

REGULAR MEETING – JULY 27, 2010

The regular meeting of the Common Council of the City of Marshall was held on July 27, 2010 in the Professional Room at the Marshall Middle School, 401 South Saratoga Street. The meeting was called to order at 5:30 P.M. by Mayor Byrnes. In addition to Byrnes the following members were present: Hulsizer, Sanow, DeCramer, Boedigheimer and Ritter. Absent: Doom. 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; Harry Weilage, Director of Community Services, Marc Klaith, Fire Chief; Ilya Gutman, Building Official; Thomas M. Meulebroeck, Finance Director/City Clerk; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

It was the general consensus of the Council that the agenda be approved with item number 12, which is a Presentation of Bond Rating Upgrades being removed and placed on the agenda for the August 24, 2010 City Council meeting and a short recess will be called after item number 7, which is the Marshall-Lyon County Library approvals.

APPROVAL OF THE MINUTES:

Ritter moved, Sanow seconded, that the minutes of the regular meeting held on July 13, 2010 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

PUBLIC HEARING – AMENDMENT OF CHAPTER 38 FLOODS:

This was the date and time set for a public hearing on the Amendment to Chapter 38 "Floods". Glenn Olson, Director of Public Works/City Engineer, indicated that over the past several years the Federal Emergency Management Agency (FEMA) has been working in conjunction with other federal and state agencies and has conducted a thorough review of the floodplains in the region. After significant public input, FEMA has provided Lyon County and the City of Marshall with new Flood Insurance Rate Maps (FIRMS) and recommendations for revisions to our local ordinance concerning floodplain management. Mr. Olson indicated that in order to be included in the National Program of Flood Insurance it is required that the City adopt or amend its ordinances, specifically complying with the model ordinance of FEMA. The Legislative and Ordinance Committee is recommending approval of this ordinance. Sanow moved, DeCramer seconded, that the public hearing be closed. All voted in favor of the motion.

Ritter moved, Boedigheimer seconded, the adoption of ORDINANCE NUMBER 621, SECOND SERIES and that the reading of the same be waived. Ordinance Number 621, Second Series is an Ordinance Amending Marshall City Code of Ordinances – Chapter 38 Relating to Floods. This ordinance provides for new Flood Insurance Rate Maps and revisions concerning floodplain management. This motion also provides for the publication of a Summary of Ordinance Number 621, Second Series. All voted in favor of the motion.

**PUBLIC HEARING – AMENDMENT TO CHAPTER 86, SECTION 86-107, I-2
GENERAL INDUSTRIAL DISTRICT:**

This was the date and time set for a public hearing on amending Chapter 86, Sec. 86-107, "I-2 General Industrial District". Glenn Olson, Director of Public Works/City Engineer, indicated that upon review of the I-2 General Industrial District permitted uses and conditional uses, it was found that several uses within the I-1 Limited Industrial District should also be included in the I-2 District. The Legislative and Ordinance Committee is recommending approval of this Ordinance. DeCramer moved, Sanow seconded, that the public hearing be closed. All voted in favor of the motion.

Sanow moved, Boedigheimer seconded, the adoption of ORDINANCE NUMBER 622, SECOND SERIES and that the reading of the same be waived. Ordinance Number 622, Second Series is an Ordinance Amending Marshall City Code or Ordinances – Chapter 86 Relating to Zoning. This ordinance provides for several uses within an I-1 Limited Industrial District to be included in an I-2 General Industrial District. All voted in favor of the motion.

**PUBLIC HEARING – REZONE OF PROPOSED SONSTEGARD SUBDIVISION I
FROM B-3 GENERAL BUSINESS DISTRICT AND AN A-AGRICULTURAL DISTRICT
TO A B-3 GENERAL BUSINESS DISTRICT AND AN I-2 GENERAL INDUSTRIAL
DISTRICT:**

This was the date and time set for a public hearing on amending Chapter 86 Relating to Zoning. Glenn Olson, Director of Public Works/City Engineer, indicated that this subdivision has recently been platted for future development. The City of Marshall 1996 Comprehensive Plan (including 2004 Updates and Amendments) shows this property as Industrial and Commercial Use. The request is to rezone the Proposed Sonstegard Subdivision I from B-3 General Business District and an A-Agricultural District to a B-3 General Business District and an I-2 General Industrial District. The Planning Commission is recommending approval of this rezoning. DeCramer moved, Ritter seconded, that the public hearing be closed. All voted in favor of the motion.

DeCramer moved, Sanow seconded, the adoption of ORDINANCE NUMBER 623, SECOND SERIES and that the reading of the same be waived. Ordinance Number 623, Second Series is an Ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance provides for the Proposed Sonstegard Subdivision I to be rezoned from B-3 General Business District and an A-Agricultural District to a B-3 General Business District and an I-2 General Industrial District. All voted in favor of the motion.

**AWARD OF BIDS – MEMORIAL PARK IMPROVEMENT PROJECT PHASES II –
CONSIDER ENTERING INTO A PROFESSIONAL SERVICES AGREEMENT WITH
ERNST ASSOCIATES:**

Harry Weilage, Director of Community Services, reviewed the proposal from Ernst Associates for professional landscape architectural services for the 9/11 Memorial Project Phase II. This proposal includes the design and inspection of the 9/11 Memorial Project, adjacent side improvements, electrical improvements and miscellaneous items in Memorial Park. The total project is \$32,550 and the City is responsible for 1/3 in the amount of \$10,850, Schwan's \$10,850 and donations of \$10,850. Marc Klaith, Fire Chief, provided an update on the project.

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The project is scheduled to start in the spring of 2011 and be completed by 9-11-11 which is the 10th Anniversary of 9/11. DeCramer moved, Ritter seconded, that the proper city personnel be authorized to enter into an agreement with Ernst Associates, Inc., for professional architectural services for the 9/11 Memorial Project Phase II in the amount not to exceed \$32,550. All voted in favor of the motion.

AWARD OF BIDS – INVESTIGATORS VEHICLE FOR THE POLICE DEPARTMENT:

Bids were received, opened and read on July 23, 2010 for an Investigators vehicle for the Police Department. The bids received, opened and read were from:

Kruse Ford
Marshall, Minnesota
2011 Ford
\$27,569.57

Lockwood Motors, Inc.
Marshall, Minnesota
2010 Impala LS
\$23,516.09

Rob Yant, Director of Public Safety, indicated that the current Investigator's vehicle is a 1997 Ford Taurus. This vehicle has nearly 90,000 miles on it and has serious maintenance issues. There were no bids received for a used vehicle. Ritter moved, Sanow seconded, that the bid for an Investigators vehicle for the Police Department be awarded to Lockwood Motors, Inc., for a 2010 Impala LS in the amount \$23,516.09 which includes a trade-in allowance of \$300. All voted in favor of the motion, except Boedigheimer who voted no.

MARSHALL-LYON COUNTY LIBRARY APPROVALS – A. CONSIDER AMENDED MARSHALL-LYON COUNTY CONTRACT; B. CONSIDER MARSHALL-LYON COUNTY LIBRARY CONSTRUCTION FISCAL MANAGEMENT CONTRACT; C. CONSIDER APPROVAL OF INTERGOVERNMENTAL REAL PROPERTY TRANSFER AGREEMENT WITH THE MARSHALL SCHOOL DISTRICT 413; D. CONSIDER AWARD OF BID FOR BASE BID, ALTERNATE 1, ALTERNATE 4 AND ALTERNATE 5; E. CONSIDER RESOLUTION ACCEPTING DONATION; F. CONSIDER APPROVAL OF CITY LIBRARY MAINTENANCE AGREEMENT; G. CONSIDER RESOLUTION AUTHORIZING SALE OF CITY'S GENERAL OBLIGATION CAPITAL IMPROVEMENT PLAN BONDS, SERIES 2010A; H. CONSIDER THE REQUEST OF THE CITY OF MARSHALL FOR A CONDITIONAL USE PERMIT AT 201 "C" STREET; I. CONSIDER THE REQUEST OF THE CITY OF MARSHALL FOR A VARIANCE ADJUSTMENT PERMIT FOR A REAR YARD SETBACK OF LESS THAN REQUIRED BY ORDINANCE AT 201 "C" STREET:

Ben Martig, City Administrator, provided an overview of the Marshall-Lyon County Library. Mr. Martig reviewed the various contracts that need to be considered by the City of Marshall. Mr. Martig reviewed the bids, the alternate bids and the construction budget. The original construction budget is \$5,000,000; the draft budget dated July 20, 2010 included adding Alternates 1, 4 and 5 in the amount of \$50,000, an additional \$50,000 for furnishings and fixtures, additional professional services in the amount of \$15,200 and increasing the contingency by \$50,000 for a total of \$5,018,200. Mr. Martig presented an additional alternative budget dated July 26, 2010 which does not include the Alternates 1, 4 and 5 in the amount of \$50,000, the additional \$50,000 for furnishings and fixtures and reduces the contingency by

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\$50,000 for a total budget of \$4,863,200. Mr. Martig also reviewed the General Obligation Capital Improvement Plan Bonds, Series 2010A that will be used to finance the Marshall-Lyon County project.

Ritter moved, DeCramer seconded, that the proper city personnel be authorized to enter into an Amendment to the Marshall-Lyon County Contract. This agreement amends the existing contract that has been in place since 1975 and as was previously amended in 1983 and 1987. This sets forth the continuing operating obligation of one-third County contribution and two-thirds City contribution. This agreement also addressed financing of the new library to be constructed. The County has previously agreed to provide \$250,000 towards a geothermal heating unit. The Lyon County Board of Commissioners authorized payment of this amount in full when they met on July 20, 2010. In addition, the agreement addresses the long-term payment of bonds by the County. The County Commissioners authorized payment of \$212,566 as present value payment for 15 years worth of bonding payment. All voted in favor of the motion.

Ritter moved, DeCramer seconded, that the property city personnel be authorized to enter into the Marshall-Lyon County Library Construction Fiscal Management Contract. This contract sets forth the duties and obligations of the City for fiscal management and decision making process during the construction of the Marshall-Lyon County Library. All voted in favor of the motion, except Boedigheimer who voted no.

DeCramer moved, Sanow seconded, that the proper city personnel be authorized to enter into the Intergovernmental Real Property Transfer Agreement with the Marshall School District 413. This agreement provides for Lot 2, Block 1, Progress Addition to be transferred to the City of Marshall. Such transfer will be for a single purpose limitation as set forth in the agreement. Building to be construction on that property will be used for public purposes, i.e. library. All voted in favor of the motion.

Ron Halgerson, TSP, Inc. reviewed the bids that were received for the Marshall-Lyon County Library. The bids received were from:

	Robert L. Carr Company	Merrimac Construction	Rachon Corporation
Base Bid	\$4,063,000	\$3,652,862	\$3,475,000
Alternate #1 – Drive-up Canopy	25,000	18,400	25,000
Alternate #2 – Motorized Blinds	55,000	6,442	6,300
Alternate #3 – Sun Screens	65,000	111,629	50,000
Alternate #4 – Geo-Thermal System For Future Addition	20,000	162,916	16,000
Alternate #5 – Daylight Harvesting Occupancy Sensors	5,000	3,234	3,200
Voluntary Monetary Contribution	2,000,000	100,000	-----

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Completion Schedule

300 Calendar
Days

365 Calendar
Days

275 Calendar
Days

Ritter moved, Sanow seconded, that the Base Bid for the Marshall-Lyon County Library be awarded to Robert L. Carr Company, Marshall, Minnesota in the amount of \$4,063,000 contingent upon receipt of the \$2,000,000 donation and the agreement amounts to be included in the bonding for this project. All voted in favor of the motion.

DeCramer moved, Ritter seconded, that the bid for Alternate 1, which is the Drive-Up Canopy be included in the award of the contract to Robert L. Carr Company, Marshall, Minnesota in the amount of \$25,000. This Drive-Up Canopy is to be placed over the drive-up window and employee entrance. Voting in favor of the motion were DeCramer, Ritter and Byrnes. Voting no were Sanow, Boedigheimer and Hulsizer. The motion failed.

Boedigheimer moved, Ritter seconded, that the bid for Alternate 4, which is the Geo-Thermal System for Future Addition be included in the award of the contract to Robert L. Carr Company, Marshall, Minnesota in the amount of \$20,000. Voting in favor of the motion were Boedigheimer, Ritter, DeCramer and Byrnes. Voting no were Sanow and Hulsizer.

Boedigheimer moved, Ritter seconded, that the bid for Alternate 5, which is the Daylight Harvesting/Occupancy Sensors be included in the award of the contract to Robert L. Carr Company, Marshall, Minnesota in the amount of \$5,000. Voting in favor of the motion were Boedigheimer, Ritter, DeCramer and Byrnes. Voting no were Sanow and Hulsizer.

Ritter moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3440, SECOND SERIES and that the reading of the same be waived. Resolution Number 3440, Second Series is a resolution Accepting Monetary Gift to the City of Marshall to be Used for Construction of New Library. This resolution provides for the Monetary Gift in the amount of \$2,000,000 from Robert L. Carr and Phyllis V. Carr. All voted in favor of the motion.

Boedigheimer moved, DeCramer seconded, that the proper city personnel be authorized to enter into the Marshall-Lyon County Library Maintenance Agreement. This agreement clarifies maintenance and repair obligations between the City of Marshall and the Marshall-Lyon County Library. All voted in favor of the motion.

Council member Sanow indicated that he was not in favor of adding an additional \$55,000 for furniture and fixtures and increasing the contingency by \$50,000. Council Member Hulsizer agreed with Sanow and also suggested that the \$30,000 for relocating/moving expenses also be eliminated. Sanow moved, Hulsizer seconded, that \$55,000 for furniture and fixtures, \$50,000 for contingency and \$30,000 for relocating/moving expenses be deleted from the proposed budget. Library Director Holly Martin Huffman and Library Board Chairman Al Kruse, were not in favor of eliminating the \$30,000 for relocating/moving expenses. Voting in favor of the motion were: Boedigheimer, Sanow and Hulsizer. Voting no were: Byrnes, DeCramer and Ritter. The motion failed.

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DeCramer moved, Ritter seconded, that the proposed budget dated July 20, 2010 for the Marshall Lyon County Library in the amount of \$5,018,200 less \$25,000 for Alternate #1 be approved with any remaining funds being deposited into the Debt Reserve. Voting in favor of the motion were: DeCramer, Ritter and Byrnes. Voting no were: Boedigheimer, Sanow and Hulsizer. The motion failed.

Sanow moved, Boedigheimer seconded, approval of the Marshall-Lyon County Library construction budget in the amount of \$4,863,200 plus Alternate # 4 and 5 in the amount of \$25,000 for a total of \$4,888,200 and the adoption of RESOLUTION NUMBER 3441, SECOND SERIES and that the reading of the same be waived. Resolution Number 3441, Second Series is a resolution Providing for the Issuance and Sale of General Obligation Capital Improvement Plan Bonds, Series 2010A. The issuance and sale of the bonds is scheduled to be closed at 10:30 A.M. on Tuesday, August 24, 2010. The City Council will consider the approval at their meeting scheduled that evening. All voted in favor of the motion.

Glenn Olson, Director of Public Works/City Engineer, indicated that the City of Marshall is requesting a Conditional Use Permit for a Public Library at 201 "C" Street, which is in an R-1 One Family Residence District with the usual conditions:

1. That the regulations, standards and requirements as set forth in the City Code and as pertains to the class of district which such premises are located shall be conformed with.
2. That the City reserves the right to revoke the Conditional Use Permit in the event that any person has breached the conditions contained in this permit provided first, that the City serve the person with written notice specifying items of any default and allow the applicant a reasonable time in which to repair any such default.
3. That the property is maintained to conform to the Housing Code, Zoning Code, Building Code, and not cause or create negative impacts to adjacent existing or future projects.

Sanow moved, Hulsizer seconded, to approve the request of the City of Marshall for a Conditional Use Permit for a Public Library at 201 "C" Street, which is in an R-1 One Family Residence District with the usual conditions as previously addressed. All voted in favor of the motion.

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of the City of Marshall for a Variance Adjustment Permit to construct a new library building with a rear yard of 30 feet in lieu of 62.5 feet as required by City Code at 201 "C" Street. The property where the library will be built is being carved out from the larger property where the Marshall Middle School building is currently located. As a result, the property's size and shape are determined by the Middle School building's location on the existing property considering that required side yare for the school building shall be maintained.

Ritter moved, Sanow seconded, to approve the request of the City of Marshall for a Variance Adjustment Permit to construct a new library building with a rear yard of 30 feet in lieu of 62.5 feet as required by City Code at 201 "C" Street. All voted in favor of the motion.

Mayor Byrnes called for a 5-minute recess at 7:25 P.M.

CONSENT AGENDA – A. CONSIDER THE REQUEST OF ROBERT L. CARR TO REZONE CARR ESTATES THIRD ADDITION FROM A-AGRICULTURAL TO R-2 ONE TO FOUR FAMILY RESIDENCE DISTRICT AND A-AGRICULTURAL – INTRODUCE ORDINANCE AND CALL FOR PUBLIC HEARING; B. TEMPORARY NON-INTOXICATING LIQUOR LICENSE FOR SMSU FOUNDATION FOR SEPTEMBER 17-18, 2010; C. TEMPORARY NON-INTOXICATING LIQUOR LICENSE FOR SMSU FOUNDATION FOR OCTOBER 1-2, 2010; D. CALL FOR A PUBLIC HEARING FOR THE TURKEY VALLEY FARMS LOAN; E. APPROVAL OF BILLS/PROJECT PAYMENTS:

Per the request of Council Member Boedigheimer the approval of bills/project payments was removed from the consent agenda.

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

The introduction of an ordinance to rezone Carr Estates Third Addition from A-Agricultural District to R-2 One to Four Family Residence District and A-Agricultural District and to call for a public hearing to be held on August 10, 2010.

The approval of a Temporary Non-Intoxicating Liquor License for SMSU Foundation for September 17-18, 2010 at Southwest Minnesota State University Regional Event Center, 401 Mustang Trail, Marshall, Minnesota. The fee for this license is \$60.00.

The approval of a Temporary Non-Intoxicating Liquor License for SMSU Foundation for October 1-2, 2010 at Southwest Minnesota State University Recreational Athletic Facility, 400 Mustang Trail, Marshall, Minnesota. The fee for this license is \$60.00.

Call for a public hearing to consider the Turkey Valley Farms CRIF Loan and Business Subsidy Agreement. This public hearing will be held on August 10, 2010.

All voted in favor of the motion.

Council Member Boedigheimer indicated that there are only 4 projects that have not been finalized and thanked city staff. Boedigheimer moved, Sanow seconded, that the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher no. 70624 through 70851. All voted in favor of the motion.

CONSIDER DEVELOPMENT AGREEMENT WITH TITAN MACHINERY, INC. OR ITS ASSIGNS:

Sanow moved, DeCramer seconded, the approval of the Development Agreement with Titan Machinery, Inc or its assigns. This Development Agreement between the City of Marshall and Titan Machinery, Inc does obligate the developer (Titan Machinery) to pay a proportionate share of infrastructure costs as those costs relate to the development of the Titan property. All voted in favor of the motion.

CONSIDER APPROVAL OF FIREFIGHTERS GRANT:

Marc Klaith, Fire Chief, indicated that the Marshall Fire Department applied for a Grant in conjunction with Lyon County for radio equipment. The City of Marshall Fire Department was awarded \$439,299 for a grant that will replace the radio equipment for the Fire Department to be compatible for ARMER System that has to be in place by 2013. This grant includes all of the Cities in Lyon County and the City of Marshall will be the Fiscal Agent.

CONSIDER RESOLUTION AUTHORIZING THE SALE OF GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2010B:

Terri Heaton from Springsteds Inc. reviewed the \$6,175,000 General Obligation Improvement Bonds, Series 2010B. These bonds will be used finance the following projects currently completed or underway:

Baseline Road / Susan Drive
"C" Street
Lawrence Court
Ranch Avenue / Soucy Drive
Peltier Street
Commencement Boulevard
Corp / Dike Project

Clarice Avenue
Tiger Lake Expansion Project
Bruce Circle
North 5th St / West Lyon St / West Redwood St
Walker Lane / Park Avenue
Water Plant Road
Wastewater Lift Station in the Industrial Park

DeCramer moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3442, SECOND SERIES and that the reading of the same be waived. Resolution Number 3442, Second Series is a resolution Providing for the Issuance and Sale of General Obligation Utility and Improvement Bonds, Series 2010B. The issuance and sale of bonds is scheduled to be closed at 10:30 A.M. on Tuesday, August 24, 2010. The City Council will consider the approval at the meeting scheduled that evening. All voted in favor of the motion.

PRESENTATION OF THE "NATIONAL NIGHT OUT" EVENT:

Rob Yant, Director of Public Safety, and Kim Rupp, Administrative Assistant for the Director of Public Safety, were in attendance at the meeting to provide a presentation of the "National Night Out" Event to be held on Tuesday, August 3, 2010 at Justice Park from 3:30 P.M. to 7:30 P.M.

National Night Out is a nationwide event that is held each year on the first Tuesday in August. The event is designed to:

- Heighten crime and drug prevention awareness
- Generate support for, and participation in, local anticrime efforts
- Strengthen neighborhood spirit and police-community partnerships
- Send a message to criminals letting them know neighborhoods and organizations are fighting back.

The Marshall Area Crime Fund, Marshall Police Department and the Lyon County Sheriff Office host this event. The Marshall Area Crime Fund has allocated \$750.00 towards National Night Out in 2010. The Marshall Police Department and Lyon County Sheriff Office provide in kind donations of time and resources. The community pulls together to support this event by donating various items and/or time needed to make this event successful. Any proceeds

made from this event are donated to nonprofit organizations in exchange for their help with the event.

CONSIDER SPECIAL EVENTS PERMIT FOR SOUNDS OF SUMMER:

On April 27, 2010 the City Council adopted a resolution Declaring Sounds of Summer as a Community Festival. Sounds of Summer is scheduled for Thursday, August 19, 2010 through Sunday, August 22, 2010. This resolution provides an option for a holder of a retail intoxicating liquor license to apply for a Special Event Permit which would allow them to serve intoxicating liquor off their premises. By approving this Special Event Permit the Landmark Bistro will be allowed to serve alcohol in the Whitney Parking Lot in a fence area from 5:00 P.M. to 12:00 midnight on Saturday, August 21, 2010. The Marshall Sounds of Summer and the Landmark Bistro will provide the necessary insurance certificates.

Sanow moved, DeCramer seconded, the approval of a Special Event Permit for the Marshall Festivals Inc., dba Marshall Sounds of Summer and approval for the Landmark Bistro to serve alcohol in the Whitney Parking Lot in a fence area from 5:00 P.M. to 12:00 midnight on Saturday, August 21, 2010. All voted in favor of the motion except Ritter who abstained.

MERIT CENTER TOWER FOUNDATION – CONSIDER APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO CALL FOR BIDS:

Glenn Olson, Director of Public Works/City Engineer, indicated that Barr Engineering Company has completed the foundation design and plans for the Wind Tower MERIT Training Facility. These plans were submitted to SMI for their review, and the recommended revisions were made according to their recommendations. Boedigheimer moved, Sanow seconded, the Approval of the Plans and Specifications for the Wind Tower MERIT Training Facility and Authorized the Advertisement for Bids. All voted in favor of the motion.

CONSIDER THE REQUEST OF BRYAN SMITH, CENTROL, INC. FOR A VARIANCE ADJUSTMENT PERMIT FOR 13 PARKING SPACES IN LIEU OF 20 PARKING SPACES AS REQUIRED BY CITY CODE:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of Bryan Smith of Centrol, Inc. 351 Burlington Circle for a Variance Adjustment Permit to construct 13 parking spaces at a new building in lieu of 20 parking spaces as required by City Code Section 86-230. Mr. Olson indicated that this building is a mixed use building combining offices, meeting room/classroom, maintenance garage, and a parking garage. The purpose of the off-street parking is to provide space for staff and visitors to minimize the effect of street parking on the neighborhood. The applicant states that this building will usually be occupied by 4 to 6 people since the majority of the employees work in the field; once a quarter, 20 to 40 people will attend training sessions or board meetings. Based on this expected occupancy, the owner request a reduction in the required parking spaces. Mr. Olson indicated that there is no undue hardship as defined in City Code Section 86-29. The property can be put to reasonable use under conditions allowed by the official control and the property allows construction of enough parking spaces to comply with the City Code.

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Andrew Bjur, architect, spoke on behalf of Bryan Smith and indicated that per their calculation and the use of the building that according to the code only needed 12 parking spaces. Mr. Bjur reviewed their building layout and indicated that if they full they only use 10 spaces and that would leave 3 additional spaces available.

Council Member Boedigheimer indicated that there cannot be conditions placed on a Variance Adjustment Permit. Mr. Olson indicated that there is a provision in the code to allow for conditions on a variance permit.

Boedigheimer moved, Ritter seconded, to approve the request of Bryan Smith of Centrol, Inc. for a Variance Adjustment Permit to construct 13 parking spaces at a new building to be constructed at 351 Burlington Circle in lieu of 20 parking spaces as required by the City Code, Section 86-230, with the following conditions:

No parking on County Road 7

No blocking traffic and access driveways on Burlington Circle

If a building is sold, the variance is revoked.

All voted in favor of the motion, except Hulsizer who voted no.

PROJECT Y86 NORTHWEST INDUSTRIAL AREA STORMWATER MANAGEMENT DESIGN – PHASES I, II AND III - CONSIDER AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH BOLTON & MENK, INC:

Glenn Olson, Director of Public Works/City Engineer, indicated that the project consists of the further refinement of the stormwater management design concepts outlined in the Northwest Industrial Area Stormwater Study. This project will be broken into three phases:

Phase I: Lots 3 and 4 of the Sonstegard Division I (Titan Equipment side and Schwan's future development site)

Phase II: Remainder of Sonstegard Subdivision I except portions of Outlot A & Outlot C

Phase III: Remaining area – City owned property known as the Deruyck property, the existing industrial park area draining to the MERIT Center pond, the property currently being purchased by the City known as the Mosch-Bladholm property, and portions of Outlot A and Outlot C of Sonstegard Subdivision I.

Mr. Olson indicated that the scope of services for each phase includes final design and preparation of bidding / construction documents, assistance with preparing permit applications and assistance during the bidding process.

DeCramer moved, Ritter seconded, the proper city personnel be authorized to enter into a Professional Services Agreement with Bolton & Menk Inc. for Project Y86 Northwest Industrial Area Stormwater Management Design – Phases I, II and III for a not to exceed amount of \$68,800 subject to City Attorney review and approval. All voted in favor of the motion.

CONSIDER RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS: A. PROJECT Y84 COMMENCEMENT BOULEVARD IMPROVEMENT PROJECT; B. PROJECT Y72 REDWOOD RIVER GABION PROJECT:

Glenn Olson, Director of Public Works/City Engineer, indicated that the City is engaged with the construction of a pedestrian underpass beneath T.H. 23 between the university and high school areas. That project includes the construction of the underpass and a short section of Commencement Boulevard. This project will extend Commencement Boulevard from the eastern edge of the current project development plan northeasterly to Tiger Drive to the main entrance of the high school.

Ritter moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3443, SECOND SERIES and that the reading of the same be waived. Resolution Number 3443, Second Series is a resolution Approving Plans and Specifications and Ordering Advertisement for Bids for Commencement Boulevard Improvement Project Y84. The bids for this project will be received at 10:00 A.M. on August 19, 2010. All voted in favor of the motion.

Glenn Olson, Director of Public Works/City Engineer, reviewed the Redwood River Gabion Project Y72. This project consists of two separate and distinct project issues along the Redwood River southwest of the City of Marshall. The primary issue the proposed project must address is the raising of the flood retention levee north and west of the BNSF Railroad Bridge. The levee needs to be raised to a minimum of four (4) feet of (Free Board" above the 1% Flood Event near the railroad tracks and a minimum of three (3) feet above the 1% flood event for the remainder of the levee (approximately 1,800 feet northwesterly). The second issue the proposed project must address is the erosion of the river bank near the toe of the levee. The river bank must be stabilized to protect the levee structure from failing. It is the intent that a majority of the project would be paid from the Surface Water Fund and the Corp of Engineers Fund (481).

Boedigheimer moved, DeCramer seconded, the adoption of RESOLUTION NUMBER 3444, SECOND SERIES and that the reading of the same be waived. Resolution Number 3444, Second Series is a resolution Approving Plans and Specifications and Ordering Advertisement of Bids for the Redwood River Levee and Gabion Improvement Project Y72. The bids for this project will be received at 10:00 A.M. on August 17, 2010. All voted in favor of the motion.

PROJECT Y65 RANCH AVENUE / SOUCY DRIVE AREA RECONSTRUCTION PROJECT – A. RESOLUTION DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT; B. RESOLUTION CALLING FOR HEARING ON PROPOSED ASSESSMENT:

Glenn Olson, Director of Public Works/City Engineer, reviewed the Ranch Avenue / Soucy Drive Area Reconstruction Project Y65. Mr. Olson indicated that this project involves the replacement of watermain, sanitary sewer and storm sewer and street reconstruction. This project will reconstruct Ranch Avenue, Soucy Drive, Winifred Circle, Fremont Street and Pleasant Avenue and described utilities westerly from North 6th Street.

DeCramer moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3445, SECOND SERIES and that the reading of the same be waived. Resolution

Number 3445, Second Series is a resolution Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment for Ranch Avenue / Soucy Drive Area Reconstruction Project Y65. This resolution provides for the assessment to be paid over a 10 year period at an interest rate of 5%. All voted in favor of the motion.

DeCramer moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3446, SECOND SERIES and that the reading of the same be waived. Resolution Number 3446, Second Series is a resolution Calling for a Hearing on the Proposed Assessment for Ranch Avenue / Soucy Drive Area Reconstruction Project Y65. This public hearing will be held at 5:30 P.M. on August 24, 2010. All voted in favor of the motion.

PROJECT Y33 / 139-132-02 CLARICE AVENUE FROM SUSAN DRIVE TO T.H. 23 IMPROVEMENT PROJECT – A. RESOLUTION DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT; B. RESOLUTION CALLING FOR HEARING ON PROPOSED ASSESSMENT:

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. Mr. Olson indicated that this project involves the construction of watermain, storm sewer, minor sanitary sewer and street construction. This project will construct Clarice Avenue and described utilities from Susan Drive to T.H. 23.

Sanow moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3447, SECOND SERIES and that the reading of the same be waived. Resolution Number 3447, Second Series is a resolution Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment for Clarice Avenue from Susan Drive to T.H. 23 Improvement Project Y33 / 139-132-02. This resolution provides for the assessment to be paid over a 10 year period at an interest rate of 5%. All voted in favor of the motion.

Sanow moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3448, SECOND SERIES and that the reading of the same be waived. Resolution Number 3448, Second Series is a resolution Calling for a Hearing on the Proposed Assessment for Clarice Avenue from Susan Drive to T.H. 23 Improvement Project Y33 / 139-132-02. This public hearing will be held at 5:30 P.M. on August 24, 2010. All voted in favor of the motion.

PROJECT Y28 BASELINE ROAD AND SUSAN DRIVE IMPROVEMENT PROJECT A. RESOLUTION DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT; B. RESOLUTION CALLING FOR HEARING ON PROPOSED ASSESSMENT:

Glenn Olson, Director of Public Works/City Engineer, reviewed Baseline road and Susan Drive Improvement Project Y28. Mr. Olson indicated that this project involves the construction/reconstruction of Baseline Road from Susan Drive to Nwakama Street and Susan Drive from Clarice Avenue west 1,350 feet. Baseline Road construction / reconstruction shall consist of curb and gutter, sidewalk, aggregate base, pavement construction and miscellaneous work. Susan Drive improvements shall consist

of sanitary sewer main and services, watermain services for Outlot B of J-C Boyer Addition, curb and gutter, sidewalk, aggregate base, pavement construction and miscellaneous work.

Sanow moved, DeCramer seconded, the adoption of RESOLUTION NUMBER 3449, SECOND SERIES and that the reading of the same be waived. Resolution Number 3449, Second Series is a resolution Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment for Baseline Road and Susan Drive Improvement Project Y28. This resolution provides for the assessment to be paid over a 10 year period at an interest rate of 5%. All voted in favor of the motion.

Sanow moved, DeCramer seconded, the adoption of RESOLUTION NUMBER 3450, SECOND SERIES and that the reading of the same be waived. Resolution Number 3450 Second Series is a resolution Calling for a Hearing on the Proposed Assessment for Baseline Road and Susan Drive Improvement Project Y28. This public hearing will be held at 5:30 P.M. on August 24, 2010. All voted in favor of the motion.

PROJECT Y78 BITUMINOUS OVERLAY PROJECT – CONSIDER CHANGE ORDER NO. 1 (FINAL) AND ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION:

Glenn Olson, Director of Public Works/City Engineer reviewed Change Order No. 1 (Final) for Bituminous Overlay Project Y78 with McLaughlin & Schulz, Inc., of Marshall, Minnesota resulting in a contract decrease of \$8,426.95. 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. 1 (Final) with McLaughlin & Schulz, Inc., of Marshall, Minnesota resulting in a contract decrease of \$8,426.95 and the acknowledgement of the final payment in the amount of \$8,566.04 for Bituminous Overlay Project Y78. All voted in favor of the motion.

PROJECT Y79 BITUMINOUS CHIP SEALING PROJECT – CONSIDER CHANGE ORDER NO. 1 (FINAL) AND ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION:

Glenn Olson, Director of Public Works/City Engineer reviewed Change Order No. 1 (Final) for Bituminous Chip Sealing Project Y79 with McLaughlin & Schulz, Inc., of Marshall, Minnesota resulting in a contract decrease of \$5,559.61. This change order is the result of the final measurements and changes in item quantities during construction.

Sanow moved, Ritter seconded, the approval of Change Order No. 1 (Final) with McLaughlin & Schulz Inc., of Marshall, Minnesota resulting in a contract decrease of \$5,559.61 and the acknowledgement of the final payment in the amount of \$2,561.03 for Bituminous Chip Sealing Project Y79. All voted in favor of the motion.

CONSIDER ORDINANCE TO SELL INTOXICATING MALT LIQUOR AT HUNAN LION, INC:

Ritter moved, DeCramer seconded, the adoption of Ordinance Number 624, Second Series and that the reading of the same be waived. Ordinance Number 624, Second Series is an ordinance Authorizing the Sale of Intoxicating Malt Liquors. The Hunan Lion Inc. has been

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granted an On-Sale Wine License and a Non-Intoxicating Malt Liquor License; therefore this ordinance allows the Hunan Lion Inc., to serve Intoxicating Malt Liquor at 228 West Main Street. All voted in favor of the motion.

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

Ritter moved, DeCramer seconded, the adoption of ORDINANCE NUMBER 625, SECOND SERIES and that the reading of the same be waived. Ordinance Number 625, Second Series is an ordinance Amending the Salaries and Compensations of the Mayor and Council Members for the City of Marshall. This ordinance provides for the salary of the Mayor to be \$680.30 per month and the salary for the Council Members to be \$430.29 per month effective January 1, 2011. These amounts reflect a 1% decrease in salary. All voted in favor of the motion, except Boedigheimer and Hulsizer who voted no.

COUNCIL MEMBER COMMISSION / BOARD LIAISON REPORTS:

Reports by the Mayor and Council Members of the various Boards and Commissions were presented at this time:

Byrnes No report.

Hulsizer Human Rights Commission and Library Board met, but Hulsizer was unable to attend.

Sanow No report.

DeCramer Utilities Commission will also be considering bonding this year.

Boedigheimer No report.

Ritter No report.

STAFF REPORTS:

Ben Martig, City Administrator, indicated that there is a budget meeting on August 3rd and a Joint City/County meeting on August 4th and the next regular meeting will be held on Monday, August 9, 2010.

Glenn Olson, Director of Public Works/City Engineer, no report.

Dennis Simpson, City Attorney, no report.

COUNCIL MEMBER INDIVIDUAL ITEMS:

There were no other items brought forth by the Mayor and Council Members.

REVIEW OF PENDING AGENDA ITEMS:

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

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INFORMATION ONLY:

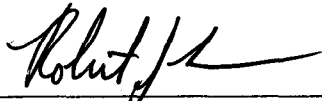
The following building permits previously approved by the Building Official were confirmed:

	Applicant	Location Address				Description of Work	Valuation
1.	Erik Porter	114		"G"	Street	Install Windows & Basement Remodel	\$2,000
2.	CAB Quality Construction LLC	1425	East	College	Drive	Reroof (asphalt)	\$9,400
3.	James Lozinski Construction Inc.	502	West	Southview	Drive	Reroof (asphalt), Replace Windows, Replace Door	\$14,000
4.	James Lozinski Construction Inc.	620	South	4th	Street	Reroof (asphalt)	\$4,500
5.	Scott & Jane Mellenthin	502		Paul	Street	Reroof (asphalt)	\$4,000
6.	David & Mary Gislason	102	South	Minnesota	Street	Replace Windows	\$8,000
7.	Greg Baartman Construction, Inc.	607	West	Redwood	Street	Reroof (asphalt)	\$10,500
8.	Christopher & Christine Versaavel	507		Elaine	Avenue	Reroof (asphalt)	\$4,000
9.	James Lozinski Construction Inc.	605		Viking	Drive	Reroof (asphalt)	\$9,900
10.	Andrew and Abby Dallmann	200	South	Whitney	Street	Garage	\$8,000
11.	Chuck Hess Concrete & Masonry	1213	East	College	Drive	Masonry Wall Repair	\$3,500
12.	The Escape Spa LLC	308	North	3rd	Street	Sign	\$300
13.	Ahmed Omar	200	East	Main	Street	Install Wall	\$900
14.	Ahmed Omar	200	East	Main	Street	Install Window	\$900
15.	Benajmin Rumney	613		Kathryn	Avenue	Replace Windows	\$600
16.	Rick Slagel Construction Inc	1406		Pinehurst	Road	Reroof (asphalt)	\$7,000
17.	Bruce & Debra Mitlyng	611		Kathryn	Avenue	Inground Pool	\$35,000
18.	Scott VanOverbeke Construction LLC	608		Van Buren	Street	Reroof (asphalt)	\$7,000
19.	CAB Quality Construction LLC	805		Hackberry	Drive	Reroof (asphalt)	\$5,500
20.	CAB Quality Construction LLC	217		Athens	Avenue	Reroof (asphalt)	\$5,800
21.	CAB Quality Construction LLC	219		Athens	Avenue	Reroof (asphalt)	\$5,800
22.	Kevin Lanoue Construction	106	East	Main	Street	Reroof (asphalt)	\$10,700
23.	Kevin Lanoue Construction	103	West	James	Avenue	Reroof (asphalt)	\$7,400
24.	Steven Otto Construction	204		Walnut	Street	Replace Window	\$1,200

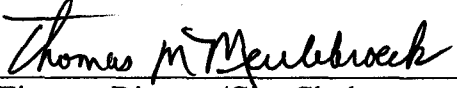
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25.	Carl A. Rohlik (Hammer's Away, Inc.)	606	West	Southview	Drive	Reroof (asphalt)	\$3,400
26.	Minnesota Cabinets, Inc.	402		Deschepper	Street	Replace Window	\$1,000
27.	Bladholm Construction, Inc.	805	East	Main	Street	Reroof (asphalt)	\$7,700
28.	Alan J. Zant	617		Winifred	Drive	Reroof (asphalt)	\$3,800
29.	Scott VanOverbeke Construction LLC	503		Dogwood	Avenue	Reroof (asphalt)	\$7,000
30.	Kevin Lanoue Construction	702	South	1st	Street	Reroof (asphalt)	\$7,000
31.	William Versaevel	601		Viking	Drive	Reroof (asphalt)	\$4,800
32.	D&G Excavating, Inc.	309	South	4th	Street	Demo barn	\$0
33.	Gary Vlaminc Construction	709	South	2nd	Street	Reside (vinly)	\$7,000
34.	Scott VanOverbeke Construction LLC	205	West	James	Avenue	Reroof (asphalt)	\$7,000
35.	Dennis Lozinski Construction	605		Roosevelt	Street	Reroof (asphalt)	\$8,000
36.	Dennis Lozinski Construction	903		Cheryl	Avenue	Reroof (asphalt)	\$6,500
37.	Vanleeuwe Construction LLC	1204		Patricia	Court	Reroof (asphalt)	\$6,500
38.	James Lozinski Construction Inc.	704		Sara	Circle	Reroof (asphalt)	\$7,000
39.	James Lozinski Construction Inc.	115	West	Maple	Street	Reroof (asphalt)	\$4,500
40.	Kevin Lanoue Construction	105	West	James	Avenue	Reroof (asphalt)	\$7,300
41.	Kevin Lanoue Construction	109		Donita	Avenue	Reroof (asphalt)	\$8,700
42.	Tutt Construction, Inc.	1408		Pinehurst	Road	Reroof (asphalt)	\$8,600
43.	AMEN Roofing & Construction	1212		Westwood	Drive	Reroof (asphalt)	\$9,000
44.	AMEN Roofing & Construction	401	South	4th	Street	Reroof (asphalt)	\$9,800

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


Mayor of the City of Marshall

ATTEST:


Finance Director/City Clerk