

## REGULAR MEETING – NOVEMBER 9, 2010

The regular meeting of the Common Council of the City of Marshall was held on November 9, 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 THE AGENDA:**

It was the general consensus of the council that the agenda be approved with item 4A, which is Canvassing the Ballots from the General Election and item 4E, which is consider approval to apply for a \$55,000 CAT Grant be moved to the first item of new business and item 19, which is consideration to purchase property at 111 South "A" Street being deleted from the agenda.

### **APPROVAL OF THE MINUTES:**

Sanow moved, Ritter seconded, that the minutes of the regular meeting held on October 26, 2010 and the minutes of the special meeting held on November 3, 2010 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

### **INFORMATIONAL MAYOR'S PROCLAMATION WELCOMING FOREIGN EXCHANGE STUDENTS FOR 2010/2011:**

At this time Mayor Byrnes read the Mayor's Proclamation Welcoming the following Foreign Exchange Students for 2010/2011. Ritter moved, Doom seconded, to adopt the Mayor's Proclamation Welcoming Foreign Exchange Students for 2010/2011. All voted in favor of the motion. Mayor Byrnes had the following Foreign Exchange Students introduce themselves.

Christian Maertens from Germany (AFS)  
Gjemund Oyri from Norway (AFS)  
Ellie" Nga Suet Lui from China (AFS)  
Merete Tangen from Norway (ISE)  
Lisa Koslowski from Germany (Youth for Understanding)  
Ines Lecoq from Spain (EF)  
Luis Garcia from Switzerland (EF)

### **AWARD OF BIDS -CONSIDER AWARD OF PROPOSALS FOR 2010 CITY OF MARSHALL FALL TREE PLANTINGS IN VARIOUS LOCATIONS:**

Glenn Olson, Director of Public Works/City Engineer, indicated that the Public Works Department identified several projects which would be enhanced by planting trees on them. Commencement Boulevard was constructed with an 18-foot wide boulevard in the center of the street. It is proposed to plant Crab Apple trees of various colors in the boulevard. Additionally, several Autumn Blaze Maple trees and Common Hackberry trees are proposed to be planted as replacement trees along Tiger Drive. The existing trees were transplanted to the north side of Commencement Boulevard. On the Tiger Lake Expansion Project it is proposed to plant two Autumn Blaze Maple trees in the location of the former Middleton house property. The Airport has an area dedicated to the planting of additional trees and Burr Oak trees are proposed for this area. Two Ginko trees were vandalized this summer on North 3<sup>rd</sup> Street, and it is proposed to have those trees replaced.

Mr. Olson indicated that the Community Services Department had planned on attritional tree plantings for the new city park located along Windstar Street. It is proposed to plant Autumn Blaze Maple, Sunburst Locust and Crab Apple trees in the park lawn.

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Two proposals were received for the 2010 City of Marshall Fall Tree Plantings for various locations. The two proposals were received from:

Greenwood Nursery  
Marshall, Minnesota  
Tree size – 1.75”  
\$15,990

VIP Landscape  
Slayton, Minnesota  
Tree size – 2” or larger  
\$17,100

Doom moved, Sanow seconded, that the 2010 Fall Tree Planting Project be awarded to Greenwood Nursery, Marshall, Minnesota in the amount of \$15,990. All voted in favor of the motion.

**CONSENT AGENDA: - TEMPORARY ON-SALE LIQUOR LICENSE FOR MARSHALL CHAMBER OF COMMERCE TO USE AT BREMER BANK, 208 EAST COLLEGE DRIVE ON DECEMBER 6, 2010; LG220 APPLICATION FOR EXEMPT PERMIT FOR SMSU FOR FEBRUARY 5, 2011; APPROVAL OF DECLARATION OF SURPLUS PROPERTY FOR THE POLICE DEPARTMENT; APPROVAL OF TRAINING FOR THE CAT TEAM; APPROVAL OF THE STATEWIDE HEALTH IMPROVEMENT PROGRAM (SHIP) GRANT; 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 December 6, 2010 at Bremer Bank, 208 East College Drive. 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, 1501 State Street, Marshall, Minnesota on February 5, 2011 and that the 30 day waiting period be waived.

Authorization be granted to the Department of Public Safety to dispose of surplus City property – two (2) 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 approval of a contract between Minnesota West Community & Technical College and the City of Marshall SWMN C.A.T. for training.

Approval to accept the Statewide Health Improvement Program (SHIP) in the amount of \$5,000.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 71978 through 72120.

All voted in favor of the motion.

**PROJECT Y03 – 2007 MAIN STREET PROJECT – CONSIDERATION OF PAYMENT TO MEARS ELECTRIC:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the invoice that was pulled from the City Council meeting held on October 26, 2010 at the request of Council Member Doom. There were questions on the purpose of the electrical improvements as well as whether this was

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covered under warranty. Mr. Olson indicated that he discussed this with Assistant City Engineer Shane Waterman and was informed that the work was done to repair electrical boxes in the Main Street planters. The problem has been that moisture in these boxes are shorting out the GFCIs in the planter boxes. This is being caused by the boxes being too low. Several solutions were explored including covers, but ultimately staff believes that raising the boxes is the best solution. The electrical work was designed the way they were installed and therefore they would not be eligible for any warranty. Mr. Olson indicated that Mears Electric was hired to change out the bad GFCIs with new ones. Mears has completed going through the outlets in preparation for the holiday season and since then the City has received a call that two additional outlets need some work. Mr. Olson indicated that the City is also discussing a long-term fix to the current problem. The solution will likely include a post within each planter to raise the outlets above the planter boxes.

Doom moved, Sanow seconded, that the payment to Mears Electric, in the amount of \$1,182 for the replacement of outlets on Main Street be approved. All voted in favor of the motion.

**CANVAS BALLOTS FROM THE GENERAL ELECTION:**

Thomas M. Meulebroeck, Finance Director/City Clerk, provided a review of the election returns from the General Election held on November 2, 2010. The summary of the votes cast for the Council Members were as follows:

	Ward One	Ward Two	Ward Three	Total
John DeCramer	993			993
Michael Boedigheimer		1,020		1,020
Juergen Huck		525		525
Jennie Hulsizer			1,120	1,120
Write In Votes	<u>14</u>	<u>6</u>	<u>31</u>	<u>51</u>
TOTAL VOTES	1,007	1,551	1,151	3,709

Sanow moved, Doom seconded, that John DeCramer be declared duly elected as Council Member for Ward One; Michael Boedigheimer be declared duly elected as Council Member for Ward Two; and Jennie Hulsizer be declared duly elected as Council Member for Ward Three and that the term for all of these elected positions expire on December 1, 2014. All voted in favor of the motion.

**CONSIDER APPROVAL TO APPLY FOR A \$55,000 CAT GRANT:**

Jessica Kesteloot and Don Calvin, CAT Members were in attendance at the meeting to review the \$55,000 CAT Grant. Ms. Kesteloot indicated that this grant would be used as follows:

- \$3,000 for Planning (To fund better response preparation and required by grant.)
- \$49,000 total for Equipment
  - \$20,000 for Command Center Tent (Space needed to accommodate all CAT members for responses or for certain events)
  - \$12,000 for Mobile HVAC System for decontamination and command center tent (Allows temperature of tents to be at a comfortable working environment- heats/cools)
  - \$10,000 for All Terrain Vehicle (Enables responses in places where other vehicles are unable transport team members in Level A suits and their equipment)
  - \$7,000 for Reachback for defender (Keeps unit up to date)
- \$3,000 for Training (Funding training is required by the grant but it is a low dollar amount because it is believed that training is a critical on-going expense and should be funded through the operating grant.)

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Council Member Boedigheimer was not in favor of purchasing an ATV because he did not think it would be used very much. Council Member Doom was in favor of the grant because there were no matching funds required.

Doom moved, DeCramer seconded, that the proper city personnel be authorized to apply on-line for the Homeland Security Grant for \$55,000 for the S.W.-MN C.A.T. and also authorize Rob Yant, Director of Public Safety as the administrator of this grant. All voted in favor of the motion, except Boedigheimer who voted no.

**ADULT COMMUNITY CENTER – A. APPROVAL OF AGREEMENT WITH MARSHALL AREA SENIOR CITIZEN'S INC.; B. APPROVAL OF ANNUAL LEASE AGREEMENT WITH LUTHERAN SOCIAL SERVICES (LSS):**

Harry Weilage, Director of Community Services, reviewed the agreement with Marshall Area Senior Citizen's (MASC) Inc. Mr. Weilage indicated that MASC, Inc. rents space at the Adult Community Center at a \$550 monthly rate, for a yearly total of \$6,600. MASC, Inc. also donates both monies and labor towards building upgrades and projects throughout the year. This is the same fee as is currently charged.

Mr. Weilage also reviewed the agreement with Lutheran Social Services (LSS). Mr. Weilage indicated that LSS provides the Senior Nutrition Program and they pay the City 20 cents for every meal served. Approximately 36,000 meals are served per year, which amounts to \$7,200. This amount paid is for the space only. As explained in the agreement, LSS provides the food and the payment goes toward the facility use. This is the current rate that is paid.

Doom moved, Sanow seconded, that the proper city personnel be authorized to enter into an agreement with Marshall Area Senior Citizens, Inc., for the Adult Community Center Rental. This agreement is for the period January 1, 2011 through December 31, 2011 at a rate of \$550.00 per month for MASC, Inc., to rent space at the Adult Community Center. The council requested a history of the rent paid by MASC, Inc., provided when this agreement is considered for 2012. All voted in favor of the motion.

Doom moved, Sanow seconded, that the proper city personnel be authorized to enter into an agreement with Lutheran Social Services for the Senior Nutrition Program. This agreement is for the period January 1, 2011 through December 31, 2011 and provides for the City to be reimbursed 20 cents per meal prepared at the Adult Community Center. All voted in favor of the motion.

**PROJECT Y65 – RANCH AVENUE / SOUCY DRIVE AREA RECONSTRUCTION PROJECT – CONSIDER RESOLUTION AMENDING ASSESSMENT:**

Glenn Olson, Director of Public Works/City Engineer, indicated that during the construction of this project, two property owners requested to install all or a portion of their driveway themselves that had been removed by the Contractor. To accommodate their request, the City allowed the property owners to install their own concrete driveways. This amount is being deducted from the previously adopted special assessment.

Boedigheimer moved, DeCramer seconded, the adoption of RESOLUTION NUMBER 3504, SECOND SERIES and that the reading of the same be waived. Resolution Number 3504, Second Series is a resolution Amending the Assessment Roll for Project Y65 Ranch Avenue / Soucy Drive Area Reconstruction Project. All voted in favor of the motion.

**PROJECT Y44 – LEGION FIELD ROAD IMPROVEMENT PROJECT – CONSIDER RESOLUTION REDISTRIBUTING ASSESSMENT:**

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 need to be redistributed. The parcels impacted by this redistribution are City owned parcels owned by the Housing & Redevelopment Authority (Parcel 27-819-013-0 and Parcel 27-819-014-0) being combined into one parcel (Parcel 27-485-011-0).

DeCramer moved, Doom seconded, the adoption of RESOLUTION NUMBER 3505, SECOND SERIES and that the reading of the same be waived. Resolution Number 3505, Second Series is a resolution Redistributing Assessments for Project Y44 Legion Field Road Improvement Project. This resolution provides for the redistribution of the following assessment:

Parcel Number	Assessment Amount	Redistributed Assessment Amount
27-819-013-0	\$13,565.15	
27-819-014-0	\$35,648.69	
27-485-011-0		\$49,213.84

All voted in favor of the motion.

**CONSIDER AUTHORIZATION TO ENTER INTO MN/DOT AGREEMENT FOR CRACK REPAIR AT THE AIRPORT:**

Ritter moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3506, SECOND SERIES and that the reading of the same be waived. Resolution Number 3506, Second Series is a resolution providing Authorization to Execute Minnesota Department of Transportation Grant Agreement for Airport Improvement Excluding Land Acquisition. This resolution provides for the proper city personnel to execute the Grant Agreement No. 97971 for Airport improvement Excluding Land Acquisition. This agreement provides for Crack Repair at the southwest Minnesota Regional Airport. Two proposals were received:

RH Sealcoating & Asphalt Maintenance	Bargen Incorporated
Russell, Minnesota	Mountain Lake, Minnesota
Crack repair - \$17,750	Crack repair - \$19,630
Nuvo Gap – no bid	Nuvo Gap - \$4,780

The proposals were awarded to RH Sealcoating & Asphalt Maintenance, Russell, Minnesota for Crack repair in the amount of \$17,750 and to Bargen Incorporated, Mountain Lake, Minnesota for Nuvo Gap in the amount of \$4,780. All voted in favor of the motion.

**PROJECT Y74 – NORTH 5<sup>TH</sup> STREET / WEST LYON STREET / WEST REDWOOD STREET RECONSTRUCTION PROJECT – CONSIDER APPROVAL OF CHANGE ORDER NO. 2:**

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order No. 2 with Quam Construction for a 23-day time extension. Mr. Olson indicated that the proposed schedule for this project was impacted by the unseasonably wet weather in August and September. Consequently, the contractor was unable to schedule work until after October 1, 2010. Since that time the contractor has been very diligent on keeping with the revised construction schedule provided to City staff on October 5, 2010. The contractor has requested a time extension for this project. Given the scope of work required and the effort provided by the contractor to complete the work, staff is recommending

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an extension to November 24, 2010.

Ritter moved, DeCramer seconded, the approval of Change Order No. 2 with Quam Construction Company, Inc., for a 23-day time extension for Phase I construction from November 1, 2010 to November 24, 2010. All voted in favor of the motion.

**PROJECT Y84 – COMMENCEMENT BOULEVARD IMPROVEMENT PROJECT –  
CONSIDER CHANGE ORDER NO. 2:**

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order No. 2 with D & G Excavating, Inc., resulting in a contract increase in the amount of \$4,308.60 and a time extension of three (3) calendar days with a Substantial Completion Date of November 5, 2010. Mr. Olson indicated that the change is a result of making the intersection of Tiger Drive an "All Way" stop.

Doom moved, Ritter seconded, the approval of Change Order No. 2 with D & G Excavating, Inc., resulting in a contract increase in the amount of \$4,308.60 and a time extension of three (3) calendar days with a Substantial Completion Date of November 5, 2010. All voted in favor of the motion.

**CONSIDER RESOLUTION TO CONTRACT WITH A COUNCIL MEMBER FOR SNOW  
REMOVAL TRUCK RENTAL SERVICES:**

Glenn Olson, Director of Public Works/City Engineer, indicated the Street Department is soliciting requests for vendors to provide snow removal truck hauling services for the upcoming 2010-2011 winter season. Mr. Olson indicated that in the past the City has procured and used rental trucks from Southwest Sanitation, Inc., and various other vendors/companies/individuals for snow removal services. Under State Statute 471.87, a public officer who is authorized to take part in any manner in making any sale, lease, or contract in official capacity shall not voluntarily have a personal financial interest in that sale, lease, or contract or personally benefit financially there from. However, there is an exception under State Statute 471.88 that allows the governing body of any city, by unanimous vote, to contract for goods or services with an interested officer of the governmental unit for a contract in which competitive bids are not required by law. In accordance with State Statute 471-89, a contract made pursuant to section 471.88, subdivision 5 is void unless the procedure prescribed by subdivision 2 and 3 is followed. A resolution by the governing body is adopted, and that before a claim is paid an affidavit by the interested officer shall be filed with the clerk of the governing body.

Mr. Olson indicated that under this year's Street Department's advertisement for snow removal truck rental haulers, all interested vendors are proposed to be paid the same hourly rental rate based upon the cubic yards of their truck/box and/or whether it contains a tailgate. Once the list of vendors is obtained, they will be called upon for snow removal hauling services on a rotating basis from one snow event to another. Southwest Sanitation, Inc. has offered to make available two (2) trucks for snow hauling if they are needed by the City. In order to consider using these two trucks, the council will need to approve a resolution on a unanimous vote.

Doom moved, DeCramer seconded, the adoption of RESOLUTION NUMBER 3507, SECOND SERIES and that the reading of the same be waived. Resolution Number 3507, Second Series is a resolution to Contract with Councilmember Daniel T. Ritter (Southwest Sanitation, Inc.) for Snow Removal Truck Rental Services (under Minnesota Statutes §§ 471.88, subd. 5 and 471.89, subd. 2). All voted in favor of the motion, except Ritter who abstained.

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**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            Regional Radio Board will meet on November 10, 2010.
- Hulsizer        Library Board met and indicated that Holly needs to be informed when the Building Committee meetings are scheduled for. Michon Weeks is applying for a grant for art in the Library.
- Doom            Marshall Community Services Advisory Board had met as well as the Dotwntown Design Committee.
- Sanow          No report.
- DeCramer      No report.
- Boedigheimer No report.
- Ritter          Housing Commission meet and Rose Drury will be retiring.

**STAFF REPORTS:**

Ben Martig, City Administrator, indicated that the storage unit owned by George Jacob and the city rents will be sold on auction; City Hall will be closed on Thursday, November 11, 2010 for Veteran's Day; the implementation of the new employee health insurance is going smoothly.

Mayor Byrnes indicated that there will be a Transportation Committee meeting on November 16, 2010. He also indicated that there will be Ribbon Cutting Ceremony at 3:15 P.M. for the Underpass and a reception at 4:00 P.M. at the Bistro.

Glenn Olson, Director of Public Works/City Engineer, indicated that the "C" Street Project between Main Street and Progress Street will be completed this fall; the Tiger Lake Project is on hold until the water and sewer work is completed on "C" Street. Trees will be removed along the river between the City of Marshall and Green Valley. Clarice Avenue will be paved this year.

Dennis Simpson, City Attorney, indicated that the Public Housing Commission has closed on the sale of property and the purchase of the Mosch/Bladholm will be closing this month.

**COUNCIL MEMBER INDIVIDUAL ITEMS:**

There were no additional items brought forth by the Mayor and Council Members.

**REVIEW OF PENDING AGENDA ITEMS:**

There were 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.	Ace Neon Signs	900	East	Main	Street	Sign	\$6,000
2.	Michael & Deborah Newton	915	West	Main	Street	Replace Window, Repair Wall	\$500

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3.	Mark Patzer	1009	Silvervine	Drive	Replace Window and Patio Door	\$2,500
4.	Gary Edwards	514	Carlson	Street	Reroof (asphalt)	\$7,000
5.	James Lozinski Construction Inc.	105	Whitney	Circle	Reroof (asphalt)	\$12,000
6.	James Lozinski Construction Inc.	121	F	St	Window Replacement	\$600
7.	Bruce & Cindy Robinson	917	West Main	Street	Install Door & Window	\$1,000
8.	True Value Home Center	615	Cadillac	Road	Dwelling	\$185,000
9.	Craig & Debra Schafer	505	West Marshall	Street	Reroof Garage (asphalt)	\$1,400
10.	AMEN Roofing & Construction	604	Southview	Drive	Reroof (asphalt)	\$4,500
11.	AMEN Roofing & Construction	1105	Skyline	Drive	Reroof (asphalt)	\$16,300
12.	AMEN Roofing & Construction	115	East Redwood	Street	Reroof (asphalt)	\$4,200
13.	AMEN Roofing & Construction	1107	Horizon	Drive	Reroof (asphalt)	\$9,800
14.	AMEN Roofing & Construction	119	East Redwood	Street	Reroof (asphalt)	\$6,800
15.	Kevin Lanoue Construction	801	South 2nd	Street	Replace Windows	\$2,800
16.	Patricia Loyson	207	West Redwood	Street	Roof repair (asphalt)	\$400
17.	Mike Buysse Construction Inc.	108	North 1st	Street	Reside (vinyl)	\$6,000
18.	Opal Johnson	114	West Maple	Street	Replace storms doors	\$500
19.	Connie C. Evans	208	Lucille	Street	Replace Doors	\$1,000
20.	James Lozinski Construction Inc.	312	East Lyon	Street	Replace Doors	\$600
21.	Ray Henriksen	310	South Hill	Street	Replace Windows	\$6,000
22.	Ahmed Omar	200	East Main	Street	Finish Garage	\$4,000
23.	Juan Francisco & Blanca Amaya	509	Lynd	Street	Replace Windows and Doors	\$3,000
24.	Centro Cristiano de Alabanza y Restauracion	305	Camden	Drive	Sign	\$200
24.	Timothy Kellen	204	North 6th	Street	Finish basement, Install Window	\$6,000
24.	Edward & Julie Clark	509	West Southview	Drive	Basement Remodel	\$2,500
24.	Geske Home Improvement Co.	107	West Southview	Drive	Install bay window and patio door	\$6,000
24.	Rachel Holmgren	119	Circle	Drive	Reroof (membrane)	\$8,000
24.	Raymond Root	503	Carlson	Street	Replace Windows	\$7,500
24.	Tutt Construction, Inc.	716	Marguerite	Avenue	Replace Window	\$4,700
24.	Tutt Construction, Inc.	903	Poplar	Avenue	Basement Wall Repair	\$3,600
24.	Charles Lavoie	805	Hackberry	Drive	Replace Windows	\$2,000
24.	Dennis Lozinski Construction	106	South High	Street	Reroof (asphalt)	\$6,000



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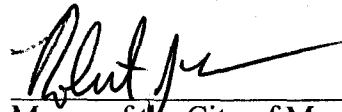
**DETERMINATION TO GO INTO CLOSED SESSION PURSUANT TO MINNESOTA STATUTE 13D.05 SUBD. 3(C)(3) TO CONSIDER OFFERS FOR 111 SOUTH A STREET:**

Ritter moved, DeCramer seconded, that the Council go into closed session at 6:30 P.M. pursuant to Minnesota Statute 13D.05 Subd 3(c)(3) to consider offers for 111 South "A" Street. All voted in favor of the motion.

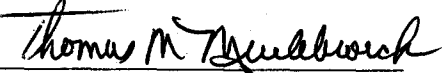
Those present at the closed session included: Mayor Byrnes, Council Members Hulsizer, Sanow, Doom, DeCramer, Boedigheimer and Ritter. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer and Thomas M. Meulebroeck, Finance Director/City Clerk.

The council came out of closed session at 6:55 P.M.

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

  
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Mayor of the City of Marshall

ATTEST:

  
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Financial Director/City Clerk