross receipts from food sales exceeding 60%.

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The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 70383 through 70623.

BE IT RESOLVED, that the proper City personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the Application for Exempt Permit – LG220 for Avera Marshall Foundation for a raffle to be held at Marshall Country Club, 800 Country Club Drive, Marshall, Minnesota on September 13, 2010 and that the 30 day waiting period be waived.

All voted in favor of the motion.

Sanow moved, DeCramer seconded, the introduction of an ordinance Amending Marshall City Code of Ordinances – Chapter 86 Relating to Zoning and call for a public hearing to be held at 5:30 P.M. on July 27, 2010. This ordinance provides for several uses within the I-1 Limited Industrial District be included in the I-2 District. Dennis Simpson, City Attorney, indicated that CDI, LLP Partnership opposes the introduction of this ordinance. All voted in favor of the motion.

PRESENTATION BY AVERA REGIONAL MEDICAL CENTER:

Mary Maertens, CEO of Avera Regional Medical Center, was in attendance at the meeting to provide the biannual report as per our agreement. Ms. Maertens provided a presentation on: feeling squeezed even before the impact of Healthcare Reform; the direction of Healthcare Reform is placing additional pressures on the hospital business model; the principals of Healthcare Reform; implications for hospital providers; the Reform Readiness Assessment; and characteristics of the best prepared hospitals and health systems. Ms. Maertens also provided a Status Report related to the sale documents which included PERA “True Up”; Special Committee to oversee gift from City of Marshall to Avera Marshall; System initiatives in supply chain and revenue cycle; assumed new role in behavioral health services in Worthington; achieved Level 3 Trauma designation for Emergency Medicine; added eEmergency to telehealth capabilities; physician recruitment & retention; Joint Commission survey; Regional growth; year end financial performance; MNA and AFSCME (RN & LPN respectively) contracts open September 30, 2010; Analyzing impact of federal health reform & preparing today; staying on top of MN’s health reform pathway and preparing accordingly; a bracing for a very difficult legislative year.

AMATEUR SPORTS COMMISSION AND MERIT CENTER BOARD PRESENTATION:

Ben Martig, City Administrator, provided an update on the Southwest Minnesota Regional Amateur Sports Center and the Minnesota Emergency Response and Training (MERIT) Center. Mr. Martig indicated that the request for \$4 million in state bonding dollars to help build the sports center was not approved and neither was a proposed 0.5 percent city sales tax. The supports of the sports center indicated that they will ask again for a share of state bonding and approval for the general sales tax in the next session. The sports center proposal was grouped with the MERIT Center which would provide a driving course and other emergency response and industrial training opportunities for the region. The Legislature approved \$1 million in state bonding dollars for the MERIT Center and a proposed 1.5 percent food and lodging sales tax. Mr. Martig indicated that the Legislature expanded the duration of the hospitality tax to a maximum of 30 years, and allowed the tax revenue to be used for capital expenses in the MERIT Center project. Stan Brewers, Chair from the MERIT Center, and Roger Madison, Vice Chair for the sports center, indicated that they have work together to request

funding for these two projects. There will need to be a special election in 2011 to approve the sales and lodging taxes in Marshall.

RUNNING'S AND MINNWEST BANK APPEAL OF SIDEWALK – BASELINE ROAD/SUSAN DRIVE:

Glenn Olson, Director of Public Works/City Engineer, indicated that Project Y28, Baseline Road/Susan Drive Improvement Project covers the proposed Baseline Road construction/reconstruction which shall consist of the installation of curb and gutter, sidewalk, aggregate base, pavement removal and construction, and miscellaneous work. Susan Drive improvements shall consist of sanitary sewer main and services, water services for Outlot B of J-C Boyer Addition, curb and gutter, sidewalk, aggregate base, pavement construction and miscellaneous work. Sidewalks exist on both sides of these streets to connect to Susan Drive and Nwakama Drive. Mr. Olson indicated that received a written objection from MinnWest Bank and Runnings requesting removal of the sidewalks on their side of Baseline Road from Susan Drive to Nwakama Drive.

Gary Becker, Manager for Runnings, was in attendance at the meeting and indicated that the proposed sidewalk will pass along the back of the Runnings retail store; therefore it will not benefit their retail operations. MinnWest Bank is a retail bank but walking to their bank is impractical.

Council Member Boedigheimer was not in favor of sidewalk in this area. Mr. Olson indicated that there is no real demand for sidewalks in this area and it is not necessary to have sidewalks on both sides of the street. Council Member Doom is not in favor of sidewalks and Council Member DeCramer indicated that there is no foot traffic in this area and that the sidewalk policy should be reviewed.

Boedigheimer moved, Doom seconded, that sidewalks not be installed along the back of the Runnings retail store and MinnWest Bank side of Baseline Road. All voted in favor of the motion, except Hulsizer who voted no.

**MARSHALL LYON COUNTY LIBRARY PROJECT PROGRESS ADDITION –
A. UPDATE ON BIDS AND TIMELINE; B. CONSIDER EXTENSION OF EFFECTIVE PERIOD OF PROGRESS ADDITION PRELIMINARY PLAT APPROVAL;
C. CONSIDER RESOLUTION ADOPTING THE PROGRESS ADDITION FINAL PLAT:**

Ben Martig, City Administrator, provided a review of the bids that were received for the Marshall Lyon Council Library and indicated that they would be awarded at the next regular City Council meeting.

Glenn Olson, Director of Public Works/City Engineer, indicated that at the November 5, 2006 City Council meeting the Preliminary Plat of Progress Addition as approved. Mr. Olson indicated that an extension of the effective period of the preliminary plat was deemed necessary in order to complete the bidding process for a new library to ensure the project would proceed.

Ritter moved, DeCramer seconded, to extend the effective period of the preliminary plat of Progress Addition to July 13, 2010. All voted in favor of the motion, except Boedigheimer who voted no.

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Ritter moved, DeCramer seconded, the adoption of RESOLUTION NUMBER 3434, SECOND SERIES and that the reading of the same be waived. Resolution Number 3434, Second Series is a resolution Approving the Final Plat of Progress Addition contingent upon City Attorney approval and that City staff be allowed to make minor changes as identified by the Lyon County Recorder. All voted in favor of the motion.

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

APPROVAL OF A RESOLUTION FOR ALL-HAZARD MITIGATION PLAN:

Rob Yant, Director of Public Safety, indicated that the City of Marshall has participated in the hazard mitigation planning process as established under the Disaster Mitigation Act of 2000. The City needs to have an All-Hazard Mitigation Plan and adopt a resolution in case of a natural disaster for FEMA funding. Lyon County has proposed an All-Hazard Mitigation Plan which has been shared with the Minnesota Division of Homeland Security and Emergency Management and the Federal Emergency Management Agency for review and comment. Lyon County's proposed plan is scheduled to be adopted on July 13, 2010. The City could adopt Lyon County's plan to fit the FEMA funding need.

Ritter moved, Sanow seconded, the adoption of RESOLUTION 3435, SECOND SERIES and that the reading of the same be waived. Resolution Number 3435, Second Series is a resolution Adopting the Lyon County All-Hazard Mitigation Plan. All voted in favor of the motion.

APPROVAL OF THE PSIC GRANT:

Rob Yant, Director of Public Safety, indicated that the FCC is mandating that all local governmental radios go to narrow band operation by 2013. The State of Minnesota is working towards that goal along with promoting radio interoperability through the establishment of the ARMER 800 MHz radio system. In 2008, to aid interoperability and to help migrate towards the narrow band with requirement, the City of Marshall entered into a Joint Powers Agreement - Southwest Minnesota Regional Radio Board (RRB). The City of Marshall is one of 15 members. In June 2009, PSIC Grant Funds were available to the RRB and an equal share was offered to each member. The City of Marshall accepted these funds (\$34,574.20) and authorized the City Administrator to send a letter to Southwest Regional Radio Board that it had the funds to cover its 20% match (\$8,643.53). Currently, the City of Marshall has another opportunity to receive additional PSIC grant funds of \$18,727.00 with a required match of \$4,682.00. In order to receive these funds, the City Administrator must send a letter to Southwest Regional Radio Board by August 25, 2010 accepting the funds and stating the city has the money to cover its 20% match. Another requirement of accepting the funds is that members should seek the participation of tribal governments and qualified Non-Governmental Organizations (NGO's) located within or providing services within their jurisdictions in the development of expenditure plans.

DeCramer moved, Doom seconded, the approval of the PSIC Grant for an additional \$18,727.00 with a required match of \$4,682.00 which will be included in the 2011 budget. All voted in favor of the motion.

SONSTEGARD SUBDIVISION I – A. CONSIDER RESOLUTION ADOPTING THE FINAL PLAT; B. APPROVAL OF RESOLUTION REGARDING THE RURAL SERVICE DISTRICT:

Glenn Olson, Director of Public Works/City Engineer, indicated that the City of Marshall acquired the property previously known as the Sonstegard property located west of T.H. 59 and

north of T.H. 68 for the development of industrial zoned parcels. The plat includes not only the Sonstegard property but also unplatted parcels between the Sonstegard property and the north line of the McLaughlin Industrial Park and the City's ponding area just to the west of the Sonstegard property (previously known as the Guerts property and the small developed property previously known as the Freshway Café and Breyfogle Auto). The intent of the plat is to develop individual lots for industrial development, clear up discrepancies in metes and bounds descriptions and provides platted rights-of-way for dedicated public streets and utility easements.

Ritter moved, Doom seconded, the adoption of RESOLUTION NUMBER 3436, SECOND SERIES and that the reading of the same be waived. Resolution Number 3436, Second Series is a resolution Approving the Final Plat of Sonstegard Subdivision I contingent upon City Attorney approval and that City staff be allowed to make minor changes as identified by the Lyon County Recorder. All voted in favor of the motion.

Ben Martig, City Administrator, indicated that Parcel no. 27-625016-0, which is owned by the Housing and Redevelopment Authority, is currently taxed in the Rural Service District for property tax purposes pursuant to Ordinance Number 612. In accordance with Section 4 of the Ordinance, if a property included in the Rural Service District is platted, the Council shall make and enter an order by resolution transferring the parcel from the Rural Service District to the Urban Service District.

Doom moved, DeCramer seconded, the adoption of RESOLUTION NUMBER 3437, SECOND SERIES and that the reading of the same be waived. Resolution Number 3437, Second Series is a resolution Transferring Parcel No. 27-625016-0 owned by the Housing and Redevelopment Authority from the Rural Service District to the Urban Service District. All voted in favor of the motion.

PROJECT Y40 – “C” STREET RECONSTRUCTION PROJECT – CONSIDER RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS:

Glenn Olson, Director of Public Works/City Engineer, indicated that Project Y40 – “C” Street Reconstruction involves the replacement of watermain and sanitary sewer and street reconstruction. The proposed project will reconstruct “C” Street and the dedicated street portion of Progress Addition through the new library entrance and described utilities from East Main Street to South Saratoga Street.

Doom moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3438, SECOND SERIES and that the reading of the same be waived. Resolution Number 3438, Second Series is a resolution Approving Plans and Specifications and Ordering Advertisement for Bids. The bids for Project Y40 “C” Street Reconstruction Project will be received at 2:00 P.M. on August 5, 2010. All voted in favor of the motion.

PROJECT Y74 – NORTH 5TH STREET/WEST LYON/WEST REDWOOD STREET RECONSTRUCTION PROJECT – CONSIDER RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS:

Glenn Olson, Director of Public Works/City Engineer, indicated that Project Y74 – North 5th Street/West Lyon/West Redwood Street involves the replacement of watermain, sanitary sewer and storm sewer and street reconstruction. The proposed project will reconstruct North 5th Street from West Main Street to West Marshall Street, West Lyon Street from North 5th Street to North 6th Street, West Redwood Street from North 5th Street to North 7th Street and described utilities.

DeCramer moved, Doom seconded, the adoption of RESOLUTION NUMBER 3439, SECOND SERIES and that the reading of the same be waived. Resolution Number 3439, Second Series is a resolution Approving Plans and Specifications and Ordering Advertisement for Bids. The bids for Project Y74 North 5th Street/West Lyon/West Redwood Street Reconstruction Project will be received on 10:00 A.M. on August 5, 2010. All voted in favor of the motion.

PROJECT Y05 – VILLAGE DRIVE IMPROVEMENT PROJECT – CONSIDER CHANGE ORDER NO. 2 (FINAL) AND ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION WITH GM CONTRACTING, INC:

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order No. 2 (Final) for Village Drive Improvement Project Y05 with GM Contracting, Inc. of Lake Crystal, Minnesota resulting in a contract increase of \$42,869.12. This change order is the result of the final measurements and changes in item quantities during construction.

Ritter moved, Sanow seconded, the approval of Change Order No. 2 (Final) with GM Contracting, Inc., for an increase in the amount of \$42,869.12 and the acknowledgement of the final payment in the amount of \$47,485.48 for Village Drive Improvement Project Y05. All voted in favor of the motion.

APPROVAL OF A SPECIAL ASSESSMENT DEFERRAL:

Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that an application for the deferral of a special assessment in the amount of \$4,891.72 was submitted by Robert and JoAnn Gould, 412 North 7th Street, Marshall, Minnesota. Ordinance Number 382, Second Series regulates the deferred payment of special assessments for any person 65 years of age or older or totally and permanently disabled as determined by Social Security Administration. Robert and JoAnn Gould are fee simple owners of the property. Robert is 65 and he and JoAnn meet the income and asset guidelines as required in Ordinance Number 382, Second Series; therefore they are requesting the assessment be deferred. Per Subdivision 5 of the Ordinance it does require a copy of the last Federal and State of Minnesota income tax return. A Federal income tax return was provided, but a Minnesota income tax return could not be located. The Gould's income for 2009 is less than what is projected for 2010.

Sanow moved, Doom seconded, the approval of a special assessment deferral for Robert and JoAnn Gould. This deferral is for a special assessment in the amount of \$4,891.72 for their property located at 412 North 7th Street, Parcel No, 27-478-001-0. All voted in favor of the motion.

INTRODUCTION OF ORDINANCE AMENDING THE SALARIES AND COMPENSATION OF THE MAYOR AND COUNCIL MEMBERS:

Ben Martig, City Administrator, indicated that in accordance with the City of Marshall Charter, Section 2.07, the Mayor and City Councilmember's should discuss salary wage rate increase at the first council meeting in July. **Section 2.07. Salaries** read as follows:

“Salaries of the Councilmember's and Mayor shall be discussed as an agenda items at the first council meeting of July of each year. After said discussion, the council shall set and determine said salaries in accordance with the applicable state law.”

Mr. Martig indicated that based on past practice of the City Council, the Mayor and Councilmember's annual salaries were increased based on the percent used for 2010 (using the employee wage adjustment for 2010). The employees received a 1% wage adjustment in January 2010.

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Ritter moved, Doom seconded, the introduction of an ordinance Amending the Salaries and Compensation of the Mayor and Council Members. This ordinance would provide for a decrease of 1% effective January 1, 2011. All voted in favor of the motion, except Sanow and Hulsizer who voted no.

CONSIDERATION OF APPROVAL OF THE CITY PURCHASING POLICY:

Ben Martig, City Administrator, indicated that City staff and the Ways and Means Committee have been working on a comprehensive amendment to the Purchasing Policy for over a year. The Ways & Means Committee met on Tuesday, July 6, 2010 to review the Purchasing Policy and unanimously recommended approval to the City Council. Mr. Martig provided a review of the proposed changes that are being recommended. Boedigheimer moved, DeCramer seconded, that the City Purchasing Policy be adopted as recommended. All voted in favor of the motion.

CONSIDER APPOINTMENTS TO THE POLICE CIVIL SERVICE COMMISSION:

Per the recommendation of Mayor Byrnes, Ritter moved, Doom seconded, and it was unanimously approved that the following appointment be made:

Police Civil Service – Christopher Ellingson be appointed for an unexpired term to expire on May 31, 2012

Police Civil Service – Scott Crowell be appointed to fill an unexpired term to expire on May 31, 2011

STATEMENT OF ANNUAL PERFORMANCE REVIEW FOR THE CITY ADMINISTRATOR:

Mayor Byrnes indicated that the City Council is pleased with Ben Martig, City Administrator, performance of the aspects and duties of his position, and that he has received a satisfactory evaluation. Ritter moved, DeCramer seconded, that Mr. Martig receive the next step increase effective July 7, 2010. 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 held their annual meeting; Regional Radio Board met earlier; Fire Relief Association met earlier but Byrnes was not able to attend.

Hulsizer Library Board met on Monday but she was unable to attend.

Doom Adult Community Center Commission minutes are included in the agenda packet.

Sanow No report.

DeCramer No report.

Boedigheimer Airport Commission met but he was unable to attend.

Ritter No report.

REGULAR MEETING – JULY 13, 2010

STAFF REPORTS:

Ben Martig, City Administrator, reviewed the budget timeline that was included in the agenda packet; the Chair Person of the committee is the responsible person for reporting to the City Council; the Mayor and Ben attended a noon meeting to meet the new MN/DOT State Aid Engineer; the Library project is continuing to be worked on; a Joint EDA meeting with County is scheduled for 7:00 P.M. on August 4th; SkyFest went very well; there is a Small Cities Development Program meeting scheduled on July 28th at the Adult Community Center.

Glenn Olson, Director of Public Works/City Engineer; indicated that SkyFest went very well, but there was not a good attendance; Glenn indicated that there will be a meeting on Thursday to review SkyFest and talk about possible changes.

Dennis Simpson, City Attorney, indicated that they are working on the final documents for the library; the DEED money is available and his office is very busy with criminal cases.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: Council Member Doom indicated that he will not be at the July 27th meeting; the information received from the Attorney General on the open meeting law needs to be talked about; there is a League of Minnesota Cities meeting in St. Cloud this week and the Bike Trail Ribbon Cutting held on Saturday was well attended.

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. Jose & Lleni Salazar	520 Harriet Drive	Finish basement	\$7,000
2. Todd & Karen Madden	109 Park Avenue	Kitchen Remodel, Deck	\$21,000
3. Daren W. & Joelle M. Hapton	417 North 7th Street	Interior Finish	\$5,000
4. Jacob J. Hanson	703 South 4th Street	Reroof (asphalt)	\$6,500
5. Marilyn Groff	109 C Street	Reroof (asphalt)	\$8,000
6. Frank & Mitsue Shindo	301 Carrow Street	Reroof (asphalt)	\$8,500
7. Elwood Hanson	615 South 4th Street	Reroof (asphalt)	\$11,000
8. Cal & Jayne Jerimiason	108 Elaine Avenue	Reroof (asphalt)	\$12,000
9. Brad & Donna Wendorff	511 West Thomas Avenue	Reroof (asphalt)	\$10,500
10. Steven T. Johnson	610 Viking Drive	Reroof (asphalt)	\$10,300
11. Todd Ellis	104 West James Avenue	Reroof (asphalt)	\$11,400
12. Diane Buesing	1207 East Lyon Street	Replace window, siding (vinyl)	\$9,700
13. Hilding L. Hokanson	615 West Southview Drive	Reroof (asphalt)	\$3,000
14. Warren & Joann Larson	403 North Minnesota Street	Reroof (asphalt)	\$9,300
15. Kelly R. Loft	207 West Southview Drive	Reroof (asphalt)	\$7,400
16. Louise & Joyce Eishcens	406 Donita Avenue	Reroof (asphalt)	\$5,500
17. Adam Fogelson	400 South Whitney Street	Reroof (asphalt)	\$7,300

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18.	Duane W. Maxwell	306		Walnut	Street	Front Step	\$1,200
19.	John B. Glasgow	202		Deschepper	Street	Reroof (asphalt)	\$4,900
20.	Dustin G. Vierstraete	1204		Cheryl	Avenue	Reroof (asphalt)	\$4,000
21.	OTOCO LLP	606		Lawerence	Street	Replace Doors	\$600
22.	Wayne Vanlerberghe	113	West	Southview	Drive	Reroof (asphalt)	\$6,400
23.	Cynthia K. Ordemann	308		Jean	Avenue	Reroof (asphalt)	\$4,800
24.	Ronald F. Vandenbroeke	610		Adobe	Circle	Reroof (asphalt)	\$7,000
25.	Ellen Wischer	500	South	2nd	Street	Reroof (asphalt)	\$6,400
26.	Gary Wischer	303		Donita	Avenue	Reroof (asphalt)	\$8,200
27.	Christine Weets-Popowski	208	East	Lyon	Street	Deck	\$3,100
28.	City of Marshall	1604	West	College	Drive	Demo Arrival / Departure Building	\$0
29.	Randall Wartner	1205	East	College	Drive	Remodel Exterior Subway	\$99,200
30.	Michael Gerber	807		Viking	Drive	Reroof (asphalt)	\$8,800
31.	Alwood Builders, Inc.	212	West	Main	Street	Sign	\$400
32.	Lawrence Doom	509		Kathryn	Avenue	Reroof (asphalt)	\$6,000
33.	Margret Morland	507		Kathryn	Avenue	Reroof (asphalt)	\$6,000
34.	Maurice A. Chaplin	602		Kathryn	Avenue	Reroof (asphalt)	\$6,600
35.	Patricia A. Bauman	106		Walker	Lane	Reroof (asphalt)	\$5,000
36.	Robert Hoeft	104		Elaine	Avenue	Reroof (asphalt)	\$8,000
37.	David J. Bergstorm	1305		Parkside	Drive	Reroof (asphalt)	\$4,000
38.	Lowell Bagstad	409	West	Southview	Drive	Reroof (asphalt)	\$5,900
39.	Dion & Esther Caron	1001		Cheryl	Avenue	Reroof (asphalt)	\$6,000
40.	Merle Karjala	207		DeSchepper	Street	Reroof (asphalt)	\$6,000
41.	Mary Boulton	401		Woodland	Way	Reroof	\$6,800
42.	City of Marshall	108		C	Street	Demo	\$0
43.	John & Patricia VanOverbeke	804		Woodfern	Drive	Reroof (asphalt)	\$6,000
44.	Richard & Lori Johnson	706		Nuese	Lane	Reroof (asphalt)	\$6,500
45.	April McGlynn	201		H	Street	Reroof (asphalt)	\$7,000
46.	Robert Kaufman	1102		Cheryl	Avenue	Reroof (asphalt)	\$4,000
47.	Anna Marie Mortland	204		George	Street	Reroof (asphalt)	\$3,500
48.	Lionel D. Bolden	1113		Horizon	Drive	Reroof (asphalt)	\$8,600
49.	Tyler Hansen	907		Pine	Avenue	Reside (vinyl)	\$4,000
50.	Virgil Bedow	204		G	Street	Reroof (asphalt)	\$6,800
51.	Robert Martinson	408	North	6th	Street	Reroof (asphalt)	\$3,700
52.	Martin Boucek	601	North	4th	Street	Garage	\$3,000
53.	Tricia Zimmer	603		Roosevelt	Street	Reside (wood), Reroof (asphalt), Windows	\$25,000
54.	Jeffrey Greenwood	107		Church	Street	Reroof (asphalt)	\$10,800
55.	Daniel Hennen	905		Birch	Street	Reroof (asphalt)	\$7,000
56.	CDI of Marshall, LLP	906	West	Main	Street	Interior Remodel	\$2,500
57.	Faye A. Stencel	112		Kathryn	Avenue	Deck	\$4,000
58.	David Afdem	1400		Westwood	Drive	Deck	\$4,000
59.	Jeffery Schueller	218		London	Road	Shed	\$3,000
60.	Jennifer Fox	303		Gray	Place	Reroof (asphalt)	\$3,000
61.	DuWayne Johnson	1218		Parkside	Drive	Reside	\$3,500
62.	Marshall Family Apartments	1400	South	4th	Street	Reroof (asphalt)	\$22,000

REGULAR MEETING – JULY 13, 2010

63.	Marshall Family Apartments	1402	South	4th	Street	Reroof (asphalt)	\$22,000
64.	Marshall Family Apartments	1404	South	4th	Street	Reroof (asphalt)	\$22,000
65.	Marshall Family Apartments	1406	South	4th	Street	Reroof (asphalt)	\$22,000
66.	Marshall Family Apartments	1408	South	4th	Street	Reroof (asphalt)	\$22,000
67.	Marshall Family Apartments	1410	South	4th	Street	Reroof (asphalt)	\$22,000
68.	Marshall Family Apartments	1412	South	4th	Street	Reroof (asphalt)	\$22,000
69.	Steve Johnson	215	North	High	Street	Reroof (asphalt)	\$8,500
70.	Paul Bridgland	605		Kathryn	Avenue	Reroof (asphalt)	\$6,400
71.	Brian Kruse	1231		Patricia	Court	Reroof (asphalt)	\$9,000
72.	Jo Ellen Blomme	504		Williams	Street	Reroof (asphalt)	\$7,600
73.	Michael Youngs	400		Charles	Avenue	Reroof (asphalt)	\$6,500
74.	David Hansvick	803		Elaine	Avenue	Reroof (asphalt)	\$5,000
75.	Charles Sanow	507		Carlson	Street	Reroof (asphalt)	\$4,000
76.	Rong Xuan	305	North	3rd	Street	Reroof (asphalt) & Roof Repair	\$4,500
77.	Thomas Pickering	603		Kathryn	Avenue	Reroof (asphalt)	\$7,700
78.	Faye Anderson	505		Kendall	Street	Install Doors	\$1,000
79.	Heather Hochhalter	510		Kendall	Street	Reroof (asphalt)	\$11,400
80.	Corrine Nelson	603		Kennedy	Street	Reroof (asphalt)	\$10,000
81.	John Andries	703		Viking	Drive	Reroof (asphalt)	\$9,100
82.	Duane Matthys	704	South	2nd	Street	Reroof (asphalt)	\$7,000
83.	Theresa Laleman	206		Gray	Place	Reroof (asphalt)	\$7,000
84.	Patrick Stevermer	709		South Bend	Avenue	Reroof (asphalt)	\$6,100
85.	Mary Jane Striegel	407		Donita	Avenue	Reroof (asphalt)	\$6,200
86.	Roger Mohr	508		Central	Avenue	Reroof (asphalt)	\$7,000
87.	Michael Weverka	407		Williams	Street	Reroof (asphalt)	\$3,500
88.	Christopher Larson	406	South	4th	Street	Reroof (asphalt)	\$9,900
89.	Paul & Lori Beachem	602	North	5th	Street	Basement bathroom remodel	\$6,900
90.	PR Ventures	806		Elizabeth	Street	Dwelling	\$130,000
91.	Randall & Julie Wartner	1216		Westwood	Drive	Reroof (steel)	\$37,000
92.	Robert L. Carr	1109	East	College	Drive	Building Demolition	\$0
93.	Jason B. Weber	207	West	Gray	Place	Reroof (asphalt)	\$4,000
94.	Ron Velde	408		Mason	Street	Reroof (steel)	\$2,500
95.	Ryan & Donna Ellefson	1201		Morningside	Circle	Reroof (asphalt)	\$9,100
96.	Corey & Cythina Prins	1003		Pine	Avenue	Reroof (asphalt)	\$4,500
97.	Connie Doom	900	South	1st	Street	Interior Demo	\$0
98.	Stephanie Kauten	1006		Poplar	Avenue	Reroof (asphalt)	\$6,000
99.	Christina Westfield	304	West	James	Avenue	Reroof (asphalt)	\$7,000
100.	Beverly Heim	400		Dogwood	Avenue	Reroof (asphalt)	\$11,000
101.	Beverly Heim	810	East	Southview	Court	Reroof (asphalt)	\$9,000
102.	Donald & Karla Wirtz	301		Jean	Avenue	Reroof (asphalt)	\$9,900
103.	Brent & Margo Wherry	611	West	Southview	Drive	Reroof (asphalt)	\$7,000
104.	Robert Jacobson & Jill Vroman	1113		David	Drive	Reroof (asphalt)	\$11,200

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105.	Wayne Budde	705 East	College Drive	Reroof (asphalt)	\$10,500
106.	Pamela J. Sukalski	1006	Woodfern Drive	Reroof (asphalt)	\$6,300
107.	Pamela Lundberg	605	Camden Drive	Reroof (asphalt)	\$4,400

DETERMINATION TO GO INTO CLOSED SESSION PURSUANT TO MINNESOTA STATUTE 13D.05 SUBD.3(C)(3) TO ESTABLISH PRICING RELATED TO REAL PROPERTY ACQUISITION FOR A PORTION OF LOT 3 ON PRELIMINARY PLAT FOR SONSTEGARD SUBDIVISION I:

Sanow moved, DeCramer seconded, that the Council go into closed session at 8:25.M. pursuant to Minnesota Statute 13D.05 Subd. 3(c)(3) to establish pricing related to real property acquisition for a portion of Lot 3 on Preliminary Plat for Sonstegard Subdivision I. All voted in favor of the motion.

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

The council came out of closed session at 8:38 P.M.

DETERMINATION TO GO INTO CLOSED SESSION PURSUANT TO MINNESOTA STATUTE 13D.05 SUBD. 3(C)(3) TO ESTABLISH PRICING RELATED TO REAL PROPERTY ACQUISITION ON THE MOSCH/BLADHOLM PROPERTY:

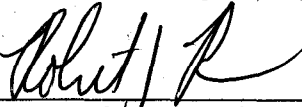
Sanow moved, DeCramer seconded, that the Council go into closed session at 8:40.M. pursuant to Minnesota Statute 13D.05 Subd. 3(c)(3) to establish pricing related to real property acquisition on the Mosch/Bladholm Property. All voted in favor of the motion.

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

The council came out of closed session at 9:02 P.M.

Sanow moved, Ritter seconded, that per the recommendation of City Attorney Dennis Simpson the proper city personnel be authorize to execute the settlement agreement with Doug Mosch and Charles Bladholm for the parcel of property referred to as the Mosch/Bladholm property contingent upon the approval of their attorney Kevin Stroup and with all conditions as addressed by the City Council. The sale price of this parcel of property is \$9,500 per acre for an estimated 97.84 acres. All voted in favor of the motion.

Upon motion by Doom, seconded by Hulsizer, the meeting was adjourned. All voted aye.


Mayor of the City of Marshall

ATTEST:


Finance Director/City Clerk