

REGULAR MEETING – NOVEMBER 23, 2010

The regular meeting of the Common Council of the City of Marshall was held on November 23, 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, DeCramer, and Boedigheimer. Absent: Sanow and Ritter. 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; Harry Weilage, Director of Community Services; Sheila Dubs, Assistant to City Administrator; and Jim Marshall, Police Sergeant 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 as presented.

APPROVAL OF MINUTES:

Doom moved, DeCramer seconded, that the minutes of the regular meeting held on November 9, 2010, the minutes of the special meeting held on November 9, 2010 and the minutes of the special meeting held on November 16, 2010 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

AWARD OF BIDS - MEMORIAL PARK IMPROVEMENTS-PHASE II – CONSIDER AWARD OF PROPOSALS FOR BRIDGE STRUCTURE AND RAILINGS FOR PEDESTRIAN WALK BRIDGE:

Glenn Olson, Director of Public Works/City Engineer, indicated that proposals were received on November 10, 2010 for the bridge structure for the Memorial Park Pedestrian Walk Bridge. The bridge is scheduled to be painted the same color as the Liberty Park walk bridges. Two proposals were received. The low proposal was from Wheeler Lumber, LLC in the amount of \$44,600. The other proposal was from Contech Construction Products, Inc., in the amount of \$47,700 (tax not included).

Mr. Olson indicated that a proposal was received for a decorative railing (including paint to match the bridge) on November 3, 2010 to be attached to the Memorial Park Pedestrian Walk Bridge. Marshall Machine Shop was chosen to quote the railing system as they designed and manufactured the railing system for a walk bridge near the Liberty Park Bandshell in 2007. The scope and design of the proposed bridge are identical with the previous project. Mr. Olson indicated that the quote of \$14,000 (plus applicable taxes) is reasonable and is the best option to achieve the desired design concept for the project.

Mr. Olson indicated that after approval of the proposal for the walk bridge staff can proceed with the design and obtaining proposals for the abutments for the bridge as the abutments are different for the two different bridges proposed. The estimated cost of the bridge abutments is \$17,400.

Council Member Hulsizer indicated that this was not included in the 2010 budget and was not in favor of spending money that was not in the budget. Council Member Doom indicated that there is money in the park fund for this project. Ben Martig, City Administrator, indicated that this item was budgeted for development in 2010 and the capital plan for 2011.

Boedigheimer moved, Doom seconded, to award the proposal for the bridge structures for the Memorial Park Pedestrian Walk Bridge to Wheeler Lumber, LLC of Bloomington, Minnesota in the amount of \$44,600 and to award the proposal for the decorative railing for the Memorial Park Pedestrian Walk Bridge to Marshall Machine Shop, Inc., of Marshall, Minnesota in the amount of \$14,000 plus applicable taxes. All voted in favor of the motion, except Hulsizer who voted no.

CONSENT AGENDA – A. TEMPORARY ON-SALE LIQUOR LICENSE FOR SMSU FOR DECEMBER 10, 2010; B. TEMPORARY ON-SALE LIQUOR LICENSE FOR SMSU FOR FEBRUARY 25, 2011; C. CONSIDER RESOLUTION AMENDING BUDGET AMOUNTS FOR FYE DECEMBER 31, 2010; D. CONSIDER RESOLUTION RE-APPOINTING OF COMMISSIONERS TO THE HOUSING AND REDEVELOPMENT AUTHORITY; E. AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE PICK UP OF GARBAGE AND TRASH FOR VARIOUS CITY LOCATIONS FOR 2011/2012; F. APPROVAL OF AMENDMENT #1 TO NATIONAL INSURANCE SERVICES FOR LONG-TERM DISABILITY INSURANCE; G. RENEWAL OF THE CITY’S LIFE INSURANCE EFFECTIVE JANUARY 1, 2011; H. RENEWAL OF THE CITY’S DENTAL INSURANCE EFFECTIVE JANUARY 1, 2011; I. CONSIDERATION OF AUTHORIZATION TO DECLARE STUDIO 1 TRICASTER AS SURPLUS PROPERTY; J. CONSIDERATION OF AUTHORIZATION TO DECLARE BICYCLES AS SURPLUS PROPERTY; K. 2011 WASTEWATER USER RATES-CALL FOR PUBLIC HEARING; L. 2011 SURFACE WATER MANAGEMENT UTILITY RATES-CALL FOR PUBLIC HEARING; M. APPROVAL OF THE LEASE ASSIGNMENT SCHWAN’S AERIAL MARKETING, LLC – RED BARON HANGAR; N. APPROVAL BILLS/PROJECT PAYMENTS:

Council Member Boedigheimer requested that item I, which is consideration of authorization to declare Studio 1 Tricaster as surplus property be removed from the consent agenda. Council Member DeCramer requested that the approval of bills/project payments be removed from the consent agenda.

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

The approval of a Temporary On-Sale Liquor License for Southwest Minnesota State University Foundation to use on December 10, 2010 at the Southwest Minnesota State University PE Gym, 330 North O’Connell Street. The fee for this license is \$30.00.

The approval of a Temporary On-Sale Liquor License for Southwest Minnesota State University Foundation to use on February 25, 2010 at the Southwest Minnesota State University Conference Center, 1501 State Street. The fee for this license is \$30.00.

The adoption of RESOLUTION NUMBER 3508, SECOND SERIES and that the reading of the same be waived. Resolution Number 3508, Second Series is a resolution Amending Budget Amounts for Fiscal Year Ending December 31, 2010.

The adoption of RESOLUTION NUMBER 3509, SECOND SERIES and that the reading of the same be waived. Resolution Number 3509, Second Series is a resolution Approving the Re-Appointment of Commissioners to the Housing and Redevelopment Authority in and for the City of Marshall.

That the proper city personnel be authorized to advertise for bids for the pickup of garbage and trash for various city locations. These bids are to be received at 1:00 P.M. on December 7, 2010.

The approval of Amendment #1 with National Insurance Services Joinder Agreement for Long Term Disability Insurance. The amendment provides for changes under “Termination of Employees”.

The approval to renew the City’s Life Insurance effective January 1, 2011. The new rates are:

<u>Benefit</u>	<u>Current Rate</u>	<u>Renewal Rate</u>
Basic Life	\$0.18 per 1,000	\$0.20 per 1,000
AD&D	\$0.02 per 1,000	\$0.02 per 1,000
Dependent Life	\$0.196 per 1,000	\$0.196 per 1,000

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The approval to renew the City's Dental Insurance effective January 1, 2011. The rates will be \$35.43 for single coverage and \$95.40 for family coverage, which is the same as the current rates. These rates are guaranteed for 2 years.

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.

A public hearing be held at 5:30 P.M. on December 14, 2010 to consider the proposed Wastewater User Rates for 2011.

A public hearing be held at 5:30 P.M. on December 14, 2010 to consider the proposed Surface Water Management Utility Rates for 2011.

The approval of the Assignment of Rights and Obligation under the Lease to Schwan's Shared Services, LLC. This agreement approves the request of Schwan Food Company to assign the rights and obligations of its lease at the Airport Red Baron Hangar located at 1632 West College Drive related to an internal business restructuring.

All voted in favor of the motion.

Council Member Boedigheimer wanted to know the cost of a new Tricaster. Mr. Weilage, Director of Community Services, indicated the cost is approximately \$10,000. Council Member Boedigheimer suggested that this piece of equipment be listed as surplus and for sale on the City's Website and suggested sending letters to interested parties. Ben Martig, City Administrator, indicated that there would be a public notice advertising the Tricaster. Boedigheimer moved, Doom seconded, to declare the 5-year old Newtek Tricaster computer as surplus property and offer it for sale to the highest bidder. All voted in favor of the motion.

Council Member DeCramer questioned the payment to Grizzly's Grill N Saloon in the amount of \$245.08. Mr. Meulebroeck, Finance Director/City Clerk, indicated that this was for an event at the Marshall Area Senior Center. DeCramer moved, Boedigheimer seconded, that the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 72121 through 72362. All voted in favor of the motion.

Ben Martig, City Administrator, requested that item 5a be added to the agenda. Item number 5a is a presentation on the Southwest Initiative Foundation.

MARSHALL-LYON COUNTY LIBRARY PROJECT - CONSIDER CHANGE ORDER NO. 1 WITH TSP, INC:

Ben Martig, City Administrator, reviewed Change Order No. 1 for the Library Project. This change order provides the addition of items to provide a more efficient operation with the cooling system at an increase of \$5,105. This change order was brought forward by Ron Halgerson of TSP, Inc. Al Kruse, Library Board President, and Holly Martin-Hoffman, Library Director, indicated that the Library Board has not seen this change order. Doom moved, Hulsizer, seconded, that Change Order No. 1 with TSP, Inc. be tabled until the next regular City Council meeting to allow the Library Board to review this change order. All voted in favor of the motion.

SOUTHWEST INITIATIVE FOUNDATION UPDATE:

Garrett Backes, Development and Communications Specialist, was in attendance at the meeting to provide an update on the Southwest Initiative Foundation. Mr. Backes provided a review on the following:

- Mission In Action: SWIF Initiatives guided by a five-year (2007-2011) Strategic Plan
- Economic Advancement
- Youth Energy Summit
- Community and Leadership Development
- Building Regional Capacity
- Philanthropy
- Local Fund Snapshot
- SWIF's 25-Year Anniversary

CONSIDER APPROVAL TO FUND AN AUTOMATIC EXTERNAL DEFIBRILLATOR (AED):

Sheila Dubs, Assistant to the City Administrator, and Jim Marshall, Police Sergeant, were in attendance at the meeting on behalf of the Marshall Safety Committee. Ms. Dubs indicated that the Marshall Safety Committee is requesting the Council review and consider the funding assistance towards the purchase of an automated external defibrillator (AED) for City Hall. An AED is a lightweight, portable device that delivers an electric shock through the chest to the heart. An AED has the ability to assess whether or not a patient needs an electric current, and if he/she does, it pre-determines the wattage or power level. The Zoll AED Plus device helps the rescuer provide high quality CPR and guides through the entire effort to rescue sudden cardiac arrest victims.

The Safety Committee feels very strongly that an AED is needed in City Hall given the number of employees and visitors that come through the building. The Safety Committee has a balance of \$860.76 remaining of the total \$1,200 annual budget to use towards the purchase of an AED. The Safety Committee is requesting Council funding support of \$808.24 towards this purchase. Staff obtained two quotes to include: Zoll AED Plus, Type 123 lithium batteries, CPR-D Padz, a wall mounting unit, and a 3D AED wall sign. Red Oak Leaf Specialties, LLC provided the lowest quote. The City's safety consultant, Bruce Bousu (MMUA) is certified to and has agreed to provide employee training to operate the AED.

DeCramer moved, Doom seconded, approval to purchase an Automatic External Defibrillator (AED) and wall mount for City Hall from Red Oak Leave Specialties, LLC in the amount of \$1669.00. The funding for this will be from the Safety Committee Budget in the amount of \$860.76 and the additional \$808.24 plus shipping and tax will be funded from dedicated funds for the Municipal Building within the General Fund. All voted in favor of the motion, except Boedigheimer who voted no.

CONSIDER RESOLUTIONS FOR THE CLOSING OF FUNDS – A. DITCH 62 PROJECT (FUND 480); B. CORPS OF ENGINEERS PROJECT (FUND 481):

Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that the City of Marshall had entered into an agreement with the State of Minnesota, Division of Emergency Management, Emergency Response Commission for a 404 Hazard Mitigation Grant Program for Ditch 62. Mr. Meulebroeck indicated that per a recap of revenues and expenditures related to the Ditch 62 Project and previous discussion with the council, the balance of \$176,117.04 in the Capital Project Fund 480 is now available to be transferred to Surface Water Fund 630. The \$176,117.04 will be available in the Surface Water Fund 630 to subsidize the cost of storm sewer improvements.

Doom moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3510, SECOND SERIES and that the reading of the same be waived. Resolution Number 3510, Second

Series is a resolution Authorizing the Transfer and Closure of Capital Project Fund 480 to Surface Water Fund 630. This resolution provides that the balance of \$176,117.04 for the Capital Project Fund 480 for Ditch 62 Project be transferred to Surface Water Fund 630 for storm sewer improvements and that Capital Project Fund 480, Ditch 62 be closed. All voted in favor of the motion, except DeCramer who voted no.

Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that in 1996 the City of Marshall entered into a Flood Hazard Mitigation Grant agreement with the State of Minnesota, Department of Natural Resources. The initial agreement was for \$245,000. A supplement to the agreement for \$376,000 was approved in 1997. An additional grant agreement was entered into in 1998 for an additional \$744,000. In 1996 and 1999 Bonds were issued to assist with the financing of the improvements included as part of this grant project. The bonds have either been paid in full or are incorporated with the Surface Water Fund for reporting purposes and if not paid in full, revenues from the Surface Water Operating Fund are used to pay the Storm Sewer Debt Service Funds. Mr. Meulebroeck indicated that per a recap of revenues and expenditures related to the Corp of Engineers Project and previous discussion with the council, the balance of \$233,148.87 in the Capital Project Fund 481 is now available to be transferred to Surface Water Fund 630. The \$233,148.87 will be available in the Surface Water Fund 630 to subsidize the cost of storm sewer improvements and the payment of Debt Service Issues.

Doom moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3511, SECOND SERIES and that the reading of the same be waived. Resolution Number 3511, Second Series is a resolution Authorizing the Transfer and Closure of Capital Project Fund 481 to Surface Water Fund 630. This resolution provides that the balance of \$233,148.87 for the Capital Project Fund 481 for the Corp of Engineer Project be transferred to Surface Water Fund 630 for storm sewer improvements or the payment on Debt Service Bond issues and that Capital Project Fund 481, Corp of Engineer be closed. All voted in favor of the motion, except DeCramer who voted no.

CONSIDER APPROVAL TO ESTABLISH A DEFERRED COMPENSATION PROGRAM WITH MINNESOTA STATE RETIREMENT SYSTEM (MSRS):

Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that the City of Marshall has allowed its employees to participate in 457 deferred programs for approximately 30 years. The past practice was that the City would not allow the implementation of a new deferred compensation plan unless there were 10 or more employees interested in the program. Mr. Meulebroeck indicated that Section II of the Plan Document with the Minnesota State Retirement System addresses participation and contributions to this Plan. Minnesota Statute 352.965, Subd. 2 also addresses the City's requirement to offer this Plan. The City has received an enrollment form from an employee, therefore based on the information it appears that the City has no choice but to offer the MSRS Deferred Compensation Program.

DeCramer moved, Doom seconded, approval to allow employees to enroll in a 457 (b) Deferred Compensation Plan with the Minnesota State Retirement System (MSRS). All voted in favor of the motion.

CONSIDERATION OF APPROVAL OF MAYOR APPOINTMENT OF CITY ATTORNEY, MARSHALL CITY CHARTER §3.03:

Mayor Byrnes recommended that Dennis Simpson be appointed as City Attorney for a two year term from December 1, 2010 to November 30, 2012. Doom moved, Boedigheimer seconded, that Dennis Simpson be appointed as City Attorney and the approval of the Memorandum of Understanding. All voted in favor of the motion.

PROJECT Y64: BRUCE CIRCLE RECONSTRUCTION PROJECT -- CONSIDER RESOLUTION AMENDING ASSESSMENT ROLL:

Glenn Olson, Director of Public Works/City Engineer, indicated that during the construction of Bruce Circle Reconstruction Project Y64 two (2) 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. The amount is being deducted from the previously adopted special assessment.

Boedigheimer moved, DeCramer seconded, the adoption of RESOLUTION NUMBER 3512, SECOND SERIES and that the reading of the same be waived. Resolution Number 3512, Second Series is a resolution Amending the Assessment Roll for Bruce Circle Reconstruction Project Y64. All voted in favor of the motion.

APPROVAL OF COOPERATIVE CONSTRUCTION AGREEMENT WITH LYON COUNTY FOR DESIGN AND CONSTRUCTION OF COUNTRY CLUB DRIVE AND CSAH 7 REALIGNMENT PROJECT (SP 42-607-022):

Glenn Olson, Director of Public Works/City Engineer, indicated that the Transportation Study that was completed in 2009 indicated the top priority for safety improvements of T.H. 23 being the installation of a new, full interchange at T.H. 23 and CSAH 7. Lyon County and the City of Marshall have received approval for funding for the relocation of a portion of Country Club Drive and the reconstruction of CSAH 7 and T.H. 23 intersection. This project is a precursor to the installation of the interchange at CSAH 7 and T.H. 23. This project has been approved through MN/DOT as a project initiated and developed by Lyon County. As a significant portion of the project involves a City Street (Country Club Drive), it is necessary for the City of Marshall to coordinate its responsibilities with the Lyon County project.

Doom moved, Boedigheimer seconded, that the proper city personnel be authorized to enter into a Cooperative Construction Agreement between Lyon County and the City of Marshall for Design and Construction of Country Club Drive and CSAH 7 Realignment Project, subject to the City Attorney's review and approval. 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 No report.

Hulsizer No report.

Doom Planning Commission minutes are included in the agenda packet; Downtown Redesign Committee met on Monday evening.

DeCramer EDA met and reviewed their goals; Utilities Commission discussed a loan program to provide the commission to do a study on energy savings. MMU has set their energy conservation at a reduction of 1 ½ % per year.

Boedigheimer Airport Commission met; M.E.R.I.T. Center changed their meeting to Friday's at 10:00 A.M. and they will discuss their by-laws.

STAFF REPORTS:

Ben Martig, City Administrator, indicated that the budget is a priority. The Truth In Taxation Public Hearing will be held at 6:00 P.M. and the 2011 Budget will be adopted at the regular meeting

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on December 14, 2010. The DEED Grant is being processed to send to the State of Minnesota and the bonding requirements are being reviewed for the MERIT Center.

Glenn Olson, Director of Public Works/City Engineer, provided a brief update on the construction projects and indicated that they are working on next year's projects.

Dennis Simpson, City Attorney, indicated that the purchase of the Mosch/Bladholm property will close soon.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Council Member Hulsizer indicated that the Library Board meets on December 13, 2010 at which time they can review Change Order No. 1 with TSP.

REVIEW OF PENDING AGENDA ITEMS:

There were no questions or concerns on the pending agenda items.

INFORMATION ONLY:

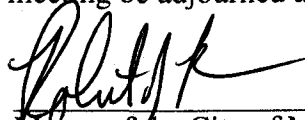
The following building permits previously approved by the Building Official were confirmed:

	Applicant	Location Address				Description of Work	Valuation
1.	Taylor Industries	900	East	Main	Street	HVAC	\$10,000
2.	Evangelical Lutheran Church of the Good Shepherd of Marshall	604		Roosevelt	Street	Tile, Interior Repair	\$5,000
3.	James Lozinski Construction Inc.	400		Elm	Street	Reroof (asphalt) and Dormer Siding	\$7,000
4.	Kesteloot Construction, Inc.	507		Lincoln	Avenue	Replace windows, door	\$9,000
5.	Kesteloot Construction, Inc.	202		Donita	Avenue	Replace windows	\$2,200
6.	Scott VanOverbeke Construction LLC	410	North	5th	Street	Reside (vinyl), Reroof (asphalt)	\$15,000
7.	David Peterson	302	South	First	Street	Reroof (asphalt)	\$2,800
8.	Gregory Anderson	1604	North	Highway 59		Basement Remodel	\$1,000
9.	Kesteloot Construction, Inc.	904		Pine	Avenue	Reroof (asphalt)	\$5,100
10.	Geoff Michael	1404	East	College	Drive	Sign	\$3,400
11.	James Lozinski Construction Inc.	413	North	6th	Street	Reroof (asphalt)	\$7,500
12.	Kevin Lanoue Construction	107	West	Southview	Drive	Replace Door	\$600
13.	Gregory Anderson	1604	North	Highway 59		Replace Window	\$300
14.	Independent Lumber of Marshall, Inc.	1210		Birch	Street	Group Home	\$185,000
15.	Babcock Construction	610		Kendall	Street	Addition	\$24,000
16.	Terry Kriz	506		Darlene	Drive	Finish Basement	\$10,000
17.	Jamie Dwire & Pamela J. Redenius	405	North	3rd	Street	Install Window	\$1,000
18.	Byrnes Ventures LLC	805		Brian	Street	Reroof (asphalt)	\$5,900
19.	CAB Quality Construction LLC	706	North	6th	Street	Reside (vinyl), Replace Window, Reroof (steel)	\$21,800
20.	Gary Vlaminck	605	West	Marshall	Street	Reroof (asphalt),	\$7,500

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	Const ruction				Porch Demo	
21.	Kevin Lanoue Construction	813	Nuese	Lane	Replace Patio Door	\$1,700
22.	James Lozinski Construction Inc.	614 West	James	Avenue	Reroof (asphalt)	\$4,000
23.	CE Signs & Designs	202 North	4th	Street	Sign	\$2,200
24.	Ann Palmer & Gustavo Estrada	309 East	Main	Street	Reroof (asphalt)	\$4,200
25.	Doom & Cuypers, Inc.	1501	State	Street	Sign	\$16,100
26.	Shane Waterman	1300	Ellis	Avenue	Finish Garage	\$1,500
27.	Dennis Lozinski Construction	407 North	6th	Street	Reroof (asphalt)	\$7,000
28.	Kesteloot Construction, Inc.	102	Parkview	Drive	Install Window, Basement Remodel	\$16,400
29.	True Value Home Center	905 South	1st	Street	Reroofing (asphalt)	\$10,000
30.	James Lozinski Construction Inc.	504	Kennedy	Street	Reside (steel), Replace Windows	\$12,000
31.	James Lozinski Construction Inc.	401	Charles	Avenue	Reroof (asphalt)	\$5,800

Doom moved, DeCramer seconded, that the meeting be adjourned at 6:30 P.M. All voted in favor of the motion.


 Mayor of the City of Marshall

ATTEST:


 Finance Director/City Clerk