

REGULAR MEETING – OCTOBER 26, 2010

The regular meeting of the Common Council of the City of Marshall was held on October 26, 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; Ilya Gutman, Building Official; Thomas M. Meulebroeck, Finance Director/City Clerk; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF AGENDA:

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

APPROVAL OF MINUTES - CONSIDER APPROVAL OF THE MINUTES OF THE OCTOBER 12, 2010 REGULAR CITY COUNCIL MEETING AND THE OCTOBER 12, 2010 SPECIAL CITY COUNCIL MEETING, OCTOBER 14, 2010 SPECIAL CITY COUNCIL MEETING, AND OCTOBER 19, 2010 SPECIAL CITY COUNCIL MEETING:

Sanow moved, Doom seconded, that the minutes of the regular meeting held on October 12, 2010, the minutes of the special meeting held on October 12, 2010, the minutes of the special meeting held on October 14, 2010 and the minutes of the special meeting held on October 19, 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. APPROVAL OF PLUMBERS LICENSE FOR GARY GEISTFELD (DBA GARANNIMAL CONTRACTORS); B. APPROVAL OF SURPLUS PROPERTY FOR THE POLICE DEPARTMENT; C. APPROVAL BILLS/PROJECT PAYMENTS:

Council Member Doom requested that the approval of bills/project payments be removed from the consent agenda.

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

A Plumbers License for Gary Geisteld dba GarAnimal Contractors at a fee of \$80.00. This license will expire on March 31, 2011.

Authorization to declare sixteen (16) Lucent phones, one (1) AT&T phone, twelve (12) Cassette recorders and seven (7) PBT units as surplus property and that the proper city personnel be authorized to dispose of these items. The PBT units may be of value to a smaller law enforcement agency or else they would be destroyed as they require quite a bit of maintenance to keep their calibration accurate.

All voted in favor of the motion.

Council Member Doom was concerned with a check payable to Mears Electric in the amount of \$1,182.00 for the replacement of outlets on Main Street. Doom asked if these outlets are covered under any warranty. Ben Martig, City Administrator, indicated that he thought the outlets were replaced because they were having issues from condensation due to the outlets being placed low in the planters. Doom requested that the payment to Mears Electric be removed from the list to allow time for more information to be provided to the council at the next meeting. Council Member Hulsizer questioned a check payable to The Barn Theater in Willmar in the amount of \$330.00. Finance Director Meulebroeck indicated that arrangements are made through the Senior Center to attend an event at the theater. It was indicated that this was to an event sponsored by the Adult Community Center.

Doom moved, Ritter seconded, that the following bills and project payments be authorized for payment : ACCOUNTS PAYABLE, Voucher No. 71772 through 71977, with the exception of Voucher No 71903 payable to Mears Electric, which is being tabled until the next regular City Council meeting on November 9, 2010. All voted in favor of the motion.

CONSIDER THE REQUEST OF KATHY DEUTZ FOR A FIVE-YEAR RENEWAL OF A CONDITIONAL USE PERMIT FOR A BEAUTY SALON BUSINESS AT 700 VIKING DRIVE:

Ilya Gutman, Building Official, indicated that Kathy Deutz is requesting a five-year renewal of a Conditional Use Permit for home occupation to conduct beauty salon business at 700 Viking Drive in an R-1 One Family Residence District. The original Permit was granted in 2009 and there are no comments on file. Ritter moved, Boedigheimer seconded, the approval of a five-year renewal of a Conditional Use Permit for Kathy Deutz for a beauty salon business at 700 Viking Drive with the following conditions:

1. That the regulations, standards and requirements as set forth in the City Code and as pertains to the class of district in which such premises are located shall be conformed with.
2. That the City reserves the right to revoke the Conditional Use Permit in the event that any person has breached the conditions contained in this permit provided first, that the City serve the person with written notice specifying items of any default and allow the applicant a reasonable time in which to repair any such default.
3. That the property is maintained to conform to the Housing Code, Zoning Code, Building Code, and not cause or create negative impacts to adjacent existing or future properties.
4. This permit expires five years from its date of approval.
5. Business hours shall be between 6:00 a.m. and 10:00 p.m. only.

All voted in favor of the motion.

CONSIDER THE REQUEST OF ST. STEPHEN LUTHERAN CHURCH FOR A CONDITIONAL USE PERMIT FOR A DAYCARE FACILITY SERVING 20 INDIVIDUALS AT 1301 SOUTH 4TH STREET:

Ilya Gutman, Building Official reviewed the request of St. Stephen Lutheran Church for a Conditional Use Permit to operate a daycare facility serving 20 individuals at 1301 South 4th Street, in the church building. This building is located in 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. The current addition and remodeling project includes a room designed for day care.

Ritter moved, DeCramer seconded, to approve the request of St. Stephen Lutheran Church for a Conditional Use Permit for a daycare facility serving 20 individuals at 1301 South 4th Street with the following conditions applied:

1. The use is limited to serving no more than 20 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.

All voted in favor of the motion.

**PROJECT Y84 COMMENCEMENT BOULEVARD IMPROVEMENT PROJECT –
CONSIDER CHANGE ORDER NO. 1:**

Ben Martig, City Administrator, reviewed Change Order No. 1 with D & G Excavating, Inc., resulting in a contract increase in the amount of \$1,400.00 and a time extension of one (1) calendar day with a Substantial Completion Date of November 2, 2010.

Mr. Martig indicated that the change order is due to making a proper connection with the 18-inch RCP storm sewer main and the 6-in. perforated drain tile work which was constructed during the Mn/DOT contract for the T.H. 23 Pedestrian Underpass Project.

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Doom moved, DeCramer seconded, the approval of Change Order No. 1 with D & G Excavating, Inc., resulting in a contract increase in the amount of \$1,400.00 and a time extension of one (1) calendar day with a Substantial Completion Date of November 2, 2010. All voted in favor of the motion.

PROJECT Y40 “C” STREET RECONSTRUCTION PROJECT – CONSIDER CHANGE ORDER NO. 1:

Ben Martig, City Administrator, reviewed Change Order No. 1 with Rogge Excavating, Inc., resulting in a contract 228-day extension from November 1, 2010 to June 17, 2011. This project consists of 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.

The proposed schedule for this project included providing access to the north entrance of the Marshall Middle School for deliveries, etc. One of the major components of a reliable access to the school included utilizing the existing driveway access to the Robert Carr Tiger Office Park. The proposed access plan is no longer viable for use due to the construction of another building within the Tiger Park Office complex over the existing driveway. Following a discussion with all parties affected, it was concluded to limit the 2010 construction to that portion of the project north of the existing Progress Drive and complete the construction of the remainder of the project in the spring of 2011. The proposed contract extension for the “C” Street Project will provide approximately one month of time beyond the last day of school which is May 19, 2011.

Doom moved, Sanow seconded, the approval of Change Order No. 1 with Rogge Excavating, Inc., for a 228-day time extension from November 1, 2010 to June 17, 2011 for Project Y40 “C” Street Reconstruction. All voted in favor of the motion.

MERIT CENTER TOWER PROJECT – A. CONSIDER APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO CALL FOR BIDS FOR TOWER AND NACELLE; B. CONSIDER APPROVAL OF RESOLUTION OF LOCAL FUNDING COMMITMENT:

Ben Martig, City Administrator, indicated that SMI and Hydraulics, Inc. have completed the plans and specifications for the construction of a training tower and nacelle (classroom) to be located at the MERIT Center site on CSAH 33. The project will include emergency training props such as a wind tower, an enclosed area with turbine components, and an ethanol burn prop. The City of Marshall will be receiving a \$100,000 grant from Otto Bremer Foundation to help pay for this project. There is also a local commitment cost of about \$121,378. This could be paid back through a proposed 1.5 percent city lodging, food and beverage tax, but in the immediate future it is being recommended that the city approve an inter-fund loan from capital equipment reserves. The state has approved the 1.5 percent tax, but Mr. Martig indicated that this won't get to a public vote at this time since the city is waiting to see if the state will approve a proposed additional 0.5 percent city sales tax. The two taxes would then be put to the public to vote at the same time.

Council Member Sanow indicated that he was not in favor of spending money that the city doesn't have. Council Member Boedigheimer indicated that the city was aware that there would be some matching funds required.

Boedigheimer moved, Ritter seconded, approval of the plans and specifications and authorization to call for bids for the MERIT Center Tower and Nacelle. All voted in favor of the motion, except Hulsizer who voted no.

Boedigheimer moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3503,

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SECOND SERIES and that the reading of the same be waived. Resolution Number 3503, Second Series is a Resolution of Financial Commitment for the Minnesota Emergency Response & Industrial Training (MERIT) Center Expansion including the Ethanol Burn Training Apparatus and Wind Energy Tower and Nacelle Safety and Rescue Training Facilities. The City of Marshall will provide funds in the amount of \$121,378. All voted in favor of the motion, except Sanow and Hulsizer who voted no.

DETERMINATION BY CITY COUNCIL TO GO INTO CLOSED SESSION PURSUANT TO MINNESOTA STATUTE 13D.03 RELATED TO UNION CONTRACT NEGOTIATIONS:

Sanow moved, DeCramer seconded, that the Council go into closed session at 5:50 P.M. pursuant to Minnesota Statute 13D.03 related to union contract negotiations. All voted in favor of the motion.

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; and Thomas M. Meulebroeck, Finance Director/City Clerk.

The council came out of closed session at 6:06 P.M.

CONSIDER APPROVAL OF THE 2011 EMPLOYEE CITY HEALTH INSURANCE PLANS:

Ben Martig, City Administrator, reviewed the proposed 2011 Consumer Driven Health Plan (CDHP) HSA or VEBA with a \$5,000 single or \$10,000 family deductible and also a Consumer Driven Health Plan (CDHP) HSA or VEBA with a \$3,000 single or \$6,000 family deductible.

Sanow moved, Doom seconded, that effective January 1, 2011 the City Employees be granted health insurance coverage with a Blue Cross Blue Shield Consumer Driven Health Plan (CDHP) HSA or VEBA with a \$5,000 single / \$10,000 family deductible or a \$3,000 single / \$6,000 family deductible. 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 No report.
- Hulsizer Convention and Visitors Bureau met last week and indicated that there is additional information on the website.
- Doom Planning Commission items were discussed earlier in the Council meeting.
- Sanow Marshall Area Transit minutes are included in the agenda packet.
- DeCramer Utilities Commission is moving ahead with rate increases for electric and water usage; they also sold bonds at a rate of 2.98%
- Boedigheimer M.E.R.I.T. Center held their regular meeting and this was the last meeting for Warren Jorgenson.
- Ritter No report.

STAFF REPORTS:

Ben Martig, City Administrator, provided a few brief comments on the contacts he has made

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for the Business Retention Expansion (BR&E). In the absence of the Director of Public Works/City Engineer, Mr. Martig provided an update on the various public improvement projects. Mr. Martig addressed the progress of the construction for Titan Machinery and the insinuation that the area was a wet land.

Dennis Simpson, City Attorney, indicated that an ordinance is being considered to address criminal issues related to liquor license holders. Mr. Simpson also indicated that the increase in the Marshall Municipal Electric rate is a result of the latest increases passed onto them from Excel.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included a concern from Council Member Boedigheimer that the street signs in the area behind the old Club 59 were nonexistent.

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.	Michael & Deborah Newton	915 West Main Street	Replace Window and 2 doors	\$900
2.	Kesteloot Construction, Inc.	401 Viking Drive	Install Window	\$1,800
3.	Brian & Annette Swanson	502 Carlson Street	Reroof (steel)	\$4,500
4.	Paul Griebel	1406 Westwood Drive	Reroof (asphalt)	\$5,800
5.	CAB Quality Construction LLC	301 Elaine Avenue	Reroof (asphalt)	\$8,400
6.	CAB Quality Construction LLC	504 Lawrence Street	Reroof (asphalt)	\$8,900
7.	James Lozinski Construction Inc.	1103 Horizon Drive	Reroof (asphalt)	\$3,000
8.	James Lozinski Construction Inc.	1103 Horizon Drive	Reroof (asphalt)	\$3,000
9.	James Lozinski Construction Inc.	1103 Horizon Drive	Reroof (asphalt)	\$3,000
10.	James Lozinski Construction Inc.	1103 Horizon Drive	Reroof (asphalt)	\$3,000
11.	Gregory Matthys	111 E Street	Repair Basement Walls	\$6,300
12.	Kevin Lanoue Construction	1404 Pinehurst Road	Reroof (asphalt)	\$7,800
13.	Kevin Lanoue Construction	1237 Patricia Court	Reroof (asphalt)	\$9,100
14.	Rick Slagel Construction Inc	302 South 4th Street	Reroof (asphalt)	\$9,000
15.	Rick Slagel Construction Inc	705 Lawrence Street	Reroof (asphalt)	\$10,000

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16.	Robert Meyer	418	North	5th	Street	Reroof (asphalt)	\$2,500
17.	Ryan Stelter	307		Jean	Avenue	Reroof (asphalt)	\$4,500
18.	Mark , Joan & Jeremy Loch	105	East	Redwood	Street	Reside (vinyl)	\$2,500
19.	Minnesota Cabinets, Inc.	1420	East	College	Drive	Office Remodel	\$20,000
20.	Bladholm Construction, Inc.	503	West	Lyon	Street	Addition / Remodel	\$2,392,000
21.	Kesteloot Construction, Inc.	704	North	4th	Street	Reroof (asphalt)	\$6,900
22.	Robert Nemmers	1104		Bruce	Circle	Reroof	\$6,700
23.	James Lozinski Construction Inc.	105		Walker	Lane	Reroof (asphalt)	\$8,000
24.	Bernard Fink	227		Athens	Avenue	Finish Basement	\$7,500
25.	Ahmed Omar	200	East	Main	Street	Frost Footing - Garage (Additional Work Permit #17146)	\$2,500
26.	James Rowe	410		Elm	Street	Reroof (membrane)	\$4,800
27.	Kevin Lanoue Construction	1002		Cheryl	Avenue	Replace Windows	\$5,500
28.	Kathy Bartz	114	S	High	St	Egress Window - Beaver System - Basement Sheetrock	\$1,900
29.	James Lozinski Construction Inc.	102		Donita	Avenue	Basement Remodel	\$8,000
30.	James Lozinski Construction Inc.	1418		Birch	Street	Partial Reroof (asphalt)	\$5,000
31.	Leon VanDenBroeke	900		Silvervine	Drive	Replace Window	\$400
32.	Robert L. Carr	408	East	Main	Street	Office Building	\$450,000
33.	Doom & Cuypers, Inc.	114		Circle	Drive	Reroof (asphalt)	\$10,000
34.	Tutt Construction, Inc.	602	North	Minnesota	Street	Replace Windows	\$6,800
35.	Lyon Lodging LLC	1511	East	College	Drive	Kitchen Remodel	\$17,700
36.	Schlenner Construction Co.	604	West	Redwood	Street	Addition (12' x 14')	\$12,000
37.	Scot & Roma Kindschi	110	East	Redwood	Street	Replace door	\$2,000
38.	Abel & Josie Gonzalez	1003		Birch	Street	Reside Front (cedar)	\$1,000
39.	Belgium Builders LLC	301	North	7th	Street	Ceiling Repair & Reroof Porch	\$800
40.	Buysse Roofing Systems & Sheet Metal Inc.	1420	East	College	Drive	Roof Repair	\$5,700

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41.	Geske Home Improvement Co.	600	Jewett	Street	Window	\$2,500
42.	Jeff Gladis Construction	410	Mason	Street	Reroof (asphalt)	\$4,900
43.	CAB Quality Construction LLC	507	Lawerence	Street	Reroof (asphalt)	\$6,200
44.	True Value Home Center	1001	Woodfern	Drive	Window Replacement	\$7,000
45.	Sussner Construction, Inc.	300	South	O'Connell Street	Mansard Replacement	\$28,000
46.	Space Development Co. of Marshall	601	Ontario	Road	Addition	\$136,000
47.	MJ Contracting	1300	Westwood	Drive	Reroof (asphalt) Dwelling & Garage	\$5,800
48.	Michael DeVos	108	Ranch	Avenue	Reside (cement board)	\$1,500
49.	Michael DeVos	108	Ranch	Avenue	Reside Additional (cement board)	\$1,000
50.	John Lund	103	Donita	Avenue	Replace Door	\$600
51.	Gary & Jayni Blough	209	East	Main Street	Reroof (rubber), Interior repair	\$9,000
52.	Anthony & Brandy Smith	213	North	Hill Street	Reroof (asphalt)	\$10,000
53.	CAB Quality Construction LLC	1008	Silvervine	Drive	Reroof (asphalt)	\$5,200
54.	Brian Schramm Drywall	619	West	Lyon Street	Replace Windows	\$500
55.	Julie Kennedy	1004	West	College Drive	Reroof Barn (steel), Reside Dwelling (vinyl), Replace Window and door	\$21,000
56.	Kevin Lanoue Construction	701	South	4th Street	Replace Windows	\$6,600
57.	D&G Excavating, Inc.	700	East	Southview Drive	Demolish Dwelling	\$0

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


 Mayor of the City of Marshall

ATTEST:


 Finance Director/City Clerk