

SPECIAL MEETING -- OCTOBER 14, 2010

The special meeting of the Common Council of the City of Marshall was held on October 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 in attendance: Hulsizer, Doom, Sanow, Boedigheimer and Ritter. Absent: DeCramer. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; and Jane DeVries, Deputy City Clerk.

**PUBLIC HEARING - PROJECT Y64: BRUCE CIRCLE RECONSTRUCTION PROJECT -  
PUBLIC HEARING ON PROPOSED ASSESSMENT / CONSIDER RESOLUTION  
ADOPTING ASSESSMENT:**

This was the date and time set for a public hearing for Bruce Circle Reconstruction Project Y64. Glenn Olson, Director of Public Works/City Engineer, indicated that this project involves the replacement of watermain, sanitary sewer, storm sewer and street reconstruction. The project reconstructed Bruce Circle and described utilities east from South Bruce 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. No proposed assessments for residential properties were greater than the \$5,500 maximum.

Robert Nemmers, 1104 Bruce Circle, questioned how the assessment was calculated. Mr. Olson indicated that the sanitary sewer was the same amount per lot, the street assessment was different for each lot depending on if they were part of the circle area or not and the amount of driveway that was removed and/or installed.

Sanow moved, Doom seconded, that the public hearing be closed. All voted in favor of the motion.

Sanow moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3496, SECOND SERIES and that the reading of the same be waived. Resolution Number 3496, Second Series is a resolution Adopting the Assessment for Bruce Circle Reconstruction Project Y64, 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.

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.

**PUBLIC HEARING - PROJECT Y75 PELTIER STREET IMPROVEMENT PROJECT -  
PUBLIC HEARING ON PROPOSED ASSESSMENT / CONSIDER RESOLUTION  
ADOPTING ASSESSMENT:**

This was the date and time set for a public hearing for Peltier Street Improvement Project Y75. Glenn Olson, Director of Public Works/City Engineer, indicated that this project involves the partial reconstruction and new construction of the westerly end of Peltier Street, including improvements to drainage along the Burlington Northern Railroad Tracks. 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. No proposed assessments for residential properties were greater than the \$5,500 maximum. Sanow moved, Ritter seconded, that the public hearing be closed. All voted in favor of the motion.

Doom moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3497, SECOND SERIES and that the reading of the same be waived. Resolution Number 3497, Second Series is a resolution Adopting the Assessment for Peltier Street Improvement Project Y75, setting the interest rate at 4% and the assessment being paid in equal annual installments extending over a period of 10

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years. All voted in favor of the motion.

**PUBLIC HEARING - PROJECT Y33 / 139-132-02: CLARICE AVENUE FROM SUSAN DRIVE TO T.H. 23 IMPROVEMENT PROJECT – A. PUBLIC HEARING ON PROPOSED ASSESSMENT/ CONSIDER RESOLUTION ADOPTING ASSESSMENT; B. CONSIDER RESOLUTIONS ADOPTING DEFERRED ASSESSMENTS:**

This was the date and time set for a public hearing for Clarice Avenue from Susan Drive to T.H. 23 Improvement Project Y33 / 139-132-02. Glenn Olson, Director of Public Works/City Engineer, indicated that this project involves the construction of watermain, storm sewer, minor sanitary sewer and street construction. The project constructed Clarice Avenue and described utilities from Susan Drive to T.H. 23. Mr. Olson indicated that all improvements are assessed according to the current Special Assessment Policy, including Marshall Municipal Utilities, Wastewater Department and Surface Water Management Utility Fund.

Mr. Olson indicated that there are two parcels proposed to be assessed that are currently located outside the City of Marshall. These properties have been included in the assessment process, including all notifications required, as well as inclusion of the properties in the assessment hearing. It is recommended that the assessments to the property begin in accordance with the proposed "Resolution Adopting Deferred Assessment" for each property.

Mike Klein, Independent Lumber, asked if the letter of objection that he submitted is acceptable. Dennis Simpson, indicated that any objections need to be from the registered owner. Mr. Klein indicated that he did have a letter of objection from Norma Klein the registered owner.

Mike Klein indicated that Independent Lumber was the only property on the west side that is being assessed for Storm Sewer and did not think they would benefit from this. He also indicated that the value of his property would not increase by the amount of the assessment.

Mr. Olson indicated that the drainage for this area was done by a consultant and he would check on the drainage for Independent Lumber.

Mr. Simpson indicated that the city needs to verify that the value of the property increases by the amount of the assessment.

Joe Verkinderen, representative of the Marie P. Doom Trust, asked when the deferred assessment would need to be paid. Mayor Byrnes indicated that the assessments would need to be paid at the time of connection and/or upon access to Clarice Avenue. Mr. Verkinderen indicated that the assessment decreases the value of his land. Council Member Sanow indicated that when the area is developed the infrastructure would need to be done by the developer. Kathryn Verkinderen asked if she needed to provide their objection in writing and was informed that this needed to be turned in before the public hearing is closed.

Don Klein, Independent Lumber, asked why the road was installed and who would benefit from this road. Mr. Olson indicated that this area is being developed for potential commercial developers. Mr. Klein that the road is behind his property and of no benefit to him.

Dr. Nwakama requested that the assessment be extended to 20 years at 3% interest.

Mr. Olson indicated that the lots on the east side were not accessible before this project.

Council Member Boedigheimer suggested that the city provide different options for the number of years an assessment can be assessed. Boedigheimer asked if the assessment for Independent Lumber could be assessed the same as a corner lot and reduce the assessment by 50%. Mr. Olson indicated that according to the special assessment policy the assessment for Independent Lumber would not change.

Council Member Sanow indicated that the bonds are for a certain number of years and asked

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where the funds would come from to pay the bonds if the project was assessed longer than the bond payback period. Sanow was also concerned if the assessment amount increases the value of the property for Independent Lumber.

Council Member Doom indicated that there was some value for Independent Lumber.

Mr. Olson suggested that the assessment for Independent Lumber be reduced to \$40,092.67 which is the same as Dr. Nwakama's assessment.

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

Sanow moved, Ritter seconded the adoption of RESOLUTION NUMBER 3498, SECOND SERIES and that the reading of the same be waived. Resolution Number 3498, Second Series is a resolution Adopting the Assessment for Clarice Avenue from Susan Drive to T.H. 23 Improvement Project Y33 / 139-132-02, with the assessment for Independent Lumber being reduced to \$40,092.67 with the City of Marshall paying the difference of \$66,222.63. This resolution sets the interest rate at 4% and the assessment being paid in equal installments extending over a period of 15 years.

Council Member Boedigheimer wanted this to be two motions – one for the reduced assessment and the other to allow property owners to choose the number of years to pay their assessment.

All voted in favor of the motion.

Ritter moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3499, SECOND SERIES and that the reading of the same be waived. Resolution Number 3499, Second Series is a Resolution Adopting Deferred Assessment. This resolution provides for the Assessment for Parcel 09-010005-1 in the amount of \$156,594.82 to be deferred until the following conditions occur:

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|---|-------------|
| A. Water Assessment – Time of Connection  | \$21,930.09 |
| B. Street Assessment – Upon Access to Clarice Avenue                                      | \$93,229.20 |
| C. Storm Sewer Assessment – Time of Storm Sewer<br>Connection or Access to Clarice Avenue | \$32,903.44 |
| D. Sanitary Sewer Assessment – Time of Connection   | \$ 8,532.09 |

At the time that the Owners have accomplished any or all of the conditions shown above, the City will then terminate the deferral of said portion of the assessment and shall have a right to collect said assessment. Once the conditions for assessment indicated above have been affected by the Owners or their successors and assigns, said assessment shall be spread in equal principal installments over a period of ten (10) years and shall bear interest at a rate of four percent (4%) from the date of the occurrence of the event qualifying the assessment above. No interest shall be charged on said assessment until notice of termination of the deferred assessment has been served on the Owners of the above described property by the City.

This assessment will be spread as per the conditions described above if:

- Annexation and access has been made within 20 years of the date of this resolution.
- Annexation has been completed within 20 years of the date of this resolution and access has not yet been made.
- If greater than 20 years of the date of this resolution, assessment is spread upon annexation.

All voted in favor of the motion.

Ritter moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3500, SECOND SERIES and that the reading of the same be waived. Resolution Number 3500, Second Series is a Resolution Adopting Deferred Assessment. This resolution provides for the Assessment for Parcel 09-010004-1 in the amount of \$304,845.31 to be deferred until the following conditions occur:

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E. Water Assessment – Time of Connection	\$ 6,016.92
F. Street Assessment – Upon Access to Clarice Avenue	\$252,933.09
G. Storm Sewer Assessment – Time of Storm Sewer Connection or Access to Clarice Avenue	\$ 42,271.75
H. Sanitary Sewer Assessment – Time of Connection	\$ 3,623.55

At the time that the Owners have accomplished any or all of the conditions shown above, the City will then terminate the deferral of said portion of the assessment and shall have a right to collect said assessment. Once the conditions for assessment indicated above have been affected by the Owners or their successors and assigns, said assessment shall be spread in equal principal installments over a period of ten (10) years and shall bear interest at a rate of four percent (4%) from the date of the occurrence of the event qualifying the assessment above. No interest shall be charged on said assessment until notice of termination of the deferred assessment has been served on the Owners of the above described property by the City.

This assessment will be spread as per the conditions described above if:

- D. Annexation and access has been made within 20 years of the date of this resolution.
- E. Annexation has been completed within 20 years of the date of this resolution and access has not yet been made.
- F. If greater than 20 years of the date of this resolution, assessment is spread upon annexation.

All voted in favor of the motion.

**PUBLIC HEARING - PROJECT Y40: "C" STREET RECONSTRUCTION PROJECT -  
PUBLIC HEARING ON PROPOSED ASSESSMENT / CONSIDER RESOLUTION  
ADOPTING ASSESSMENT:**

This was the date and time set for a public hearing for "C" Street Reconstruction Project Y40. Glenn Olson, Director of Public Works/City Engineer, indicated that this project involves the replacement of watermain and sanitary sewer and street reconstruction. The proposed project will reconstruct "C" Street and the dedicated street portion of Progress Addition through the new library entrance and described utilities from East Main Street to South Saratoga Street. 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. Adjustments have been made for side yard street assessments and for single-family residential assessments greater than the \$5,500 maximum.

Bernice Roberts, 316 East Main Street, asked if her assessment has been reduced. Mr. Olson indicated that her assessment was reduced by \$3,615.81 as a result of the side yard adjustment.

Marilyn Groff, 109 "C" Street, asked about her driveway assessment. Mr. Olson indicated that they removed 23 feet of drive and only replaced 13.89 feet because the length of her driveway was reduced due the street being widened on her side. Mr. Olson indicated to her that if she wants the contractor to replace the rest of her driveway to let them know right away. This would be Ms. Groff's expense.

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

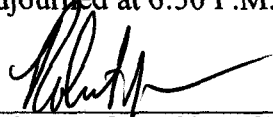
Ritter moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3501, SECOND SERIES and that the reading of the same be waived. Resolution Number 3501, Second Series is a resolution Adopting the Assessment for "C" Street Reconstruction Project, setting the interest rate at 4% and the assessment being paid in equal annual installments extending over a period of 10 years. All voted in favor of the motion.

**PUBLIC HEARING - PROJECT Y84: COMMENCEMENT BOULEVARD  
IMPROVEMENT PROJECT - PUBLIC HEARING ON PROPOSED ASSESSMENT /  
CONSIDER RESOLUTION ADOPTING ASSESSMENT:**

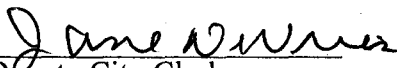
This was the date and time set for a public hearing for Commencement Boulevard Improvement Project Y84. Glenn Olson, Director of Public Works/City Engineer, indicated that this project involves the continuation of Commencement Boulevard being constructed from the eastbound Lane of T.H. 23 to the end of the Bike/Pedestrian Underpass structure. The segment of street to be constructed on this project is approximately 450 feet long and will connect to Tiger Drive across from the main entrance of the Marshall High School. The cross section of the street will be consisting of two 13-foot wide driving lanes with 8-foot wide shoulders on one side to accommodate future turning lanes. The two driving lanes will be separated with an 18-foot wide median. The bike/pedestrian trail will be extended to Tiger Drive along the north side of the 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. Ritter moved, Sanow seconded, that the public hearing be closed. All voted in favor of the motion.

Doom moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3502, SECOND SERIES and that the reading of the same be waived. Resolution Number 3502, Second Series is a resolution Adopting the Assessment for Commencement Boulevard Improvement Project Y84, 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.

Doom moved, Ritter seconded, that the meeting be adjourned at 6:50 P.M. All voted in favor of the motion.

  
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Mayor of the City of Marshall

ATTEST:

  
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Deputy City Clerk