

REGULAR MEETING – SEPTEMBER 14, 2010

The regular meeting of the Common Council of the City of Marshall was held on September 14, 2010 in the Professional Room at the Marshall Middle School, 401 South Saratoga Street. The meeting was called to order at 5:30 P.M. by Mayor Byrnes. In addition to Byrnes the following members were present: Hulsizer, Doom, Sanow, DeCramer, Boedigheimer and Ritter. Absent: none. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Finance Director/City Clerk; and Jane DeVries, Deputy City Clerk. Bob VanMoer, Wastewater Superintendent arrived late.

The Pledge of Allegiance was recited at this time.

**APPROVAL OF THE AGENDA:**

It was the general consensus of the council that the agenda be approved as presented.

**APPROVAL OF MINUTES**

Doom moved, Sanow seconded, that the minutes of the regular meeting held on August 24, 2010 and the minutes of the special meeting held on August 31, 2010 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

**CONSENT AGENDA – A. TEMPORARY ON-SALE LIQUOR LICENSE FOR MARSHALL AREA CHAMBER OF COMMERCE FOR SEPTEMBER 30, 2010 AT 256 WEST MAIN STREET; B. LG220 APPLICATION FOR EXEMPT PERMIT FOR SMSU FOR APRIL 29, 2011 AT SMSU STUDENT CENTER, 320 NORTH O’CONNELL STREET; C. TEMPORARY ON-SALE LIQUOR LICENSE FOR MARSHALL AREA CHAMBER OF COMMERCE TO USE ON OCTOBER 7, 2010 AT BIG STONE THERAPIES, 1420 EAST COLLEGE DRIVE; D. TRANSFER THE ON SALE LIQUOR LICENSE FROM APPLEBEE’S RESTAURANTS NORTH, LLC TO APPLE MINNESOTA LLC DBA APPLEBEE’S NEIGHBORHOOD GRILL & BAR – CALL FOR A PUBLIC HEARING; E. WATER BUS ADDITION – INTRODUCTION OF THE PRELIMINARY PLAT AND CALL FOR PUBLIC HEARING; F. APPROVAL BILLS/PROJECT PAYMENTS:**

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

The approval of a Temporary On-Sale Liquor License for the Marshall Area Chamber of Commerce to use on September 30, 2010 at Blue Green Flower Shop, 256 West Main Street. The fee for this license is \$30.00.

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 Student Center, 320 North O’Connell, Marshall, Minnesota on April 29, 2011 and that the 30 day waiting period be waived.

The approval of a Temporary On-Sale Liquor License for the Marshall Area Chamber of Commerce to use on October 7, 2010 at Big Stone Therapy, 1420 East College Drive. The fee for this license is \$30.00.

A public hearing be held at 5:30 P.M. on September 28, 2010 to consider the liquor license transfer for Applebee’s Neighborhood Grill & Bar.

The introduction of the Preliminary Plat of Water Bus Addition and call for a public hearing to be held on September 28, 2010 at 5:30 P.M.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 71199 through 71404.

All voted in favor of the motion.

**CONSIDER APPROVAL OF RESOLUTION AUTHORIZING THE UTILITIES COMMISSION TO ORDER THE ISSUANCE AND SALE OF BONDS – PUBLIC UTILITY BONDS, SERIES 2010C:**

Brad Roos, General Manager Marshall Municipal Utilities, reviewed the 2010 Bonding request and authorization to issue bonds. MMU will issue 2010 Revenue Bonds for the purpose of financing various improvements to the City's electric and water system. Terri Heaton, Springsted Inc., was in attendance to review the bonds and indicated that they are considering Build America Bonds - Direct Pay.

Ritter moved, DeCramer seconded, the adoption of RESOLUTION NUMBER 3476, SECOND SERIES and that the reading of the same be waived. Resolution Number 3476, Second Series is a resolution Approving the Issuance of Public Utility Revenue Bonds, Series 2010C, or Taxable Public Utility Revenue Bonds, Series 2010C (Build America Bonds – Direct Pay), and Authorizing Certain Other Actions to be Taken by the Marshall Municipal Utilities Commission with Respect to the Issuance of the Series 2010C Bonds. All voted in favor of the motion.

**RECOGNITION OF MINNESOTA WASTEWATER OPERATORS ASSOCIATION 2010 CLASS A OUTSTANDING OPERATOR OF THE YEAR AWARD TO ROBERT VANMOER:**

Glenn Olson, Director of Public Works/City Engineer, indicated that at the annual MWOA Conference Wastewater Superintendent Bob VanMoer was the recipient of the 2010 Class A Outstanding Operator of the Year Award. Class A Wastewater Operator is the highest level of class in the State of Minnesota. The award is based on several areas, including job performance, education, professional activities, accomplishments and involvement in MWOA.

Mr. Olson presented Bob VanMoer with the Minnesota Wastewater Operators Association (MWOA) 2010 Class A Outstanding Operator of the Year Award and expressed appreciation for his exemplary work for the City of Marshall and contributions to his profession.

**REVIEW DRAFT MODIFIED TIF PLAN FOR REDEVELOPMENT PROJECT 1 AND FOR REDEVELOPMENT PROJECT 2:**

Ben Martig, City Administrator, briefly reviewed the Modified TIF Plan for Redevelopment Project 1 and Redevelopment Project 2. Mr. Martig indicated that the purpose of the proposed modification of the Marshall Project areas and tax increment districts is to increase the budgets of existing districts for the acquisition of land to be annexed by the City, and to modify the Project Area boundaries to include the new property.

DeCramer moved, Ritter seconded, the adoption of RESOLUTION NUMBER 2477, SECOND SERIES and that the reading of the same be waived. Resolution Number 2477, Second Series is a resolution Calling for a Public Hearing on the Proposed Modification of the Modified Tax Increment Financing Plans for Tax Increment Financing Districts within Redevelopment Project No. 1 and Redevelopment Project No. 2 of the Marshall Housing and Redevelopment Authority. The public hearing will be held at 5:30 P.M. on Tuesday, October 26, 2010. All voted in favor of the motion.

**2011 BUDGET – A. CONSIDER OF RESOLUTION ADOPTING A PRELIMINARY BUDGET FOR 2011 AND SETTING BUDGET PUBLIC MEETINGS; B. CONSIDERATION OF RESOLUTION ADOPTING PRELIMINARY 2010 TAX LEVY COLLECTABLE IN 2011:**

Ben Martig, City Administrator, reviewed the 2011 Preliminary Budget and Tax Levy. Mr. Martig indicated that the proposed tax levy was a 3 percent increase over the 2010 levy, although growth in Marshall's tax base may mean the actual increase is smaller.

Doom moved, DeCramer seconded, the adoption of RESOLUTION NUMBER 3478,

SECOND SERIES and that the reading of the same be waived. Resolution Number 3478, Second Series is a resolution Adopting a Preliminary Budget for the General Fund of the City of Marshall for the year 2011. The preliminary budget for the General Fund provides for revenues of \$9,896,593 and expenditures of \$11,230,685 of which the revenues are supported with a General Fund Tax Levy of \$3,547,728. All voted in favor of the motion.

Doom moved, DeCramer seconded, the adoption of RESOLUTION NUMBER 3479, SECOND SERIES and that the reading of the same be waived. Resolution Number 3479, Second Series is a resolution Approving Preliminary 2010 Tax Levy, Collectable in 2011. The proposed levy is in the amount of \$4,806,667 of which \$3,502,728 is the General Fund Portion of the Levy; a Debt Service Levy of \$154,350 for 2006 "C" Storm Sewer Improvement; \$203,498 for 2002 "A" Airport Improvements; \$79,790 for 2005 "A" G. O. Public Improvement Bonds; \$36,940 for 2006 "B" G. O. Public Improvement Bonds; \$134,794 for 2007 "C" G. O. Public Improvement Bonds; \$114,660 for 2007 "D" G. O. Equipment Certificates; \$88,570 for 2008 "B" G. O. Public Improvement Bonds; \$56,315 for 2008 G. O. Equipment Certificates; \$40,944 for 2009 G. O. Public Improvement Bonds; \$52,996 for 2010 G. O. Public Improvement Bonds; \$42,111 for 2010 Library Capital Improvement Bond; and \$134,294 for 2011 G. O. Public Improvement Bonds. A Special Levy in the amount of \$45,000 for PERA Employer Contribution; and a Special Levy in the amount of \$119,677 for the Economic Development Authority. The Public Budget Hearing shall be held at 6:00 P.M. on December 1, 2010, with a continuation of the Public Budget Hearing, if necessary, 6:00 P.M. on December 8, 2010 and a Final Public Budget Hearing to consider adoption of the final budget on December 14, 2010 at 6:00 P.M. All voted in favor of the motion.

**CONSIDER THE REQUEST OF GRACE LIFE CHURCH FOR A CONDITIONAL USE PERMIT FOR A DAYCARE FACILITY AT 601 EAST COLLEGE DRIVE:**

Glenn Olson, Director of Public Works/City Engineer reviewed the request from Grace Life Church for a Conditional Use Permit to operate a daycare facility serving 92 individuals at 601 East College Drive. This is the existing East Side Elementary School building and is located in an R-1 One-Family Residence District. A daycare facility serving more than 14 individuals is a conditional use in this district requiring a conditional use permit. This building has been purchased by Grace Life Church which leases part of it for Head Start Daycare. Grace Life Church applied for a conditional use permit in 2006 for daycare serving 54 individuals; the permit was granted at that time. There are no complaints on file about the current operation.

Mr. Olson indicated that part of the building is leased out to Marshall Area Christian School which wants to start its own daycare program. A new conditional use permit is necessary because the total number of children in all daycare facilities in the building will exceed 54 individuals. The conditions applied are the same that were applied to the original Conditional Use Permit issued in 2006 with the addition of one more, which requires all daycare facilities being located on the main floor to allow exiting without use of stairs. Location of the daycare on the first floor is dictated by the Building Code.

Tim Gross, Marshall Area Christian School, was in attendance at the meeting and requested that the condition requiring the daycare facility to be located on the main floor be removed. Mr. Gross indicated that all of their current operation is located on the 2<sup>nd</sup> floor and they would like the daycare to be located on the 2<sup>nd</sup> floor as well.

Council Member Doom indicated that this was not discussed at the Planning Commission meeting.

Per the recommendation of the Planning Commission, Boedigheimer moved, Doom seconded, to approve the request of Grace Life Church for a Conditional Use Permit for a daycare facility serving 92 individuals at 601 East College Drive with the following conditions.

1. The use is limited to serving no more than 92 individuals.
2. The use must be licensed by the State of Minnesota.
3. The permit is not transferrable to any other person.
4. This permit expires within two years of the approval date if the business is not in operation or the business is suspended for two years.
5. All daycare facilities are located on main floor to allow exiting without use of stairs.

Council Member DeCramer asked if the Planning Commission approved all five conditions and Council Member Doom indicated they did. Mr. Olson indicated that the Conditional Use Permit needs to comply with the Building Code. All voted in favor of the motion, except Sanow who abstained.

**PROJECT Y83: FORMER AIRPORT ARRIVAL/DEPARTURE BUILDING DEMOLITION PROJECT – CONSIDER CHANGE ORDER NO. 2 (FINAL) AND ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION:**

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order No. 2 (Final) for the Demolition of the Former Arrival/Departure Building Project Y83 with D & G Excavating, of Marshall, Minnesota resulting in a contract increase of \$2,877.30. This change order is the result of as-built quantities.

Doom moved, Sanow seconded, the approval of Change Order No. 2 (Final) with D & G Excavating, of Marshall Minnesota for a contract increase of \$2,877.30 and the acknowledgement of the final payment in the amount of \$6,271.85 for the Demolition of the Former Arrival/Departure Building Project Y83. All voted in favor of the motion.

**PROJECT Y74: NORTH 5<sup>TH</sup> STREET/WEST LYON STREET/WEST REDWOOD STREET RECONSTRUCTION PROJECT – CONSIDER CHANGE ORDER NO. 1:**

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order No. 1 for North 5<sup>th</sup> Street / West Lyon Street / West Redwood Street Reconstruction Project Y74 with Quam Construction Company, Inc., of Willmar, Minnesota resulting in a contract increase of \$63,500.00. This change order is the result of the Minnesota Department of Labor & Industry Prevailing Wage Rates requirement for receipt of Department of Employment and Economic Development (DEED) funds.

Doom moved, Sanow seconded, the approval of Change Order No. 1 with Quam Construction Company, Inc., Willmar, Minnesota for a contract increase in the amount of \$63,500.00 for North 5<sup>th</sup> Street / West Lyon Street / West Redwood Street Reconstruction Project Y74. All voted in favor of the motion.

**PROJECT Y65: RANCH AVENUE/SOUCY DRIVE AREA RECONSTRUCTION PROJECT – CONSIDER CHANGE ORDER NO. 1:**

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order No. 1 for Ranch Avenue / Soucy Drive Area Reconstruction Project Y65 with Chad Monson Excavating, LLC, of Willmar, Minnesota resulting in a contract increase in the amount of \$34,675.00. This change order is a result of unsuitable silty, high moisture soils encountered during excavation of underground utilities and excessive rainfall during construction, additional granular base is needed to stabilize the street section.

Doom moved, Sanow seconded, the approval of Change Order No. 1 with Chad Monson Excavating, LLC, Willmar, Minnesota for a contract increase in the amount of \$34,675.00 for Ranch

Avenue / Soucy Drive Area Reconstruction Project Y65. All voted in favor of the motion.

**FAIRVIEW TOWNSHIP ANNEXATION (MOSCH-BLADHOLM AREA) – A. RECEIPT OF PETITION FOR ANNEXATION; B. AMENDMENT TO THE JOINT RESOLUTION FOR ORDERLY ANNEXATION; C. REIMBURSEMENT RESOLUTION:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the Petition for Annexation for the Mosh/Bladholm property. Mr. Olson indicated that since only a portion of the property is included in an existing Joint Resolution for Orderly Annexation, this Joint Resolution must be amended to include the entire area petitioned to be annexed. This Amendment to the Joint Resolution has been presented to Fairview Township. The property being annexed is owned by private property owners.

Sanow moved, Doom seconded, the receipt of the Petition for Annexation of 97.99 acres, more or less, in Section 29, Township 112 North, Range 41 West in Fairview Township to the City of Marshall. All voted in favor of the motion.

Doom moved, DeCramer seconded, the adoption of RESOLUTION NUMBER 3480, SECOND SERIES and that the reading of the same be waived. Resolution Number 3480, Second Series is a resolution In The Matter of the Amendment to the Joint Resolution of the City of Marshall and the Township of Fairview Designating Certain Areas as in need of Orderly Annexation Pursuant to Minnesota Statutes, Section 414.0325. This resolution provides for the annexation of the property described in the Petition for Annexation, subject to clarification of the number of acres. All voted in favor of the motion.

Sanow moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3481, SECOND SERIES and that the reading of the same be waived. Resolution Number 3481, Second Series is a resolution Authorizing Use of Tax Increment Financing Funds to Reimburse City Expenditures. This resolution provides for the City of Marshall to be reimbursed for funds expended for the acquisition of the Mosch/Bladholm property. All voted in favor of the motion.

**PROJECT Y44: LEGION FIELD ROAD IMPROVEMENT PROJECT – CONSIDER RESOLUTION REALLOCATING ASSESSMENTS:**

Glenn Olson, Director of Public Works/City Engineer, indicated that due to the replatting of portions of Marshall Right-Of-Way Addition and Moorse Addition and platting of previously unplatted lands to Legion Field Road Second Addition, various parcels were split into multiple parcel numbers. Therefore, the outstanding remaining assessments on the properties require redistribution.

DeCramer moved, Doom seconded, the adoption of RESOLUTION NUMBER 3482, SECOND SERIES and that the reading of the same be waived. Resolution Number 3482, Second Series is a resolution Redistributing Assessments for Legion Field Road Improvement Project Y44. All voted in favor of the motion.

**CONSIDERATION OF ORGANIZATION RESOLUTION WITH BREMER TRUST, N.A. INVESTMENT MANAGEMENT AGENCY:**

Ben Martig, City Administrator, reviewed the Organization Resolution with Bremer Trust, N.A. Investment Management Agency. This resolution provides for Thomas M. Meulebroeck and Ben Martig to be designated as the individuals authorized to make changes by both written communication to Bremer Trust or oral communication to Bremer Trust. All voted in favor of the motion.

**CONSIDER APPOINTMENTS FOR THE DESIGN REVIEW COMMITTEE:**

Per the recommendation of Mayor Byrnes, DeCramer moved, Ritter seconded, and it was unanimously approved that the following appointments be made to the Design Review Committee:

Business Members	Ron Halgerson (TSP) Beth Anderson (Marshall Decorating) Renee DeAustin (Johnson's Paint & Wallpaper Store)
Citizen Members	Ellayne Conyers Nicole DeBoer Michon Weeks
Council Member	Larry Doom

**CONSIDER APPROVAL OF TRANSFER OF PROPERTY:**

Dennis Simpson, City Attorney, indicated that the City of Marshall has been negotiating the proposed sale of bare lot property adjacent to the Public Housing Facility. Mr. Simpson indicated that the City Council previously passed a resolution dated May 25, 2010 authorizing sale of property. That resolution however authorized sale of property by quitclaim deed. Final documents from Housing and Urban Development (HUD) require transfer of property by general warranty deed.

Additionally, the prior resolution authorized sale of property at the appraised value. An appraisal has been provided indicating that the property is worth \$14,200. The City has offered to sell property at \$14,200. Buyers have offered to buy the property at \$13,950. There has not yet been a purchase agreement signed establishing final price. City Attorney is seeking approval from Council regarding the establishment of sale price. The clarification is only \$250 for the sharing of appraisal costs.

Ritter moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3483, SECOND SERIES and that the reading of the same be waived. Resolution Number 3483, Second Series is a resolution Authorizing the Proper City Officials to Execute a Deed to Convey Real Estate Owned by the City of Marshall. This resolution provides for the sale of property to the Public Housing Commission in the amount of \$14,200. All voted in favor of the motion.

**REVIEW TOWING CONTRACT FOR THE CITY OF MARSHALL:**

Ben Martig, City Administrator, reviewed the letter received from Alan Lustfied of Anytime Towing. Mr. Martig indicated that Anytime Towing has applied for a Towing License; however, staff has not considered a license to tow with the city due to the existing agreement with Southwest Towing. Staff has reviewed and determined that Southwest Towing is within compliance of the agreement and city code. Additionally, although the city could terminate the existing agreement under Section 7 of the agreement but the City has been satisfied with the service and feels the intent of the multi-year agreement was intended to be exclusive. The items of concern have been addressed as follows:

- a. Exclusive contract. The city attorney has reviewed the contract and determined that the contract was intended to be exclusive. The city is allowed to offer a two-year agreement subject to annual license renewal for 2011.
- b. Criminal background checks. The City only reviews eligibility of an active license on the storage licenses. The City Code does not provide any standards as it relates to criminal background checks therefore there is no grounds to review this.
- c. 74-63 standards for storage. The City engineering department has verified that the storage facility is within one-half mile of the Marshall City Limits. Also, the facility does accommodate at least 30 cars and is secured with fencing structures. The structures include an outside storage area surrounded by 8-foot high cement walls with approximate additional 2-feet of barbed wire around the top. Areas where the cement walls stop continue with 6-foot

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solid metal panels for fencing with barbed wire around the top. The entrance to the outside storage area is 6-foot high chain link fence gate topped with barbed wire around the top. It is not technically a chain link fence but the intent is there and since the city zoning does not apply outside the city, the city is not as concerned with the type of fence so much as it is secured.

d. MN Department of Transportation Licensing. Compliance issues related to licensing is with the Minnesota State Patrol and not the City of Marshall. The City presumes these are being met and any complaints should be filed with the DOT.

e. Police band scanner. The police department met with Southwest Towing at the site to review the site requirements and also at the time raised claims of illegal scanning activity. They offered to have the police department inspect all the vehicles at which time the police department declined. Southwest Towing indicated they have a scanner in their office which is allowed under the law.

Mr. Lustfield's letter expressed concerns about the city having a two-year contract with Southwest Towing, when the towing license is an annual license. Mayor Byrnes indicated that these are two separate issues. He indicated that that in order to tow for the City of Marshall Police Department (snowbirds, abandoned and etc) a Towing and Storage License is required. All other tows can be conducted by any towing company the owner of the vehicle requests. The contract with Southwest Towing is a separate agreement, covering only vehicles ordered towed by the city.

Mr. Martig indicated that these items are a comprehensive review from the Police Department, Public Works, Administration, Finance/Clerks Office and the City Attorney's office. Staff is recommending not to cancel the contract and to continue under an exclusive contract through the end of 2011.

Council Member Sanow asked who checked the facility before the license was issued. Sanow indicated that Southwest Towing moved to its current location it didn't have all the required security in place. He indicated that the gate was installed two weeks ago.

Mr. Wilzbacher indicated that he is continuing to improve the storage facility to bring it up to code.

Sanow moved, Hulsizer seconded, that the contract for towing with Southwest Towing be terminated as of January 1, 2011 and that any storage facility be inspected before a new license can be issued. Voting in favor of the motion were: Sanow, Hulsizer and Boedigheimer. Voting no were: Ritter, DeCramer, Byrnes and Doom. No action was taken.

**COUNCILMEMBER COMMISSION/BOARD LIAISON REPORTS:**

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

Byrnes        Regional Radio Board continues to meet; Regional Development Commission met last week.

Hulsizer     Library Board met last night and received an update on the Library project

Doom        Marshall Community Services indicated that the fall activities have started.

Sanow        No Report.

DeCramer    EDA will be meeting on Wednesday.

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Boedigheimer MERIT Center met last Thursday, Airport Commission received a copy of the 2011 proposed budget for expenses, but they would also like to receive the revenue budget.

Ritter Housing Commission met on Monday.

**STAFF REPORTS:**

Ben Martig, City Administrator, indicated that work is continuing on the budget for 2011; the Capital Improvement Plan for the next five years is being worked on. The next budget meeting will be held on Tuesday, September 21, 2010. There is a League of Minnesota Regional Cities meeting next week and a Coalition of Greater Minnesota Cities Forum on September 23, 2010 at the YMCA. The library project is progressing – fencing is up and secured. The EDA met with Loren Stromberg.

Glenn Olson, Director of Public Works/City Engineer, apologized for being late and not being able to request additional items to be added to the agenda, therefore he is requesting that a Resolution Amending Resolution Calling for Public Hearing on Proposed Assessments for Clarice Avenue from Susan Drive to T.H. 23 Improvement Project Y33 / 139-132-02; Commencement Boulevard Improvement Project Y84; 2010 Cul-de-sac Reconstruction Project (Project Y63 Lawrence Court; Project Y64 Bruce Circle; Project Y75 Peltier Street); and “C” Street Reconstruction Project 40 be added to the agenda.

Ritter moved, DeCramer seconded, that a Resolution Amending Resolution Calling for Public Hearing on Proposed Assessments for Clarice Avenue from Susan Drive to T.H. 23 Improvement Project Y33 / 139-132-02; Commencement Boulevard Improvement Project Y84; 2010 Cul-de-sac Reconstruction Project (Project Y63 Lawrence Court; Project Y64 Bruce Circle; Project Y75 Peltier Street); and “C” Street Reconstruction Project 40 be added to the agenda. All voted in favor of the motion.

Glenn Olson, Director of Public Works/City Engineer, indicated that at the August 24, 2010 City Council meeting resolutions were adopted calling for proposed assessment hearings to be held on September 28, 2010. Per Minnesota Statute §429.061, subd. 1, publication and mailing of the hearing notice shall be no less than two weeks prior to the hearing. Further review of the proposed assessments did not permit compliance with the publication and mailing statute requirements and requires rescheduling of assessment hearings.

Ritter moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3484, SECOND SERIES and that the reading of the same be waived. Resolution Number 3484, Second Series is a resolution Amending Resolution Number 3464, Second Series Resolution for Hearing on Proposed Assessment for Clarice Avenue Improvement Project from Susan Drive to T.H. 23 Project Y33 / 139-132-02. This public hearing will be held at 5:30 P.M. on October 12, 2010. All voted in favor of the motion.

Ritter moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3485, SECOND SERIES and that the reading of the same be waived. Resolution Number 3485, Second Series is a resolution Amending Resolution Number 3460, Second Series Resolution for Hearing on Proposed Assessment for Commencement Boulevard Improvement Project Y84. This public hearing will be held at 5:30 P.M. on October 12, 2010. All voted in favor of the motion.

Ritter moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3486, SECOND SERIES and that the reading of the same be waived. Resolution Number 3486, Second Series is a resolution Amending Resolution Number 3471, Second Series Resolution for Hearing on Proposed Assessment for 2010 Cul-de-sac Reconstruction Project – Lawrence Court Reconstruction Project Y63; Bruce Circle Reconstruction Project Y64; Peltier Street Improvement Project Y75. This public hearing will be held at 5:30 P.M. on October 12, 2010. All voted in favor of the motion.



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Ritter moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3487. SECOND SERIES and that the reading of the same be waived. Resolution Number 3487, Second Series is a resolution Amending Resolution Number 3475, Second Series Resolution for Hearing on Proposed Assessment for “C” Street Reconstruction Project Y40. This public hearing will be held at 5:30 P.M. on October 12, 2010. All voted in favor of the motion.

Mr. Olson indicated that MN/DOT had asked for an update on the status of the underpass opening and Mr. Olson indicated that it has been scheduled for October 15, 2010. The improvement project on “C” Street will begin on Monday.

Dennis Simpson, City Attorney, indicated that the Final Plat of Sonstegard Subdivision I has been completed. Mr. Simpson indicated that the sale of property to Titan Machinery is scheduled to close on September 23, 2010. The Corp of Engineer project has been completed and the Mosch/Bladholm property acquisition has started.

Mr. Olson indicated that the Gagging Station is in operation. There is a levy inspection scheduled for Tuesday and Wednesday by the Corp of Engineers.

**COUNCILMEMBER INDIVIDUAL ITEMS:**

Other items brought forth by the Mayor and Council Members included an issue with standing water between the Carlson Street area and the Latter Day Saints Church. Mr. Olson indicated that there is no regulation to require a property owner to drain off standing water. Council Member Sanow indicated that the towing requests are not being split between the two towing companies. Mr. Martig indicated that the people involved in the accident get to choose the towing company. Mr. Sanow also indicated that criminal backgrounds check should be part of the City Code requirement for certain licenses. Council Member Boedigheimer indicated that the L & O Committee should discuss the dry/wet ponds fencing issue. Martig indicated the PI & T will be reviewing the dry storm water pond issue. Boedigheimer also noted a tall grass and weed complaint at the corner of South 1<sup>st</sup> Street and Southview Drive. Staff will check on this issue.

**REVIEW OF PENDING AGENDA ITEMS:**

There were no questions 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.	Brian Schramm Drywall	501	East	Main	Street	Install Window	\$1,000
2.	Dennis Lozinski Construction	704	North	5th	Street	Reroof (asphalt)	\$7,000
3.	Mike Buyse Construction Inc.	505	South	2nd	Street	Reroof (asphalt)	\$3,000
4.	Mike Buyse Construction Inc.	201		Lucille	Street	Reroof (asphalt)	\$4,000
5.	James Lozinski Construction Inc.	1009		Silvervine	Drive	Reroof (asphalt)	\$6,000
6.	Rick Slagel Construction Inc	311	South	O'Connell	Street	Interior Remodel Office	\$40,000
7.	CAB Quality Construction LLC	504		Donita	Avenue	Reroof (asphalt)	\$4,500
8.	CAB Quality Construction LLC	801		Lawerence	Court	Reroof (asphalt)	\$8,200

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9.	CAB Quality Construction LLC	706	Viking Drive	Reroof (asphalt)	\$6,300
10.	David Lukkarinen	611	Adobe Circle	Reroof porch (asphalt)	\$600
11.	Steven Louwagie	901	Cheryl Avenue	Install Window	\$1,000
12.	Dennis Lozinski Construction	901	Silvervine Drive	Reroof (asphalt)	\$6,500
13.	James Lozinski Construction Inc.	103	Whitney Circle	Reroof (asphalt)	\$7,500
14.	James Lozinski Construction Inc.	104	Whitney Circle	Reroof (asphalt)	\$10,000
15.	Kevin Lanoue Construction	103	F Street	Reroof (asphalt)	\$4,500
16.	Steven Otto	104	West Maple Street	Install Window	\$800
17.	Dennis Boerboom	1103	South 2nd Street	Reroof (asphalt)	\$10,000
18.	Scott Kuecker	704	Huron Road	Addition	\$288,500
19.	Servicemaster Clean	100	North Highway 59	Install Sign	\$500
20.	James Lozinski Construction Inc.	1100	Cheryl Avenue	Reroof (asphalt) Repair Foundation	\$10,000
21.	Layle French Construction Inc.	403	Williams Street	Remodel Laundry	\$1,500
22.	True Value Home Center	1114	Skyline Drive	Reroof (asphalt)	\$7,000
23.	Arthur M. Olson	1100	Jefferson Avenue	Install Door	\$3,500
24.	Geske Home Improvement Co.	121	E Street	Patio door	\$2,200
25.	Michelle R. Bossuyt	803	Cheryl Avenue	Reroof (asphalt)	\$6,700
26.	Scott VanOverbeke Construction LLC	300	North Hill Street	Reroof (asphalt)	\$8,000
27.	James Lozinski Construction Inc.	205	North 5th Street	Reroof (asphalt)	\$8,500
28.	Kevin Lanoue Construction	602	Kennedy Street	Reside (vinyl)	\$3,000
29.	Jeff Gladis Construction	1000	Cheryl Avenue	Reroof (asphalt)	\$8,000
30.	Scott VanOverbeke Construction LLC	404	Viking Drive	Reroof (asphalt)	\$7,000
31.	Vanleeuwe Construction LLC	521	Fairgrounds Road	Reroof (asphalt)	\$13,400
32.	Mike Buysse Construction Inc.	207	East Lyon Street	Reroof (asphalt)	\$4,000
33.	Martin Marthaler	103	G Street	Reroof (asphalt)	\$8,500
34.	Mike Buysse Construction Inc.	310	Carrow Street	Reroof (ashpalt)	\$4,800
35.	Albert R. Eggermont, Jr.	302	West College Drive	Install Window	\$500
36.	Scott VanOverbeke Construction LLC	206	Lucille Street	Reroof (asphalt)	\$6,000
37.	Loretta Penske	230	London Road	Reroof (asphalt) & Siding Repair	\$7,500
38.	James & Joyce Leach	507	Washington Avenue	Reroof (asphalt)	\$7,500
39.	Schlenner Construction Co.	604	West Redwood Street	Reroof (asphalt)	\$6,800
40.	Jeff Gladis Construction	609	Viking Drive	Reroof (asphalt)	\$9,500
41.	James Lozinski	708	Brian Street	Reroof (asphalt)	\$5,900

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	Construction Inc.					
42.	Jag Properties	1210 East College Drive			Interior Remodel Office	\$2,000
43.	Mike Buysse Construction Inc.	200 North A Street			Reroof (asphalt)	\$5,000
44.	Terry & Betty Zinnel	306 East Main Street			Reroof (asphalt), Replace Deck	\$4,000
45.	Jeff Gladis Construction	612 West James Avenue			Reroof (asphalt)	\$6,200
46.	Alicia Engler	405 South Whitney Street			Kitchen Remodel	\$800
47.	Jeffrey & Debra Pieschke	801 Elaine Avenue			Reroof (asphalt)	\$6,500
48.	Layle French Construction Inc.	313 Jean Avenue			Reroof (asphalt)	\$9,300
49.	Justin Christensen	611 Donita Avenue			Reroof (asphalt)	\$6,500
50.	Richard & Debra Miller	1103 Washington Avenue			Reroof (asphalt)	\$8,400
51.	Eric Wallen	311 East Lyon Street			Shed	\$1,000

**DETERMINATION TO GO INTO CLOSED SESSION PURSUANT TO MINNESOTA STATUTE 13D.05 SUBD. 3(C)(3) TO ESTABLISH PRICING RELATED TO REAL PROPERTY ACQUISITION AND SALE – A. SONSTEGARD SUBDIVISION I - LOTS 3,5,6 & 7; B. 109 SOUTH A STREET; C. 111 SOUTH A STREET:**

Doom moved, Sanow seconded, that the Council go into closed session at 7:25 P.M. pursuant to Minnesota Statute 13D.05 Subd. 3(c)(3) to Establish Pricing Related to Real Property Acquisition and Sale. All voted in favor of the motion.

Mayor Byrnes called for a 5-minute recess.

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 6:55 P.M.

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

  
 Mayor of the City of Marshall

ATTEST:

  
 Finance Director/City Clerk