

REGULAR MEETING – OCTOBER 12, 2010

The regular meeting of the Common Council of the City of Marshall was held on October 12, 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.

The Pledge of Allegiance was recited at this time.

APPROVAL OF AGENDA

It was the general consensus of the council that the agenda be approved with the addition of item 4-1, which is to consider approval of a resolution reaffirming the approval of the Final Plat of Carr Subdivision II.

APPROVAL OF MINUTES:

Sanow moved, Doom seconded, that the minutes of the regular meeting held on September 28, 2010 and the minutes of the special meeting held on October 7, 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 - PROJECT Y63: LAWERENCE COURT RECONSTRUCTION PROJECT -- PUBLIC HEARING ON PROPOSED ASSESSMENT/ CONSIDER RESOLUTION ADOPTING ASSESSMENT:

This was the date and time set for a public hearing to consider the assessment for Lawrence Court Reconstruction Project Y63. Glenn Olson, Director of Public Works/City Engineer indicated that this project involves the reconstruction of the bituminous pavement and aggregate base and installation of drain tile. The project will reconstruct Lawrence Court southerly from East Southview Drive. 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. Included in this assessment is a maximum residential assessment of \$5,500.00. All properties on this project were assessed equally and are assessed the maximum residential assessment of \$5,500.00. The amount over the maximum (\$431.64) has been included in the City's participation. Sanow moved, Doom seconded, that the public hearing be closed. All voted in favor of the motion.

Sanow moved, DeCramer seconded, the adoption of RESOLUTION NUMBER 3492, SECOND SERIES and that the reading of the same be waived. Resolution Number 3492, Second Series is a resolution Adopting the Assessment for Lawrence Court Reconstruction Project Y63, setting the interest rate at 4% and the assessment being paid in equal annual installments extending over a period of 10 years. All voted in favor of the motion.

CONSENT AGENDA – A. APPROVAL OF SUNDAY LIQUOR LICENSE FOR APPLEBEE'S; B. APPROVAL OF TRANSPORTATION AGREEMENT WITH WESTERN COMMUNITY ACTION; C. APPROVAL OF PERSONAL POLICY AMENDMENT APPENDIX B; D. APPROVAL BILLS/PROJECT PAYMENTS:

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

A Sunday Liquor License for Apple Minnesota LLC dba Applebee's Neighborhood Grill & Bar. The fee for this license is \$200.00 and the license will expire on December 31, 2010.

The proper city personnel be authorized to enter into the Transportation Agreement for 2011 with Western Community Action for transit operations within the City of Marshall for the period January 1, 2011 through December 31, 2011.

The approval of the amended Maximum Allowable Reimbursement and Per Diem Rates for

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non-local travel in the Personnel Policy Manual (Appendix B).

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 71591 through 71771.

All voted in favor of the motion.

CONSIDER RESOLUTION ADOPTING ASSESSMENT – A. PROJECT Y28: BASELINE ROAD AND SUSAN DRIVE IMPROVEMENT PROJECT; B. PROJECT Y74: NORTH 5TH STREET/WEST LYON STREET/WEST REDWOOD STREET RECONSTRUCTION PROJECT:

Glenn Olson, Director of Public Works/City Engineer, indicated that a public hearing was held on September 28, 2010 concerning assessments to properties within the project area of Baseline Road and Susan Drive Improvement Project Y28. There was discussion concerning assessments to the Wal-Mart Stores property and the 5 CHIS Company, LLC (Dr. Nwakama) properties. Mr. Olson indicated that assessments have been sent to Wal-Mart Stores for the narrow piece of property adjacent to Baseline Road and no objections have been received. The 5 CHIS Company, LLC has not been assessed for the improvements adjacent to Wal-Mart Stores property.

Sanow moved, Doom seconded, the adoption of RESOLUTION NUMBER 3493, SECOND SERIES and that the reading of the same be waived. Resolution Number 3493, Second Series is a resolution Adopting the Assessment for Baseline Road and Susan Drive Improvement Project Y28 setting the interest rate at 4% and the assessment being paid in equal annual installments extending over a period of 10 years. All voted in favor of the motion.

Glenn Olson, Director of Public Works/City Engineer, indicated that at the public hearing held on September 28, 2010 issues arose concerning maximum assessments on consecutive projects over a period of years. Staff was directed to meet with the Ways & Means Committee to discuss the issues and potential alternatives to maximum assessments. The Ways & Means Committee met on October 6, 2010 and staff was given the direction to make adjustments to maximum assessments on consecutive projects within 8 years allowing reduced maximums during that period of time.

Council Member Boedigheimer indicated that the adjustment formula should be included as part of the Special Assessment Policy. Council Member Sanow indicated that the number of years between projects should not matter. Boedigheimer indicated that the Special Assessment Policy is a guideline and that there is no fair way to assess properties in this type of situation.

Mr. Olson spoke on behalf of Dan Bowman who is requesting that due to the fact that this project will not be completed this year the project not be assessed until next year.

Dennis Simpson, City Attorney, indicated that the City can assess anytime after the project has been awarded.

Boedigheimer moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3494, SECOND SERIES and that the reading of the same be waived. Resolution Number 3494, Second Series is a resolution Adopting the Assessment for North 5th Street / West Lyon Street / West Redwood Street Reconstruction Project Y74 setting the interest rate at 4% and the assessment being paid in equal annual installments extending over a period of 10 years. All voted in favor of the motion, except Sanow who voted no.

CONSIDER RESOLUTION AUTHORIZING PLAT APPROVAL:

Dennis Simpson, City Attorney indicated that the Final Plat for Carr Subdivision II was submitted to the Council for approval on May 11, 2010. The Resolution Approving the Final Plat was adopted at that time. The enabling resolution however, indicated that the plat needed to be recorded within 90 days. All contingencies were not resolved and the plat was not recorded within the 90 day time period. The final plat is now ready to be recorded and a resolution reaffirming plat

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approval needs to be adopted. Sanow moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3495, SECOND SERIES and that the reading of the same be waived. Resolution Number 3495, Second Series is a resolution Reaffirming the Resolution Approving the Final Plat of Carr Subdivision II. All voted in favor of the motion.

CONSIDER APPROVAL OF THE APPOINTMENT OF BENJAMIN RIEKE TO POLICE OFFICER:

Ritter moved, DeCramer seconded, the appointment of Benjamin A. Rieke as a Police Officer with the Marshall Police Department effective October 18, 2010. All voted in favor of the motion.

CONSIDER ACCEPTANCE OF THE OTTO BREMER FOUNDATION GRANT TO PURCHASE ETHANOL AND WIND TURBINE TRAINING PROPS FOR THE MERIT CENTER:

Ben Martig, City Administrator, indicated that the City received a \$300,000 award from the State of Minnesota for the purchase of an ethanol and wind turbine prop. for the MERIT Center. Due to the large increase in building costs between when originally proposed and when it is to be built as well as the expansion of the wind turbine props. capability, the cost went up dramatically. Because of that increase there wasn't adequate funds to buy any substantial ethanol burn training prop. An application was made to the Otto Bremer Foundation for \$100,000 additional funds to add to this effort. The intent was to take the entire award and apply it to buy an ethanol burn prop. for the M.E.R.I.T. Center. Mr. Martig indicated that the city was told that even though the city had a worthy project, the usual award amount was less than half of the amount requested. So receiving the whole amount requested is both greatly appreciated and speaks well of this project.

Boedigheimer moved, Sanow seconded, that the proper city personnel be authorized to execute and accept the Otto Bremer Foundation Grant in the amount of \$100,000 for the Minnesota Emergency Response and Industrial Training (M.E.R.I.T.) Center to fund the purchase of an ethanol and wind turbine prop. for the Center. Staff was requested to send a thank you letter to Otto Bremer acknowledging their contribution and support. All voted in favor of the motion.

COUNCIL MEMBER COMMISSION / BOARD LIAISON REPORTS:

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

- Byrnes Fire Relief held their quarterly trustee meeting; Regional Development Commission will meet on Wednesday; Regional Radio Board has not met.
- Hulsizer No report.
- Doom Marshall Community Services Advisory Board met last Wednesday, but Doom was unable to attend; Design Review Committee met on Monday evening.
- Sanow No report.
- DeCramer No report.
- Boedigheimer Airport Commission met last week – Mr. Olson indicated that they have received a request for information on the airport that will be reviewed by TKDA, Operators at the airport and City staff.
- Ritter No report.

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STAFF REPORTS:

Ben Martig, City Administrator, indicated that there is a special City Council meeting on Thursday, October 14th, there is a League of Minnesota Cities conference on Wednesday afternoon; and he has been busy working on EDA issues.

Glenn Olson, Director of Public Works/City Engineer, indicated that Highway 23 would be opening on Wednesday; he also indicated that due to a building permit issued to Bob Carr for an office building, the “C” Street project would be completed from North of Progress Drive to Main Street and the south portion would be completed next spring. Mr. Olson indicated that curb and gutter was being installed in the Ranch/Soucy area and the steps in front of Holy Redeemer have been removed.

Dennis Simpson, City Attorney, indicated that they need to start the process for property acquisition for the 2011 projects.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included a question on the right-in-right-out access from Main Street to the Tiger Park Office Complex. Mr. Olson will contact MN/DOT to review this. There was also a brief discussion on a center turn land on Main Street.

REVIEW OF PENDING AGENDA ITEMS:

There were no questions on 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.	Rick Slagel Construction Inc	508	Jewett	Street	Garage Addition	\$15,000
2.	David Hissam & Patricia Day	234	Legion Field	Road	Garage	\$27,000
3.	Dennis Lozinski Construction	301	Walnut	Street	Reroof (asphalt)	\$6,500
4.	Scott VanOverbeke Construction LLC	806	Viking	Drive	Reroof (asphalt)	\$10,000
5.	Kevin Lanoue Construction	803	South 2nd	Street	Replace Windows	\$6,000
6.	L&S Electric	202	North 11th	Street	Sign	\$500
7.	Bladholm Construction, Inc.	111	West Thomas	Avenue	Reroof (asphalt)	\$7,900
8.	Ronald Schilling	408	Kossuth	Avenue	Reroof (asphalt)	\$2,500
9.	Ray Alderman	506	West Marshall	Street	Reroof (asphalt)	\$8,000
10.	Ronald Hoflock	805	Westmar	Circle	Partial Reroof (asphalt)	\$3,000
11.	Geske Home Improvement Co.	1308	Canoga Park	Drive	Residing	\$2,100

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12.	Bakke's Home Repair & Construction	619		Kathryn	Avenue	Basement Remodel	\$8,000
13.	Dennis Lozinski Construction	427	North	7th	Street	Reroof (asphalt)	\$4,000
14.	DePyper Masonry	200	East	Main	Street	Floating Slab	\$2,500
15.	Kesteloot Construction, Inc.	222	North	Whitney	Street	Reroof (asphalt)	\$5,800
16.	Welu Construction, LLC	405	East	Marshall	Street	Replace Window	\$1,200
17.	Eugene L. Persons	606	West	Southview	Drive	Replace Windows	\$3,000
18.	Stella Miller	1130		David	Drive	Brick front	\$3,000
19.	James Lozinski Construction Inc.	508		Lynd	Street	Reroof (asphalt)	\$6,100
20.	James Lozinski Construction Inc.	608	East	Main	Street	Reroof (asphalt)	\$5,300
21.	James Lozinski Construction Inc.	705	East	Main	Street	Reroof (asphalt)	\$5,100
22.	Christopher Arndorfer	502		Kathryn	Avenue	Reside (vinyl), Replace Windows, Replace Door	\$5,500
23.	Babcock Construction	312	East	Main	Street	Steps	\$1,000
24.	Babcock Construction	225	North	Hill	Street	Reroof (asphalt)	\$4,500
25.	Clinton W. Gehrke	802		Woodfern	Drive	Reroof (asphalt)	\$8,000
26.	Scott VanOverbeke Construction LLC	1102	South	2nd	Street	Reroof (asphalt)	\$7,000
27.	Carl A. Rohlik (Hammer's Away, Inc.)	304	South	5th	Street	Reroof (asphalt)	\$5,000
28.	Layle French Construction Inc.	107	West	Greeley	Street	Reroof (asphalt)	\$2,100
29.	Babcock Construction	1108		Skyline	Drive	Reroof (asphalt)	\$10,500
30.	Babcock Construction	1007		Pine	Avenue	Reroof (asphalt)	\$4,700
31.	Babcock Construction	602	East	Southview	Drive	Reroof (asphalt)	\$6,900
32.	Babcock Construction	103		Circle	Drive	Reroof (asphalt)	\$6,100
33.	Babcock Construction	302	North	Minnesota	Street	Reroof (asphalt)	\$6,100
34.	Babcock Construction	806		Colombine	Drive	Reroof (asphalt)	\$4,700
35.	Chris Schmidt Premier Construction	900	South	1st	Street	Dwelling	\$235,000
36.	True Value Home Center	904		Willow	Avenue	Reroof (asphalt)	\$8,000

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37.	Jeff Gladis Construction	301	Southview Drive	Reroof (asphalt)	\$6,900
38.	Richard Louwagie Construction	206	DeSchepper Court	Reroof (asphalt)	\$7,500
39.	John McLaughlin	1214	Horizon Drive	Reroof (asphalt)	\$10,000
40.	Kesteloot Construction, Inc.	215 North Hill	Street	Reroof (asphalt)	\$5,100
41.	Asset Restoration & Remodeling	1109	Paris Road	Reroof (asphalt)	\$30,000
42.	Asset Restoration & Remodeling	1107	Paris Road	Reroof (asphalt)	\$20,000
43.	Asset Restoration & Remodeling	1105	Paris Road	Reroof (asphalt)	\$30,000
44.	Asset Restoration & Remodeling	1103	Paris Road	Reroof (asphalt)	\$20,000
45.	True Value Home Center	500 North Highway 59		Remodel Entry	\$25,000
46.	Sussner Construction, Inc.	900 East Main	Street	Clinic	\$18,000
47.	City Image Sign	1411 East College	Drive	sign	\$4,000
48.	Pride Neon Signs	1101 East Main	Street	Signs	\$13,500

DETERMINATION TO GO INTO CLOSED SESSION PURSUANT TO MINNESOTA STATUTE 13D.05 SUBD. 3(C)(3) TO CONSIDER OFFERS FOR BLOCKS 16 & 19:

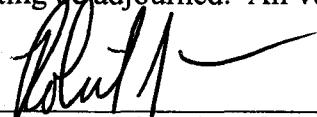
Doom moved, DeCramer seconded, that the Council go into closed session at 6:15 P.M. pursuant to Minnesota Statute 13D.05 Subd. 3(c)(3) to Consider Offers for Blocks 16 & 19. All voted in favor of the motion.

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 6:35 P.M.

Sanow moved, DeCramer seconded, the meeting be adjourned. All voted in favor of the motion.


 Mayor of the City of Marshall

ATTEST:


 Finance Director/City Clerk