

## REGULAR MEETING – DECEMBER 14, 2010

The regular meeting of the Common Council of the City of Marshall was held on December 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 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; Bob VanMoer, Wastewater Superintendent; Thomas M. Meulebroeck, Finance Director/City Clerk; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

### **ADMINISTER OATH OF OFFICE TO NEW COUNCIL MEMBERS**

Thomas M. Meulebroeck, Financial Director/City Clerk, administered the Oath of Office to Jennie Hulsizer; John DeCramer and Michael Boedigheimer, re-elected Council Members.

### **APPROVAL OF AGENDA**

It was the general consensus of the council that the agenda be approved with item no. 4, which is identified as a public hearing to consider the request of Annette Tritz and Marv and Yvonne Christenson for a Variance Adjustment Permit to provide common utility service line to a Two-Family Dwelling under split ownership at 1500 Quartzite Circle being move to item no. 8a under new business since this is not a public hearing item.

### **APPROVAL OF MINUTES**

Sanow moved, Doom seconded, that the minutes of the regular meeting held on November 23, 2010, the minutes of the special meeting held on November 23, 2010, the minutes of the Budget & Levy meeting held on December 1, 2010, the minutes of the special meeting held on December 1, 2010 and the minutes of the special meeting held on December 8, 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 - 2011 WASTEWATER USER RATES – PUBLIC HEARING AND CONSIDER RESOLUTION REVISING THE WASTEWATER USER RATES:**

This was the date and time set for a public hearing on the Wastewater User Rates for 2011. Glenn Olson, Director of Public Works/City Engineer, indicated that Springsted Incorporated had completed a revision to the financial projections of the Wastewater Treatment Facilities Fund. This review is an update to Springsted's November 2007 Rate Analysis. A review of revenues and expenditures has been completed and a recommended 8.5% annual increase each year through 2015 will meet the targeted operational expenses and reserves for this fund. Ritter moved, Sanow seconded, that the public hearing be closed. All voted in favor of the motion.

Doom moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3513, SECOND SERIES and that the reading of the same be waived. Resolution Number 3513, Second Series is a resolution Revising the User Rates for Wastewater Service effective January 1, 2011 with a 8.5% increase. All voted in favor of the motion.

### **PUBLIC HEARING SURFACE WATER MANAGEMENT UTILITY RATES FOR 2011:**

This was the date and time set for a public hearing on the Surface Water Management Utility Rates for 2011. Glenn Olson, Director of Public Works/City Engineer, indicated that the City's financial consultant, Springsted's Incorporated conducted a financial projection analysis in 2007 and it was determined that a 14% increase in total revenue each year (2008 – 2012) would keep the fund stable. Mr. Olson indicated a review of the financial projections this year indicated a reduction in rate increase effective January 1, 2011. The review recommends a rate increase of 9.25% of total revenue to generate approximately \$842,000 to cover operating, capital, and reserve goals for 2011. Mr. Olson indicated that the recommendation includes a minimum monthly charge of \$3.89 for 2011, an increase of \$0.33/month from 2010. This is a 9.25% increase to the minimum charge. All other classifications are related to this minimum monthly charge on a basis of runoff characteristics for the

type of use of each parcel as shown in the attached resolution. This minimum monthly charge increase results in a smaller percentage increase to all other classifications other than single-family residential (generally between 6.0% and 6.25%). A thorough review of revenues and expenditures has been completed and a recommendation of this annual increase over each year through 2015 will meet the targeted operational expenses and reserves for this fund.

Ron Labat, representative of the Marshall Golf Club Board of Directors, questioned the rate at which the golf course would be charged for stormwater management. The golf course does not have storm sewer service and in the past year there have been problems with water collecting on parts of the golf course. Mr. Labat asked if it would be possible for the city to address these issues. Ritter moved, Sanow seconded, that the public hearing be closed. All voted in favor of the motion.

DeCramer moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3514, SECOND SERIES and that the reading of the same be waived. Resolution Number 3514, Second Series is a resolution Revising the Surface Water Management Utility Rates effective January 1, 2011 with a 9.25% increase. All voted in favor of the motion.

**AWARD OF BIDS - CONSIDER AWARD OF BID FOR REFUSE HAULING SERVICES AND A RESOLUTION TO CONTRACT WITH A COUNCILMEMBER FOR HAULING SERVICES:**

Bids were received, opened and read for the pickup of garbage and junk at numerous City of Marshall locations for the 2-year period January 1, 2011 through December 31, 2012 on December 7, 2010. The bids received, opened and read were from:

Southwest Sanitation  
Marshall, Minnesota  
\$8,667.36

Doom moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3515, SECOND SERIES and that the reading of the same be waived. Resolution Number 3515, Second Series is a Resolution to Contract with a Council Member for Refuse Hauling Services under Minnesota Statutes §§ 471.88, subd. 5 and 471.89, subd. 2. This contract is awarded to Southwest Sanitation Service for a two year period beginning January 1, 2011 in the amount of \$8,667.36. The contract also provides for a fee per container for "on call same day service" and the fee for recycling. All voted in favor of the motion, except Ritter who abstained.

**CONSENT AGENDA –A. APPROVAL OF THE LICENSE RENEWAL FOR 2011 FOR ON-SALE INTOXICATING LIQUOR LICENSE, SUNDAY LIQUOR LICENSE, WINE, 3.2 MALT BEVERAGE OFF-SALE LICENSE, TOBACCO LICENSE, TOWING AND STORAGE LICENSE, AND TAXI LICENSE; B. UNDER 21 EXEMPTION FOR APPLEBEE'S NEIGHBORHOOD GRILL & BAR, MARSHALL GOLF CLUB, AND RAMADA; C. APPROVAL OF TOMASEK OUT-OF-STATE TRAVEL TO ATTEND MID-STATES ORGANIZED CRIME INFORMATION CENTER'S (MOCIC) ANNUAL TRAINING CONFERENCES; D. APPROVAL OF TRAINING CONTRACT WITH RIDGEWATER COLLEGE; E. CONSIDERATION OF AUTHORIZATION TO DECLARE ABANDONED 4-WHEELER AS SURPLUS PROPERTY FROM THE POLICE DEPARTMENT; F. CONSIDER THE REQUEST OF JANE BLOMME FOR A TWO-YEAR RENEWAL OF A CONDITIONAL USE PERMIT FOR A HOME OCCUPATION FOR A BEAUTY SHOP BUSINESS AT 807 NORTH BRUCE STREET; G. CONSIDER THE REQUEST OF RENNAE PETERSEN FOR A TWO-YEAR RENEWAL OF A CONDITIONAL USE PERMIT FOR A HOME OCCUPATION FOR A PIANO LESIONS BUSINESS AT 112 RANCH AVENUE; H. INTRODUCTION OF ORDINANCE - REQUEST OF LYON COUNTY FOR A REZONE FROM A-AGRICULTURAL DISTRICT TO I-1 LIMITED INDUSTRIAL DISTRICT AT 504 FAIRGROUNDS ROAD (FAIRGROUNDS ADDITION - PART OF OUTLOT 10); I. INTRODUCTION OF ORDINANCE - REQUEST**

REGULAR MEETING – DECEMBER 14, 2010

**OF ROBERT CARR FOR A REZONE OF CARR SUBDIVISION II FROM A-AGRICULTURAL DISTRICT, R-1 ONE FAMILY RESIDENCE, AND R-2 ONE TO FOUR FAMILY RESIDENCE DISTRICT TO A-AGRICULTURAL DISTRICT, R-1 ONE FAMILY RESIDENCE, AND R-2 ONE TO FOUR FAMILY RESIDENCE DISTRICT; J. CONSIDER AUTHORIZATION TO ADVERTISE FOR BIDS FOR REPLACEMENT PICK-UP FOR STREET DEPARTMENT; K. APPROVAL BILLS/PROJECT PAYMENTS:**

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

The approval of the following license renewals for 2011 contingent upon certificates of insurance being received, the appropriate fees being paid and all requirements of the City Code being complied with.

**LIQUOR LICENSE APPLICATIONS (\$4,200 per year)**

American Legion	Applebee's Neighborhood Grill & Bar
Eagles Club	Gambler
Hitching Post Eatery and Saloon	Landmark Bistro
Mariachi Fiesta	Marshall Bowl
Marshall Golf Club	Bingo LLC dba Ramada
Sam's Place	TK's Steakhouse and Pappy's
Varsity Pub	Wooden Nickel

**SUNDAY LIQUOR LICENSE APPLICATIONS (\$200 per year)**

American Legion	Applebee's Neighborhood Grill & Bar
Eagles Club	Hitching Post Eatery and Saloon
Landmark Bistro	Mariachi Fiesta
Marshall Bowl	Marshall Golf Club
Bingo LLC dba Ramada	Sam's Place
TK's Steakhouse and Pappy's	Varsity Pub
Wooden Nickel	

**WINE LICENSE (\$800 per year)**

Hunan Lion

**ON-SALE NON-INTOXICATING BEER LICENSE APPLICATIONS (\$250.00 per year)**

Godfathers Pizza	Hunan Lion
Pizza Hut	Prairie Event Center

**OFF-SALE NON-INTOXICATING BEER LICENSE APPLICATIONS (\$90.00 per year)**

Ampride West	Casey's General Store
Cattoor Oil	County Fair
Express Way of Marshall	Freedom Valu Center/Erickson Oil
Hy-Vee Food Store	Hy-Vee Gas Station
La Mexicana	Wal-Mart

**TOWING AND STORAGE LICENSE APPLICATION (\$190.00 per year)**

Southwest Towing and Recovery

**TAXI (\$100 for 1<sup>st</sup> cab and \$25 for each additional cab)**

Marshall Taxi

**TOBACCO LICENSE APPLICATIONS (\$75.00 per year)**

American Legion	Ampride Main
Ampride West	Casey's General Store
Cattoor Oil	County Fair
Express Way of Marshall	Freedom Value Center
Hy-Vee Food Store	Hy-Vee Gas Station
Marshall Golf Club	Marshall Liquor Store
Marshall Tobacco Inc	Sam's Place
Super America	Wal Mart

Per Section 6-215 (c), or Ordinance Number 603, Second Series those establishments that hold a Liquor License from the City may request an exemption under this ordinance if there Liquor Sales are less than 30% of their gross sales. Applebee's Neighborhood Grill & Bar, Marshall Golf Club and Bingo LLC dba Ramada have provided information on the recent 12 month period of time. The percentage of liquor sales to gross sales were: Applebee's - 13% for October, 2009 through September, 2010; Marshall Golf Club - 14% for November, 2009 through October, 2010; Bingo LLC dba Ramada - 10% for October, 2009 through September, 2010; therefore these establishments were granted the Under 21 Exemption for 2011.

Out of state travel be approved for Tim Tomasek to attend Mid-states Organized Crime Information Center (MOCIC) annual training conferences on February 28<sup>th</sup> – March 3<sup>rd</sup> in Arlington, VA; on June 8<sup>th</sup> to 10<sup>th</sup> in Springfield, MO; and on August 24<sup>th</sup> to 26<sup>th</sup> in Fargo, ND. Detective Tomasek is on Minnesota State Review Committee and he is an alternate Board of Director for MOCIC. MOCIC is a federally funded organization whose responsibility is to assist law enforcement with investigations, intelligence, and intelligence equipment in the mid-west. This is a very valuable organization that is an aid to our Department and he has both formal and informal learning opportunities while attending this conference. The only cost to the City would be for is wages during the conferences and travel days. All other costs are covered by MOCIC.

The proper city personnel be authorized to enter into a contract with Ridgewater College for leadership training and also the approval of Rob Yant as the administrator of this contract. The Marshall Police Department and the Lyon County Sheriff's Office are partnering together to have leadership training via Ridgewater College at the Law Enforcement Center. The Police Department plans to include Rob, the Sergeants, the Corporals and the Detectives in this training. Lyon County Sheriff's Office plans to have their leaders attend. The total cost of this training is \$625.00. The Marshall Police Department has agreed to pay \$325.00 and Lyon County Sheriff's Office \$300.00. Since the training will be conveniently located at the Law Enforcement Center, no travel costs will be incurred.

Authorization to declare a 4 wheeler as surplus property. On May 17, 2010 an abandoned 4 wheeler was recovered by the Marshall Police Department. When the 4 wheeler was found it had been "stripped" of parts and the chain was off. The 4 wheeler was brought to the Law Enforcement Center (LEC) via the CSO pickup. The 4 wheeler has been kept past the required 90 days and never been claimed. Due to the condition of the 4 wheeler, storage space available at the LEC and recent impromptu safety inspection it would be best to dispose of. The plan is to crush the 4 wheeler.

Approve the request of Jane Blomme for a two-year renewal of a Conditional Use Permit for a beauty salon business at 807 North Bruce Street 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 conditional 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 two years from its date of adoption.
  5. Business hours shall be between 6:00 A.M. and 10:00 P.M. only.

Approve the request of Rennae Peterson for a two-year renewal of a Conditional Use Permit to conduct a piano teaching business at 112 Ranch Avenue 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 conditional 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 two years from its date of adoption.
5. Business hours shall be between 6:00 A.M. and 10:00 P.M. only.

The introduction of an ordinance amending Chapter 86 of the Marshall City Code of Ordinances relating to zoning for Lyon County at 504 Fairground Road.

The introduction of an ordinance amending Chapter 86 of the Marshall City Code of Ordinances relating to zoning for Carr Subdivision II.

The proper city personnel be authorized to advertise for bids for the replacement of a pickup for the Street Department.

The following bills and project payment be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 72363 through 72591.

All voted in favor of the motion.

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

Ben Martig, City Administrator, indicated that his proposed change order was discussed at the construction meeting of December 7. Ron Halgerson explained that the cooling system change is being recommended by TSP's mechanical engineers based on recent experience in a similar system they have had in Grinnel, IA for a 36,000 s.f. library building. They have recently changed the system at this location after the fact as they learned of additional efficiencies in the cooling system by having these controls in place. This change is an estimated increase of \$4,467.00. Ron has indicated that he is working on completing estimated operating cost savings but is not yet available.

Mr. Halgerson indicated that the second part of the change order was for \$638.00 for exterior water hydrants. The hydrants specified in the contract do not have drip controls in place related to winter freezing. The contractor, Public Works Director, Assistant City Engineer and TSP discussed

this at the construction meeting and agreed this should be changed.

Ritter moved, DeCramer seconded, the approval of Change Order No. 1 with TSP, Inc., for the Marshall Lyon County Library which results in a contract increase of \$5,105.00. All voted in favor of the motion.

Mr. Halgerson reviewed another Change Order that is being requested. This change order provides for the transaction part of the drive up window being deleted. There will still be a drive up drop box. Doom moved, Ritter seconded, the approval of this change order. All voted in favor of the motion.

**CONSIDER APPROVAL OF THE SECOND AMENDMENT TO THE TRANSFER OF MEMBERSHIP AGREEMENT WITH AVERA MARSHALL REGIONAL MEDICAL CENTER:**

Mary Maertens, CEO Avera Marshall Regional Medical Center, and Marty Seifert, Avera Marshall Foundation Director, were in attendance at the meeting to review the Second Amendment to the Transfer of Membership Agreement with Avera Marshall Regional Medical Center. This amendment would give the Foundation board the responsibility to oversee the use of both current and pre-closing foundation funds, instead of a special committee. They indicated that the change would make it easier to manage the various separate fund balances the foundation oversees. In addition to those funds approximately \$725,000 in pre-closing funds is currently deposited in pooled investments. Council Member Sanow was concerned that this proposal would take away local control of how the funds are used.

Doom moved, Ritter seconded, approval of the Second Amendment to the Transfer of Membership Agreement with Avera Marshall Regional Medical Center. All voted in favor of the motion, except Sanow who voted no.

**REQUEST OF ANNETTE TRITZ AND MARV AND YVONNE CHRISTENSON FOR A VARIANCE ADJUSTMENT PERMIT TO PROVIDE COMMON UTILITY SERVICE LINE TO A TWO-FAMILY DWELLING UNDER SPLIT OWNERSHIP AT 1500 QUARTZITE CIRCLE:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of Annette Tritz and Marv and Yvonne Christenson for a variance adjustment permit to provide common utility service line to a two family dwelling under split ownership. Mr. Olson indicated that currently common utility lines are serving this property; they split within the property to serve individual units. Common lines were originally supplied to the property and the street has been paved. This duplex building is currently being built under joint ownership and thus the present arrangement complies with the ordinance. The owners want to have an option of splitting ownership in the future. Section 86-98 lists specific conditions under which a two family dwelling under split ownership may be built in an R-2 One to Four Family Residence District; they include separate utility service lines to each unit. However, the owners have signed a common maintenance agreement that includes provisions for responsibility for maintaining the common parts of the utility lines. However, this agreement does not reflect staff's recommendations. Mr. Olson indicated that they are requesting each owner being fully responsible for the common portions of the utility lines serving this building; in case one party does not pay its share of repair or maintenance cost for the common portion of any utility line serving the building, the other party shall pay 100% of all associated costs.

Council Member Boedigheimer indicated that the owners are agreeable to the conditions. Council Member Doom was concerned with joint ownership and indicated that the deed should indicate that each owner is 100% responsible.

Doom moved, Sanow seconded, approval of the request of Annette Tritz, Marv and Yvonne Christenson for a variance adjustment permit to provide common utility service line for a Two

Family Dwelling under split ownership with the following condition: each owner being fully responsible for the common portions of the utility lines serving this building; in case one party does not pay its share of repair or maintenance cost for the common portion of any utility line serving the building, the other party shall pay 100% of all associated costs. All voted in favor of the motion, except Boedigheimer who abstained.

**CONSIDER RESOLUTION AUTHORIZING THE RENEWAL OF CONTRACT BETWEEN LEAGUE OF MINNESOTA CITIES POLICE ACCREDITED TRAINING ON-LINE (PATROL) AND THE CITY OF MARSHALL:**

Ben Martig, City Administrator, reviewed the contract between PATROL and the City of Marshall. Mr. Martig indicated that PATROL is high quality training which fills in gaps that the Police Department often has in terms of officer's training. Topics include areas such as Deadly Force and Use of Force Reporting, Issues in Police Pursuits and Emergency Driving, Juvenile Arrests, and Search and Seizure. Training is a key part of police liability and continuing to use PATROL for training will be useful in improving key officer knowledge and also helps to minimize liability exposure. This training is offered on-line so the officers can complete the courses when they are less busy and they do not have to leave town. Each officer may earn up to 17 credits, generally in high liability or high skill areas. With 20 officers the cost would be \$1,700 per year. This is only \$5.00 per credit.

Ritter moved, DeCramer seconded, the adoption of RESOLUTION NUMBER 3516, SECOND SERIES and that the reading of the same be waived. Resolution Number 3516, Second Series is a resolution Authorizing Approval of the Contract between PATROL and the City of Marshall. This contract is for January 1, 2011 through December 31, 2011 at a fee of \$85.00 per officer. All voted in favor of the motion

**NORTHWEST INDUSTRIAL PARK DEVELOPMENT - MEMORANDUM OF UNDERSTANDING WITH FAIRVIEW TOWNSHIP:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the Memorandum of Understanding with Fairview Township relating to the development of storm water improvements for the Northwest Industrial Park Development. Mr. Olson indicated that they have been working for several months to acquire property for continued development of an expansion of the Northwest Industrial Park property. Included in that process was the orderly annexation expansion and annexation of a significant portion of land currently located in Fairview Township. During these discussions considerable angst was expressed by Township Supervisors and adjacent land owners concerning the potential development and increased water flows from the development area to the downstream land owners. Mr. Olson indicated that he along with City Attorney Dennis Simpson met with the Township Board and local residents to discuss concerns involving the development of the property. It was suggested that an agreement (Memorandum of Understanding) be developed to more clearly define what the current intent of the City was in its development of the industrial park with relation to storm water issues. The existing property owners were also in attendance to help discuss the land sale and long-term issues of drainage on and through the property. Mr. Olson indicated that the annexation of this land was approved by the State of Minnesota.

Ritter moved, Sanow seconded, that the proper city personnel be authorized to enter into a Memorandum of Understanding with Fairview Township. The Memorandum of Understanding relates to the development of storm water improvements for the Northwest Industrial Park Development currently referred to as the Mosch/Bladholm property. All voted in favor of the motion.

**CONSIDER APPROVAL OF THE SERVICE CONTRACT FOR BUILDING CODE SERVICES WITH THE CITY OF GHENT:**

Boedigheimer moved, Ritter seconded, that the proper city personnel be authorized to enter into a Building Inspection Service Contract with the City of Ghent. Due to changes in the fee

structure and elimination of staff in the Building Inspections Department, the original contract needs to be revised. This contract will provide all building code administration, and the City of Ghent will pay the City of Marshall a revised flat rate per round trip for travel, and be paid the fees for permits collected by the City of Ghent. The City of Ghent will use the same fee schedule as the City of Marshall for the permit. The City of Ghent will be billed on a monthly basis for this service. All voted in favor of the motion.

**PROJECT Y81: SONSTEGARD INDUSTRIAL PARK – CALL FOR A PUBLIC HEARING ON IMPROVEMENT:**

Glenn Olson, Director of Public Works/City Engineer, reviewed Project Y81 Sonstegard Industrial Park Improvement Project. The proposed project was initiated by the acquisition of property for expansion for industrial development. The existing areas zoned for industrial use within the City of Marshall. This project includes the proposed site grading, construction of Lake Street including the installation of watermain, sanitary sewer main, storm sewer main and other miscellaneous items. The proposed project will include the construction of turning lanes along T.H. 68. Sanow moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3517 SECOND SERIES and that the reading of the same be waived. Resolution Number 3517, Second Series is a Resolution Receiving the Feasibility Report and Calling for Hearing on Improvement for Project Y81 Sonstegard Industrial Park Improvement Project. The public hearing will be held at 5:30 P.M. on December 28, 2010. All voted in favor of the motion.

**PROJECT Y90: SARA CIRCLE RECONSTRUCTION PROJECT – CONSIDER RESOLUTION ORDERING PREPARATION OF REPORT ON IMPROVEMENT:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the Sara Circle Reconstruction Project Y90. This project may involve the replacement of watermain and sanitary sewer and street reconstruction. The proposed project will reconstruct Sara Circle and described utilities north of and including the Elaine Avenue intersection. Doom moved, DeCramer seconded, the adoption of RESOLUTION NUMBER 3518, SECOND SERIES and that the reading of the same be waived. Resolution Number 3518 Second Series is a resolution Ordering Preparation of Report on Improvement for Sara Circle Reconstruction Project Y90. All voted in favor of the motion.

**PROJECT Y85: INDUSTRIAL PARK AREA SANITARY SEWER & LIFT STATION IMPROVEMENT PROJECT – CONSIDER RESOLUTION RECEIVING REPORT AND CALL FOR PUBLIC HEARING ON IMPROVEMENT:**

Glenn Olson, Director of Public Works/City Engineer, reviewed Industrial Park Area Sanitary Sewer & Lift Station Improvement Project Y85. This project consists of the sanitary sewer, lift station improvements, forcemain and associated improvements that will provide sanitary sewer service to the newly developing industrial park area and redirect wastewater flows from a service area of approximately 1,000 acres away from the Main Lift Station and directly to the Wastewater Treatment Plant. DeCramer moved, Doom seconded, the adoption of RESOLUTION NUMBER 3519, SECOND SERIES and that the reading of the same be waived. Resolution Number 3519, Second Series is a resolution Receiving the Feasibility Report and Calling for Hearing on Improvement for Industrial Park Area Sanitary Sewer & Lift Station Improvement Project Y85. All voted in favor of the motion.

**CONSIDER RESOLUTIONS FOR THE CLOSING OF FUNDS – A. AIRPORT RUNWAY 2/20 EXTENSION CAPITAL PROJECT FUND 422; B. AIRPORT RUNWAY 12/30 EXTENSION PHASE I CAPITAL PROJECT FUND 424; C. AIRPORT RUNWAY 12/30 EXTENSION PHASE II CAPITAL PROJECT FUND 425:**

Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that the City of Marshall had adopted resolutions authorizing execution of the agreements for the Southwest Minnesota Regional Airport – Marshall Ryan Field Runway Improvements. There was Federal, State, General and Municipal Liquor Funding provided for these improvements. At the completion of these projects, Fund 422 had a deficit of \$4,478.90, Fund 425 had a deficit of \$39,992.73 and Fund 424 had a



REGULAR MEETING – DECEMBER 14, 2010

balance of \$170,550.27. Fund 424 has a liability balance of \$238,000 due to the Marshall Municipal Liquor Fund. The recommendation is to transfer funds from Fund 424 to Funds 422 and 425 to close the deficits and that the balance be transferred back to the Marshall Municipal Liquor Fund. It is also recommended that after the amounts have been transferred that the balance of \$126,078.64 be transferred back to the Municipal Liquor Fund to reduce the receivable and that the balance of the receivable of \$111,921.36 in the Marshall Municipal Liquor Fund and payable in Fund 425 be written off.

Boedigheimer moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3520, SECOND SERIES and that the reading of the same be waived. Resolution Number 3520, Second Series is a resolution Authorizing Closure of Capital Project Fund 422 for the Airport Runway 2/20 Extension. This resolution provides for that the deficit of \$4,478.90 in Fund 422 be subsidized by transferring this amount from Fund 424, which is the Airport 12/30 Runway Extension Project Phase I; that the \$4,478.90 be reduced from the amount due the Marshall Municipal Liquor Fund (609) as identified in the account Due to Other Funds in Fund 424; and that Capital Project Fund 422, Airport Runway 2/20 Improvements be closed. All voted in favor of the motion.

Boedigheimer moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3521, SECOND SERIES and that the reading of the same be waived. Resolution Number 3521, Second Series is a resolution Authorizing Closure of Capital Project Fund 424 for the Airport Runway 12/30 Extension – Phase I. This resolution provides that the deficit of \$39,992.73 in Fund 425, Airport 12/30 Runway Improvements Phase II be subsidized by transferring this amount from Fund 424, Airport 12/30 Runway Extension Project Phase I; that the deficit of \$4,478.90 in Fund 422, Airport Runway 2/20 Improvements be subsidized by transferring this amount from Fund 424, Airport 12/30, Runway Extension Project Phase I; that the amount due the Marshall Municipal Liquor Fund be reduced to \$126,078.64 (Fund 424 balance \$170,550.27 less the deficit in Fund 425 of \$39,992.73 and the deficit in Fund 422 of \$4,478.90) and the balance of \$111,921.36 be forgiven; that the amount Due from Other Funds in the Municipal Liquor Fund be reduced to \$126,078.64 and the balance of \$111,921.30 be forgiven; and that Capital Project Fund 424, Airport Runway 12/30 Improvements Phase I be closed. All voted in favor of the motion.

Boedigheimer moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3522, SECOND SERIES and that the reading of the same be waived. Resolution Number 3522, Second Series is a resolution Authorizing Closure of Capital Project Fund 425 for the Airport Runway 12/30 Extension – Phase II. This resolution provides that the deficit of \$39,992.73 in Fund 425 be subsidized by transferring this amount from Fund 424, which is the Airport 12/30 Runway Extension Project Phase I; that the \$39,992.73 be reduced from the amount due the Marshall Municipal Liquor Fund (609) as identified in the account Due to Other Funds in Fund 424 and that Capital Project Fund 425, Airport Runway 12/30 Improvements Phase II be closed. All voted in favor of the motion.

Mayor Byrnes called for a 5-minute recess at 7:00 P.M.

**CONSIDER ADOPTION OF THE RESOLUTION REQUEST COUNTY OF LYON  
DECERTIFY TAX INCREMENT FINANCING DISTRICT NO. 1-2 IN REDEVELOPMENT  
PROJECT NO. 1 OF THE AUTHORITY:**

Ben Martig, City Administrator, indicated that the City of Marshall has a TIF District No. 1-2 that is scheduled for decertification on December 31, 2010. This resolution has been prepared by the City's bond counsel Kennedy and Graven. Mr. Martig indicated that will be no excess increment as the remaining funds are either expended or will be expended on existing debt obligations. DeCramer moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3523, SECOND SERIES and that the reading of the same be waived. Resolution Number 3523, Second Series is a

REGULAR MEETING – DECEMBER 14, 2010

resolution Requesting that the County of Lyon Decertify Tax Increment Financing District No. 1-2 in Redevelopment Project No. 1. All voted in favor of the motion.

**CONSIDER THE APPROVAL OF THE 2011 REGULAR CITY COUNCIL DATES, TIME AND LOCATION:**

Ben Martig, City Administrator, indicated that in 2009, the City Council meetings were transitioned from the Council Chambers in the City Hall to the Professional Development Room at the Marshall Middle School. The transition afforded community members with greater accessibility to the meetings by people with disabilities and an increased use of available technology. The Professional Development Room was selected, in part, to provide for greater accessibility. In contrast to the Council Chambers in City Hall, the site is fully accessible for persons with disabilities. The existing elevator in City Hall is not wheelchair accessible. To provide for similar level of accessibility to the Council Chambers in City Hall, upgrades would be necessary to the existing elevator, estimated at \$80,000 to \$100,000. Currently the elevator at City Hall was upgraded to meet State Code. The cost was approximately \$19,000.00. If the City Council had meetings in the Council Chambers at City Hall they would have to reschedule to a different location if they could not accommodate an alternative. This is the biggest benefit to the school location over the City Council chambers. The opportunity to share in the technological resources available in the Professional Development Room constitutes another reason for the change. The City of Marshall has invested in another microphone for the room that is used in the front for presenters. The City also invested in a new overhead projector. The school purchased the first projector and the City purchased the second projector. This has made an impact on the quality of the presentation on the screen. The school does not charge the City for the use of the Professional Development Room or any of the other rooms that the city uses for ad-hoc meetings at the school prior to the Council meetings. The School District has indicated that a meeting schedule of the 2<sup>nd</sup> and the 4<sup>th</sup> Tuesday of each month is available.

Sanow moved, Doom seconded, that the City Council meetings for 2011 be held on the second and fourth Tuesday of the month at the Marshall Middle School Professional Development Room, 401 South Saratoga Street. All voted in favor of the motion.

**CONSIDER ADOPTION OF THE RESOLUTION APPROVING 2011 BUDGET:**

Ben Martig, City Administrator, briefly reviewed the 2011 Budget. He indicated that the final budget has been established based on implementation of measures as recommended at the final budget work session of Wednesday, December 8, 2010.

DeCramer moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3524, SECOND SERIES and that the reading of the same be waived. Resolution Number 3524, Second Series is a resolution Adopting a Budget for 2011. This resolution provides for General Fund revenues of \$10,762,504 and expenditures of \$10,792,223, of which the revenues will be supported with a tax levy of \$3,108,114. This resolution also approves the revenues of \$28,129,647 and expenditures of \$28,628,931 for the 2011 Budget for all City Funds. All voted in favor of the motion.

**CONSIDERATION OF RESOLUTION APPROVING 2010 TAX LEVY COLLECTIBLE IN 2011:**

Doom moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3525, SECOND SERIES and that the reading of the same be waived. Resolution Number 3525, Second Series is a resolution Approving 2010 Tax Levy, Collectible in 2011. This resolution provides for a tax levy as follows:

General Fund Levy	\$2,320,117
Special Levy State Aid Unallotments/Reductions	\$ 787,997
2006 "C" Storm Sewer Impr. District Bonds	154,350
2002 "A" Airport Improvement Bonds	203,498
2005 "A" G. O. Public Improvement Bonds	79,790
2006 "B" G. O. Public Improvement Bonds	36,940
2007 "C" G. O. Public Improvement Bonds	134,794
2007 "D" G. O. Equipment Certificates	114,660
2008 "B" G. O. Public Improvement Bonds	88,570
2008 G. O. Equipment Certificates	56,315
2009 G. O. Public Improvement Bonds	40,944
2010 G. O. Public Improvement Bonds	52,996
2010 Library	42,111
2011 G.O. Public Improvement Bonds	59,294
Special Levy (PERA Employer Contribution)	\$45,000
Special Levy (Library)	\$469,614
Special Levy (Economic Development Authority)	\$119,677
<b>TOTAL LEVY</b>	<b><u>\$4,806,667</u></b>

All voted in favor of the motion.

**CONSIDER RESOLUTION REQUESTING PEG ACCESS SUPPORT FEE:**

Ben Martig, City Administrator, indicated that the City Council directed staff at the budget work session of December 8, 2010 to prepare implementation of the \$1.50 Cable Access Subscriber Fee for PEG Access programming in accordance with the existing two Cable Franchise Ordinances. This revenue will be used for cable access programming in accordance with the terms of the agreement. Brian Grogan of Moss & Barnett provides legal counsel in considering implementation which he has supported. The \$1.50 is anticipated to generate an estimated \$6,300 per month based on the estimated 4,200 current subscribers for both Cable Franchisees. The implementation would take place 90-days after written notice in accordance with the ordinance.

Doom moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3526, SECOND SERIES and that the reading of the same be waived. Resolution Number 3526, Second Series is a resolution Approving \$1.50 Cable Access Subscriber Fee for PEG Access Programming. This resolution approves a Subscriber Fee of \$1.50 under Section 6 of Exhibit B for the existing Cable Franchise Ordinances and authorized formal request to Grantee of the change to be implemented immediately following written notice in accordance with the Ordinance. 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      Regional Development Commission has a large turnover of members; Regional Radio Board meeting was cancelled due to weather.

REGULAR MEETING – DECEMBER 14, 2010

Hulsizer Human Rights Commission was meeting tonight; Library Board met on December 13<sup>th</sup> and their items were acted on earlier in the meeting.

Doom Planning Commission items were acted on earlier in the meeting.

Sanow No report.

DeCramer Utilities Commission will be meeting on December 15<sup>th</sup>.

Boedigheimer Ways and Means met last week.

Ritter No report.

**STAFF REPORTS:**

Ben Martig, City Administrator, indicated that the City applied for a grant for improvements to Lake Road – Marshall was the only community in this district to apply. The Redevelopment Grant for the Marshall Jr. High property was approved. Ben indicated that the City of Marshall employees met their goal for the United Way, which meant that Harry Weilage, Director of Community Services, had to kiss a pig.

Glenn Olson, Director of Public Works/City Engineer, indicated that the Country Club Drive relocation project is a County project. The design work and land acquisition will be done in 2011. The Madrid Street Bridge has received MN/DOT Aeronautic funding approval. Mr. Olson indicated that the Underpass Project received Project of the Year runner up from the City Engineers Association of Minnesota (CEAM).

**COUNCIL MEMBER INDIVIDUAL ITEMS:**

Glenn Olson, Director of Public Works/City Engineer, indicated that he was impressed with the community effort on snow removal. Council Member Boedigheimer indicated that the public needs to help remove snow by the fire hydrants. There was a brief discussion on replacing all or part of the fencing around Tiger Lake.

**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.	Jones Signs	1500	Boyer	Drive	Signs	\$47,800
2.	Wilson & Sons Construction LLC	501	Jewett	Street	Roof Repair	\$7,000
3.	Geihl Construction, Inc.	304	Sunrise	Lane	Replace Windows	\$1,300
4.	Kevin Lanoue Construction	611	Lawerence	Street	Replace Door	\$1,700
5.	Donald Brewers	304 East	Redwood	Street	Install Window	\$400
6.	Babcock Construction	1107	Horizon	Drive	Replace Doors, Window	\$5,700

REGULAR MEETING – DECEMBER 14, 2010

7.	Albert Eggermont	302 West College Drive	Replace double door with glass door	\$1,500
8.	Independent Lumber of Marshall, Inc.	508 Baseline Road	Sign	\$900
9.	AMEN Roofing & Construction	329 West Main Street	Reroof (membrane)	\$10,900
10.	Ted Anderson	905 East College Drive	Demo	\$0
11.	Lyon County	504 Fairgrounds Road	Interior Remodel	\$289,400
12.	Redwood Street Partners	104 West Redwood Street	Handicap Access	\$10,000
13.	Randall Kor	224 North Whitney Street	Dwelling Remodel	\$13,000
14.	Hebbie Purvis	611 North 4th Street	Remodel Bathrooms	\$9,000
15.	Scot & Roma Kindschi	110 East Redwood Street	Garage Doors	\$1,500
16.	Scott Haken	606 West Marshall Street	Replace Windows	\$10,000
17.	THD At-Home Services Inc	211 Rainbow Drive	Replace Window, Replace Door	\$4,200

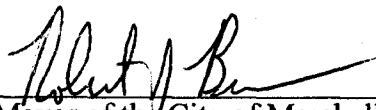
**DETERMINATION TO GO INTO CLOSED SESSION PURSUANT TO MINNESOTA STATUTE 13D.05 SUBD. 3(C)(1) TO ESTABLISH PRICING RELATED TO REAL PROPERTY ACQUISITION AND SALE – A. SONSTEGARD SUBDIVISION I – LOT 4, BLOCK 1; B. PROPERTY AT 805 WEST MAIN STREET:**

Ritter moved, DeCramer seconded, that the Council go into closed session at 7:27 P.M. pursuant to Minnesota Statute 13D.05 Subd 3(c)(1) to establish pricing related to real property acquisition and sale – a. Sonstegard Subdivision I – Lot 4, Block1; b. Property at 805 West Main Street. All voted in favor of the motion.

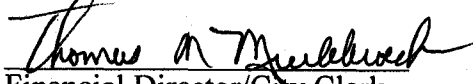
Those present at the closed session included: Mayor Byrnes, Council Members Hulsizer, Sanow, Doom, DeCramer, Boedigheimer and Ritter. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer and Thomas M. Meulebroeck, Finance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

The council came out of closed session at 8:11 P.M.

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

  
Mayor of the City of Marshall

ATTEST:

  
Financial Director/City Clerk