

REGULAR MEETING – SEPTEMBER 28, 2010

The regular meeting of the Common Council of the City of Marshall was held on September 28, 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 arrived late; Glenn Olson, Director of Public Works/City Engineer; Rob Yant, Director of Public Safety; Harry Weilage, Director of Community Services arrived late; Bob VanMoer, Wastewater Superintendent; 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 5a, which is to consider authorization for award of proposals for vehicle replacement for the Building Inspection/Zoning Department.

APPROVAL OF MINUTES:

Sanow moved, Doom seconded, that the minutes of the regular meeting held on September 14, 2010 and the minutes of the special meeting held on September 21, 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 – LIQUOR LICENSE TRANSFER FOR APPLEBEE'S:

This was the date and time set for a public hearing to consider the transfer of an On-Sale Intoxicating Liquor License for Applebee's Restaurants North, LLC dba Applebee's Neighborhood Grill & Bar to Apple Minnesota LLC dba Applebee's Neighborhood Grill & Bar. Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that all of the Applebee's located in Minnesota are being sold to a new company but the day to day operations, including the on-site manager, employees, menu and hours of operation will remain the same. Sanow moved, DeCramer seconded, that the public hearing be closed. All voted in favor of the motion.

Doom moved, Sanow seconded, the approval of the transfer of an On-Sale Intoxicating Liquor License for Applebee's Restaurants North, LLC dba Applebee's Neighborhood Grill & Bar to Apple Minnesota LLC dba Applebee's Neighborhood Grill & Bar effective October 13, 2010. All voted in favor of the motion.

PUBLIC HEARING PRELIMINARY PLAT FOR WATER BUS ADDITION:

This was the date and time set for a public hearing on the Preliminary Plat of Water Bus Addition. Glenn Olson, Director of Public Works/City Engineer, indicated that Marshall Municipal Utilities has requested the development of a subdivision including certain properties immediately adjacent to their property, as well as dedicated public right-of-way for street and utility construction extending from T.H. 23 South to the city limits. Mr. Olson indicated that following approval by the Planning Commission, City staff met with Dennis Simpson, City Attorney, to discuss the issue of mortgage holders of record. It was decided that in accordance with Minnesota State Statutes, the names and signatures of all fee owners, contract for deed vendees, and mortgage holders of record of the land being platted shall appear on the plat, together with a statement as to their interest. The marital status of individual owners shall also appear on the plat. Mr. Olson also indicated that after reviewing the Minnesota State Statutes, definitions of lots and outlots, and review of the City definitions, the lots indicated in the preliminary plat as Lots 1, 2, 3 and 5 of Block One and Lot 1 of Block Two should be renamed as Outlot A, B, C, D and E, respectively, as these lots are not individually buildable lots and must be considered as outlots. Sanow moved, DeCramer seconded, the public hearing be closed. All voted in favor of the motion.

REGULAR MEETING – SEPTEMBER 28, 2010

DeCramer moved, Ritter seconded, the approval of the Preliminary Plat of Water Bus Addition. All voted in favor of the motion.

PUBLIC HEARING ON PROPOSED ASSESSMENT – RANCH AVENUE / SOUCY DRIVE AREA RECONSTRUCTION PROJECT Y65 AND CONSIDER RESOLUTION ADOPTING ASSESSMENT; NORTH 5TH STREET / WEST LYON STREET / WEST REDWOOD STREET RECONSTRUCTION PROJECT Y74 AND CONSIDER RESOLUTION ADOPTING ASSESSMENT; BASELINE ROAD AND SUSAN DRIVE IMPROVEMENT PROJECT Y28 AND CONSIDER RESOLUTION ADOPTING ASSESSMENT:

This was the date and time set for a public hearing to consider the assessments for Ranch Avenue / Soucy Drive Project Y65. Glenn Olson, Director of Public Works/City Engineer, indicated that this project involves the replacement of watermain, sanitary sewer and storm sewer and street reconstruction. The proposed project will reconstruct Ranch Avenue, Soucy Drive, Winifred Circle, Fremont Street and Pleasant Avenue and described utilities westerly from North 6th Street. Mr. Olson indicated that all improvements will be assessed according to the current Special Assessment Policy, including Marshall Municipal Utilities, Wastewater Department, Surface Water Management Utility Fund and Ad Valorem participation.

Roger Cardoni, 413 North 6th Street, asked why he was being assessed when there was no work done on North 6th Street. Mr. Olson indicated that the assessment for corner lots is spread ½ way back along the side yard.

Stu Kirchern, 502 West Lyon Street, indicated that currently there is no parking and requested that this be changed with the widening of the street.

Kerry Kerr, 613 Winifred Drive, indicated that he had talked to Kim Jergenson about widening his driveway and wanted to confirm that this will be done.

Mai Vang, 623 Soucy Drive, requested that his assessment be lowered.

Kay Nauman, 608 Soucy Drive, asked how the special assessments are calculated and was concerned how much of the project would be completed yet this year. Mr. Olson indicated that the intent is to have the first layer of asphalt installed this year and ground cover before the ground freezes. Mr. Olson briefly explained the process for computing the assessment for cul-de-sac vs. normal streets. He indicated that this street assessment is the same for cul-de-sac properties as for the street properties. He also indicated that the maximum assessment allowed is \$5,500 per parcel.

Mr. Olson indicated that any who wishes to retain their right to protest their special assessment they need to provide a written objection to the Finance Director/City Clerk or Mayor before the public hearing is closed.

At this time Jane DeVries, Deputy City Clerk, explained the payment process for special assessments. She indicated that they have 30 days to pay off the assessment with no interest and if the assessment is not paid by then, the assessment would be spread over the number of years established by the City Council and interest is calculated on the unpaid principal balance and this is certified to the county to be paid with their real estate taxes.

This was the date and time set for a public hearing to consider the assessment for North 5th Street / West Lyon Street / West Redwood Street Reconstruction Project Y74. Glenn Olson, Director of Public Works/City Engineer, indicated that this project involves the replacement of watermain, sanitary sewer and storm sewer and street reconstruction. The proposed project will reconstruct

REGULAR MEETING – SEPTEMBER 28, 2010

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. Mr. Olson indicated that all improvements will be assessed according to the current Special Assessment Policy, including Marshall Municipal Utilities, Wastewater Department, Surface Water Management Utility Fund and Ad Valorem participation.

Mr. Olson also indicated that the \$5,500 limit for special assessment is for single family residences only. This project is scheduled to start the end of this week and the intent is to have Phase I completed up to the first layer of asphalt this year.

Kathy Lozinski, 305 North 5th Street, indicated that she owns a single family dwelling and wanted to clarify that her assessment would only be \$5,500. There was a brief discussion on whether or not this property is considered residential or commercial because there is a bed and breakfast located there. Ms. Lozinski also asked how the interest rate of 4% was arrived at. Ben Martig, City Administrator, indicated that per city policy the interest for assessments is based on the bond issue cost plus 2%.

Rosemary Martin, Senior Warden for St. James Episcopal Church indicated that they object to the assessment amount and provided a written objection.

Rick Keimig, 506 West Lyon Street, asked when would there be a construction meeting. Mr. Olson indicated that there is a construction meeting scheduled for Tuesday, October 5, 2010 at 10:00 a.m. in conjunction with the Holy Redeemer project and will be held at the Holy Redeemer Parish Center.

Will Thomas, 613 West Redwood, asked about the project schedule. Mr. Olson indicated that part of the project will be done this fall and the remainder will be completed next spring. The water, sanitary sewer and any storm sewer will be done this fall. Mr. Thomas also asked about being assessed before the project has started. Mr. Olson indicated that is more of a financial issue. He also requested that the date the interest starts be clarified. It was indicated that per state statute they have 30 days before interest will start.

John Schroeder, 606, West Redwood, wanted to clarify that his assessment would be maxed at \$5,500.

John Zerr, 207 North 6th Street, indicated that when the North 6th Street project was done he was assessed the maximum and now he is being assessed the maximum again. Mr. Zerr asked that since 2006/2007 has there ever been two different projects where a corner lot has been assessed the maximum for each. Mr. Olson indicated there have been assessments on corner lots where they were assessed for two different projects but the assessment did not reach the maximum for either project.

This was the date and time set for a public hearing to consider the assessment for Baseline Road from Susan Drive to Nwakama Street and Susan Drive from Clarice Avenue west 1,350 feet. Glenn Olson, Director of Public Works/City Engineer, indicated that this project involves the construction/reconstruction of Baseline Road from Susan Drive to Nwakama Street and Susan Drive from Clarice Avenue west 1,350 feet. Baseline Road construction / reconstruction shall consist of curb and gutter, sidewalk, aggregate base, pavement construction and miscellaneous work. Susan Drive improvements shall consist of sanitary sewer main and services, watermain services for Outlot B of J-C Boyer Addition, curb and gutter, sidewalk, aggregate base, pavement construction and miscellaneous work. Mr. Olson indicated that all improvements will be assessed according to the current Special Assessment Policy, including Marshall Municipal Utilities, Wastewater Department, Surface Water Management Utility Fund and Ad Valorem participation. He also indicated that this is assessments for commercial are assessed at 100% and there is no maximum.

REGULAR MEETING – SEPTEMBER 28, 2010

Dr. Anthony Nwakama owns several of the lots that are being assessed under this project. Dr. Nwakama was concerned with being assessed for the 25 foot strip of land that he does not own and is requesting that this be assessed to Wall Mart. Mr. Olson indicated that when this area was developed Wall Mart owned the entire area and paid for 100% of Baseline Road. When Wal-Mart sold this property they retained this 25 foot strip.

Nick Magera, 1211 Susan Drive, owner of Culvers asked how the assessment was calculated for this piece of property. Mr. Olson indicated that the assessment was based on square footage and not frontage.

Council Member Ritter was concerned about what would happen if Wal-Mart was assessed for the 25 foot strip of land and they choose to appeal would the City end up in court. Mr. Olson indicated that this was a possibility, because the assessment would be more than the property is worth.

Council Member Boedigheimer was also concerned about assessing a 25 foot strip.

Ritter moved, Sanow seconded, that these public hearings be closed. All voted in favor of the motion.

DeCramer moved, Doom seconded, the adoption of RESOLUTION NUMBER 3488, SECOND SERIES and that the reading of the same be waived. Resolution Number 3488, Second Series is a resolution Adopting the Assessment for Ranch Avenue / Soucy Drive Reconstruction Project Y65, setting the interest rate at 4% and the assessment being paid in equal annual installments extending over a period of 10 years. It was clarified that the interest will start on October 28, 2010. All voted in favor of the motion.

Mayor Byrnes indicated that the next assessment roll to consider is for North 5th Street / West Lyon Street / West Redwood Street Project Y74. Byrnes indicated that there was an issue with commercial lots and corner lot assessments.

Council Member Sanow asked if a single family dwelling is used as a rental unit is it considered as commercial property. Mr. Olson indicated that if the property is more than a single family residence it is considered commercial. A single family dwelling is considered single family even if it is a rental unit.

Council Member Boedigheimer indicated that he has been in the property located at 305 North 5th Street and he considers this a single family dwelling. The Bed & Breakfast area of the dwelling is approximately 10%. There is a conditional use permit issued for 305 North 5th Street.

Comments from the Council Members included: how special assessments are calculated for corner lots when projects are completed several years apart and if the property owner is assessed the maximum for each project; asked how many properties this affects. Mr. Olson indicated that he would have to check the number of properties this affects; if a sliding scale could be developed for corner lot assessments; check with other communities to see how they assess corner lots; what would happen if this assessment was tabled; the city has already bonded for this assessment and needs to have the funds to pay the bond issue; further discussion needs to take place on the assessment policy.

Ritter moved, Boedigheimer seconded, that the consideration to adopt the Assessment Roll for North 5th Street / West Lyon Street / West Redwood Street Reconstruction Project Y74 be tabled to the next regular City Council meeting to be held on October 12, 2010. All voted in favor of the

REGULAR MEETING – SEPTEMBER 28, 2010

motion, except DeCramer who voted no.

Mayor Byrnes indicated that the next assessment roll to consider is for Baseline Road and Susan Drive Improvement Project Y28.

Council Member Sanow indicated that this assessment roll should be tabled and Wal-Mart should be contacted about the 25 foot strip of land that they own.

Ritter moved, Sanow seconded, that the consideration to adopt the Assessment Roll for Baseline Road and Susan Drive Improvement Project Y28 be tabled to the next regular City Council meeting to be held on October 12, 2010. All voted in favor of the motion.

Mayor Byrnes called for a 5-minute recess at 7:30 P.M.

AWARD OF BIDS – CITY OF MARSHALL ENERGY EFFICIENT LIGHTING PROJECT:

Ben Martig, City Administrator, indicated that on May 24, 2010 the City of Marshall applied for an energy efficient grant under the Facility Cost-Share Grant Program funded by the American Reinvestment and Recovery Act (AARA) and Minnesota Laws 2009 Chapter 138. On July 14, 2010 the City was awarded the grant. There were several buildings that qualified for the grant. They were City Hall, Liquor Store, Park Maintenance, Street Department, MERIT Center, City Airport, Wastewater, and North Ambulance.

Mr. Martig indicated that on July 20, 2010 the City sent letters to local electricians along with posting it on the City website requesting proposals for lighting for the City. The Retrofit Companies based in Owatonna, Minnesota had solicited the city for lighting upgrades when the grant application was made available and offered to inventory and complete the energy calculations at no charge; therefore they were also sent a notice requesting a proposal. They chose not to re-submit a new bid and instead agreed to hold their proposal active from when they completed it in April. The proposals received were from:

	Retrofit Companies Owatonna, MN	Meier Electric Marshall, MN	Coleman Electric Marshall, MN
City Hall	\$13,920.25	\$14,946.34	\$0.00
Liquor Store	6,484.50	8,340.00	5,997.00
Park Maintenance	2,088.45	2,078.00	1,952.00
Street Department	11,526.85	10,295.00	10,503.00
M.E.R.I.T. Center	4,227.15	4,865.00	2,764.00
City Airport	2,612.90	3,514.00	3,894.00
Wastewater	14,540.90	18,711.00	0.00
North Ambulance	2,341.95	2,024.00	2,033.00
TOTAL	\$57,742.95	\$64,773.34	\$27,143.00
MMU Rebate	(11,495.00)	(11,718.60)	(6,138.00)
	<u>(9,595.00)</u>	<u>(9,595.00)</u>	<u>0.00</u>
TOTAL	\$36,652.95	\$43,459.74	\$21,005.00
Total # of Fixtures	661	686	261
Total Watts	37,222	55,077	26,265
Average Cost per Fixture	\$87.35	\$94.42	\$103.99

REGULAR MEETING – SEPTEMBER 28, 2010

Mr. Martig indicated that Coleman Electric did not provide a proposal for City Hall or Wastewater; therefore this is considered an incomplete bid. The proposals varied in the type and number of fixtures. Staff is recommending approval to Retrofit based on the lower equipment and installation cost and additionally the lower operational cost with lower watts needed to operate. Staff will be requiring a verification of existing light levels to ensure that new lighting meets or exceeds the quality that is existing as they have proposed. Mr. Martig indicated that in order to qualify for the grant, one of the requirements was that there needed to be a payback less than two years for each fixture. The proposals included replacement of ballasts and bulbs in existing fixtures, some of which did not comply with the grant requirements for payback from energy savings, but all are to be replaced in the proposal. Mr. Martig indicated after the proposals were received, the City was made aware that the contractors for the project must include Federal wage rates under the Davis Bacon Act. After award of the contract, a change order will be necessary to accommodate the Davis Bacon Act and eligibility for grant funds.

Council Member Sanow indicated that there are several electricians in Marshall that were not asked to provide proposals and he wanted to know why. Mr. Martig indicated that the City mailed proposals directly to electricians that they were aware of and the information was posted on the City's web site. Mr. Martig indicated that they chose not to do specs and ask for proposals based on the grant application that required energy calculations. There was also a concern with awarding by location and does the City want to invest any more money in the Liquor store if they are not sure whether or not the City decides to build a new Liquor Store. Council Member Sanow indicated that there needs to be specifications put out for bid.

Boedigheimer moved, Ritter seconded, that the proposals be rejected and Marshall Municipal Utilities be asked to do a study and provide specs for future bidding. Council Member Doom asked if this could be bid as one lump sum or each building individually. All voted in favor of the motion.

AWARD OF BIDS – VEHICLE REPLACEMENT FOR BUILDING INSPECTION / ZONING DEPARTMENT:

Proposals were received, opened and read on September 27, 2010 for a replacement vehicle for the Building Inspection / Zoning Department. The proposals received, opened and read were from:

Lockwood Motors, Inc., Marshall

- 2008 Dodge Grand Caravan SXT; 20,633 miles - \$19,116.75
- 2010 Used Ford Escape FWD; 18,256 miles - \$16,827.00
- 2011 Dodge Dakota Ext-Cab 4 X 4 - \$19,356.37
- 2011 Dodge Ram 1500 4 X 4 - \$20,634.37
- 2011 Chevy Silverado 1500 4 X 4 - \$20,261.62
- 2011 Chevy Colorado 4 X 4 - 19,670.55
- 2011 Chevy Equinox FWD - \$24,708.00
- 2010 New Jeep Patriot - \$20,075.25
- 2009 Chrysler Town & Country; 36,469 miles - \$17,306.25
- 2008 Chevy Silverado 1500 4 X 2; 30,319 miles - \$17,359.50
- 2008 Dodge Dakota Crew 4 X 4; 23,556 miles - \$19,473.52
- 2008 Jeep Patriot 4 X 4; 36,441 miles - \$15,394.57
- 2007 Dodge Nitro 4 X 4; 25,460 miles - \$15,469.12

Kruse Buick Pontiac GMC Inc., Marshall

- 2009 Pontiac Torrent; 14,910 miles - \$19,053.50
- 2010 Canyon GMC; 42 miles - \$25,773

REGULAR MEETING – SEPTEMBER 28, 2010

Per the recommendation of Glenn Olson, Director of Public Works/City Engineer, Ritter moved, Sanow seconded, that the proposal be awarded to Lockwood Motors, Inc., for the 2010 Ford Escape with the extended warranty for a total cost in the amount of \$18,818.00. All voted in favor of the motion, except Boedigheimer and Doom who voted no.

CONSENT AGENDA – A. DECLARE BICYCLES AS SURPLUS PROPERTY FOR THE POLICE DEPARTMENT: B. DECLARE VEHICLES AS SURPLUS PROPERTY FOR THE POLICE DEPARTMENT: C. APPROVAL BILLS/PROJECT PAYMENTS:

DeCramer moved, Doom 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 be granted to the Department of Public Safety to dispose of surplus City property – six (6) vehicles. These vehicles will be auctioned using the State's On-Line auction process. Those vehicles that don't receive the minimum bid will be taken to Alter Metal Recycling for disposal.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 71405 through 71590.

All voted in favor of the motion.

CONSIDERATION OF PROPERTY INSURANCE RENEWAL:

Sheldon Kimpling from Bremer Insurance, was in attendance at the meeting to review the City's Property, General Liability, Auto, Liquor Liability, Excess Liability, Airport and Boiler Insurance effective October 1, 2010. The major changes addressed were:

1. Property Coverage had no rate change but the property values increased by 3.7%.
2. The General Liability Coverage had a 3% rate increase, the claims experience discount was reduced again this year due to usage. The City is still receiving an overall credit of 10.4%. The general liability exposure for the City decreased by 9.9%.
3. Auto Coverages – Auto Physical Damage coverage had a 6% rate increase and Auto Liability coverage had a 4% rate decrease.
4. Liquor Liability had a 15% rate decrease.
5. Excess Liability Coverage – same as general liability.
6. Airport Liability Coverage had no rate change. Mr. Kimpling indicated that he received 3 other airport liability quotes, but none were as competitive as ACE-USA. The closest premium was over \$5,000.
7. Boiler Coverage had no rate change but had higher property values. \$103,588,043 in 2010 vs \$101,697,209 in 2009.

Ritter moved, Boedigheimer seconded, that the Property, General Liability, Auto, Excess Liability and Liquor Liability be renewed with the League of Minnesota Cities at a cost of \$347,956. All voted in favor of the motion.

Ritter moved, Boedigheimer seconded, that the Airport Liability be renewed with ACE-USA in the amount of \$4,000. All voted in favor of the motion.

Ritter moved, Boedigheimer seconded, that the Boiler Coverage be renewed with Hartford Steam Boiler in the amount of \$33,603. All voted in favor of the motion.

CONSIDER APPROVAL OF THE STATEWIDE HEALTH IMPROVEMENT PROGRAM (SHIP).

Harry Weilage, Director of Community Services, indicated that the City of Marshall has made significant investments on their pedestrian/bike trails. Since the 2009 City Council adoption of the Comprehensive Trail Plan, city staff has worked to secure additional funding to augment the recently completed North Trail and Underpass. The \$7,700 SHIP Grant will be used to provide bicycle racks and provide signs and street markings on designated bike trails to be reviewed by the Public Transportation and Improvement Committee with the recommendation and consideration for approval by the City Council. This initial grant amount will be used to connect the recently completed Country Club Drive portion via Southview Drive, South 4th Street to Saratoga Street to the Marshall Middle School.

Doom moved, DeCramer seconded, to accept the Statewide Health Improvement Program (SHIP) in the amount of \$7,700. All voted in favor of the motion.

CONSIDER APPROVAL ON STATE HOMELAND SECURITY PROGRAM (SHSP) GRANT APPLICATION:

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 width 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. As an equal partner in the RAC/RRB the City is eligible to apply for a SHSP grant. The grant has \$175,000 available for ARMER Infrastructure and \$40,000 for Subscriber Equipment and there is no match funds requirement.

The grant request is to fund \$100,000 for a 3rd dispatch station in the Lyon County Sheriff's Department's Dispatch Center, which currently only has two dispatch positions. In case of any type of significant event in Lyon County a third dispatcher would make a substantial difference in terms of effectively handling communications. Also, a third position would provide redundancy for this crucial equipment. If equipment in one of the primary positions didn't work, the dispatcher could shift to the third position and continue to work despite having the equipment problems. The City does not currently pay for dispatch services so there would be operational impact.

The grant request would also be to fund \$75,000 of the estimated \$161,508 needed to make the City of Marshall's outdoor warning sirens narrow band radio compliant. This is approximately what had been budgeted for this upgrade in the 2011 Emergency Management Capital budget for this project. It is expected that there will be comparable funds next year that will be able to fund the rest of the project upgrade.

The third part of the grant request would be to fund \$40,000 to buy 9 mobile radios that would work in the ARMER system for use by the Marshall Police Department. Funding for the programming and installation of these radios is also included in this grant. This funding would relieve either the City of Marshall or Lyon County to have to fund these units.

Sanow moved, DeCramer seconded, that the proper city personnel be authorized to apply for FY2010 State Homeland Security Program (SHSP) – Interoperability Communication Projects Grant. All voted in favor of the motion.

CONSIDER RESOLUTION APPROVING SPECIFIC FEES TO BE CHARGED BY THE CITY OF MARSHALL:

Ben Martig, City Administrator, briefly reviewed the proposed changes to the Fee Resolution. Mr. Martig indicated that the Ilya Gutman provided a memo to the Ways and Means Committee explaining the details of the Building Permit Fees and the Plan Review Fees. The Ways and Means Committee reviewed the proposed changes and supported the Plan Review Fees but opted to delay the increase in building permit fees until 2012. Council Member Ritter questioned the rates being charged for equipment and indicated that they should be reviewed. Council Member Sanow questioned the rates under Adult Community Center for the dining hall. He asked if the words “per hour” should be added for the Dining Hall Fee for Groups A & B for after hour use. Per the recommendation of the Ways and Means Committee, Ritter moved, DeCramer seconded, the adoption of RESOLUTION NUMBER 3489, SECOND SERIES and that the reading of the same be waived. Resolution Number 3489 Second Series is a resolution Approving Specific Fees to be Charged by the City of Marshall effective January 1, 2011. Council Member Ritter indicated that some of the rates being charged for equipment should be reviewed. All voted in favor of the motion.

CONSIDER TRANSFER OF PROPERTIES IN SONSTEGARD SUBDIVISION I FROM THE CITY OF MARSHALL TO THE HOUSING AND REDEVELOPMENT AUTHORITY:

Dennis Simpson, City Attorney, indicated that the City of Marshall recently participated in the platting of property known as Sonstegard Subdivision I. Some of the property within that plat is owned by the Housing and Redevelopment Authority in and for the City of Marshall, Minnesota. One particular lot (Lot 3, Block 2) is owned by both entities. Lyon County Auditor/Treasurer in the process of reviewing the plat has indicated that separate ownership of one plat will require that the lot have two separate real estate tax numbers assigned to the lot. City staff recommends that the entire City owned property (formerly referred to as Geurts property) should be deeded from the City of Marshall to the Housing and Redevelopment Authority. That way all of the governmental owned property within the plat would be titled in the Housing and Redevelopment Authority in and for the City of Marshall, Minnesota.

Doom moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3490, SECOND SERIES and that the reading of the same be waived. Resolution Number 3490, 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 Outlot A, Outlot B, Outlot C, Lot Three (3) Block Two (2), Lot Eight (8) Block One (1) and Lot Nine (9) Block One (1) all in Sonstegard Subdivision I to be conveyed to the Housing and Redevelopment Authority in and for the City of Marshall. All voted in favor of the motion.

PROJECT Y81: SONSTEGARD INDUSTRIAL PARK IMPROVEMENT PROJECT - CONSIDER RESOLUTION RECEIVING REPORT:

Glenn Olson, Director of Public Works/City Engineer, indicated that the proposed project was initiated by the development of a City-owned industrial park. The existing areas zoned for industrial use within the City of Marshall are near full development.

Doom moved, DeCramer seconded, the adoption of RESOLUTION NUMBER 3491, SECOND SERIES is a resolution Receiving Feasibility Report for Sonstegard Industrial Park Improvement Project Y81. All voted in favor of the motion.

PROJECT Y51 / S.P. 139-090-03: 2009 NORTH BIKE AND PEDESTRIAN TRAIL IMPROVEMENT PROJECT – CONSIDER CHANGE ORDER NO. 3.

Glenn Olson, Director of Public Works/City Engineer, reviewed change order no. 3 with Rogge Excavating, Inc., for the North Bike and Pedestrian Trail Project Y51 / S.P. 139-090-03 in the amount of \$10,265.18. This change order provides for quantity adjustments and some additional

REGULAR MEETING – SEPTEMBER 28, 2010

work items which include tree removal due to a minor change in the alignment along the T.H. 23 to stay above the saturated ditch bottom, landscaping rock for along the fence at the SMSU Pond (this will help minimize the mowing and maintenance), and two manholes which needed adjusting along Country Club Drive. Boedigheimer moved, DeCramer seconded, the approval of Change Order No. 3 for an increase in the amount of \$10,265.18. All voted in favor of the motion.

CONSIDER APPROVAL OF THE PARTNERSHIP AGREEMENT BETWEEN THE CITY OF MARSHALL AND THE MARSHALL MUNICIPAL UTILITIES FOR THE YEAR 2011.

Ben Martig, City Administrator, briefly reviewed the proposed 2011 Marshall Municipal Utilities (MMU) Partnership Agreement. This Partnership Agreement includes:

Payment –In-Lieu-Of-Taxes (PILOT)

Street Lighting

Fire Protection

Wastewater & Surface Water Management Billing & Collections

Professional Engineering Services

Joint Industrial Land Development

MMU Capital Funding Plan

Fiber Optic Utilization

Information Technology Sharing

Mr. Martig indicated that the Partnership Committee met on Monday, September 20, 2010 and went over the entire agreement. Some additional changes were proposed at the meeting and are reflected. Ritter moved, DeCramer seconded, that the Partnership Agreement between the City of Marshall and the Marshall Municipal Utilities for the 2011 be approved. All voted in favor of the motion.

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 items were acted on earlier in the meeting.

Hulsizer Human Rights Commission met on Monday and discussed their conference in December; Convention and Visitors Bureau met last Thursday and discussed providing grants to new events and/or existing events.

Doom No report.

Sanow No report.

DeCramer Utilities Commission will be holding a public hearing on October 20, 2010 on rate increases for water rates and electric rates.

Boedigheimer None.

Ritter None.

STAFF REPORTS:

Ben Martig, City Administrator, indicated that the City of Marshall received a grant from Bremer in the amount of \$100,000; there is a budget meeting on October 7, 2010; the Legislative and Ordinance Committee needs to meet to discuss code enforcement issues; the Board and Commission Members will be recognized on Saturday, October 2, 2010.

REGULAR MEETING – SEPTEMBER 28, 2010

Glenn Olson, Director of Public Works/City Engineer, asked Bob VanMoer, Wastewater Superintendent, to provide an update on the flooding issues from last week. Mr. VanMoer indicated that the Wastewater Treatment Facility staff monitored the levels 24/7. He indicated that there some sewer backups reported in the residential areas. He also indicated that the EQ Basin worked the way it was designed to.

Dennis Simpson, City Attorney, indicated that the sale of land to Titan was finalized last week and that the Turkey Valley Farm CRIF loan documents are scheduled to be completed on October 1, 2010.

COUNCILMEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: Boedigheimer indicated that there was a huge turnout for the Pursuit of Excellence. The Standard Operating Procedure adopted by the City of Marshall was put to use last week during the flooding.

REVIEW OF PENDING AGENDA ITEMS:

There were no questions on the pending agenda items.

INFORMATION ONLY:

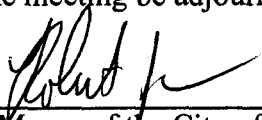
The following building permits previously approved by the Building Official were confirmed:

	Applicant	Location Address			Description of Work	Valuation
1.	Mark & Joan Loch	105	East	Redwood Street	Reroof (asphalt)	\$3,800
2.	Garry & Terri Mercer	302		Hudson Avenue	Reroof (asphalt)	\$8,000
3.	James Lozinski Construction Inc.	501	West	Thomas Avenue	Reroof (asphalt)	\$5,500
4.	Lucas Youngsma	110	West	Southview Drive	Sheet Rock Removal & Window Replacement	\$600
5.	James Lozinski Construction Inc.	807		Hackberry Drive	Reroof (asphalt)	\$7,000
6.	Arlan Plueger	108		E Street	Reroof (asphalt)	\$2,500
7.	Space Development Co. of Marshall	1100	West	Main Street	Steel Building	\$30,000
8.	Greg Baartman Construction, Inc.	1500		Quartzite Circle	Dwelling	\$394,700
9.	Kandice VanDenDriessche	101		Circle Drive	Reroof (asphalt)	\$6,100
10.	Scott VanOverbeke Construction LLC	213		Oslo Avenue	Reroof (asphalt)	\$7,000
11.	Thor's Handyman Service	711	North	6th Street	Deck	\$3,500
12.	Douglas & Charis Hamilton	1403		Ridgeway Road	Shed	\$2,300
13.	Tutt Construction, Inc.	701	South	Bruce Street	Reroof (asphalt)	\$8,300
14.	Scott VanOverbeke Construction LLC	417	North	5th Street	Reroof (asphalt)	\$6,000

REGULAR MEETING – SEPTEMBER 28, 2010

15.	AMEN Roofing & Construction	107	Donita	Avenue	Reroof (asphalt)	\$8,300
16.	AMEN Roofing & Construction	314	East	Main Street	Reroof (asphalt)	\$12,500
17.	Mike Buysse Construction Inc.	1205		Country Club Drive	Reroof (asphalt)	\$7,500
18.	Mike Buysse Construction Inc.	1203		Country Club Drive	Reroof (asphalt)	\$7,500
19.	Mike Buysse Construction Inc.	1207		Country Club Drive	Reroof (asphalt)	\$7,500
20.	Benjamin Schmid	507	South	2nd Street	Reroof (asphalt)	\$5,000
21.	Scott Allen	1116		Clifton Circle	Shed	\$4,000
22.	David Larsen	501		Dogwood Avenue	Foundation Repair, Install Window	\$5,800
23.	Crystal Blankers	1215		Horizon Drive	Reroofing	\$5,000
24.	Maple Street Construction, LLC	406		Viking Drive	Reroof (asphalt)	\$7,000
25.	Mike Buysse Construction Inc.	800		Country Club Drive	Reroof (asphalt)	\$30,000
26.	James Lozinski Construction Inc.	607	North	4th Street	Reroof (asphalt) & Install Overhead Garage Doors	\$7,000
27.	James Lozinski Construction Inc.	700	South	1st Street	Reroof (asphalt)	\$7,000
28.	James Lozinski Construction Inc.	300		Jean Avenue	Reroof (asphalt)	\$9,000
29.	Layle French Construction Inc.	206	West	James Avenue	Reroof (asphalt)	\$8,900
30.	Franklin Allen	224		London Road	Reroof Garage (asphalt)	\$1,100
31.	James Lozinski Construction Inc.	523		Locust Avenue	Reroof (asphalt)	\$4,000
32.	AMEN Roofing & Construction	1106	East	Main Street	Reroof (asphalt)	\$26,000
33.	Redwood Street Partners		West	Redwood Street	Reside (cement fiber)	\$32,000
34.	Jesse Trebil Foundation Systems Inc	704		Sara Circle	Install push piers	\$25,800
35.	S.E.W. Enterprise Inc	1113	East	College Drive	Sign	\$3,000

Ritter moved, DeCramer seconded, the meeting be adjourned at 8:55 P.M. All voted in favor of the motion.


Mayor of the City of Marshall

ATTEST:


Financial Director/City Clerk