

REGULAR MEETING – DECEMBER 28, 2010

The regular meeting of the Common Council of the City of Marshall was held on December 28, 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 AGENDA:

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

APPROVAL OF MINUTES:

Ritter moved, Sanow seconded, that the minutes of the regular meeting held on December 14, 2010 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

BOARD AND COMMISSION MEMBERS RECOGNITION:

At this time the City Council took the opportunity to recognize community residents for their contributions and time provided to the various boards and commissions. The following member was in attendance at the meeting to be recognized:

Al Kruse – Lyon County Member of the Library Board.

The following members were not present at the meeting to receive their recognition:

Gwen Sturrock, Library Board, 2006 – 2010

Jane Malo, Library Board, 2005 – 2010

PUBLIC HEARING - PROJECT Y85: INDUSTRIAL PARK AREA SANITARY SEWER & LIFT STATION IMPROVEMENT PROJECT – A. PUBLIC HEARING ON IMPROVEMENT; B. CONSIDER RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS; C. CONSIDER RESOLUTION APPROVING PLANS & SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS:

This was the date and time set for a public hearing on the Industrial Park Area Sanitary Sewer & Lift Station Improvement Project Y85. Glenn Olson, Director of Public Works/City Engineer, indicated that 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. Sanow moved, DeCramer seconded, that the public hearing be closed. All voted in favor of the motion.

Doom moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3527, SECOND SERIES and that the reading of the same be waived. Resolution Number 3527, Second Series is a resolution Ordering Improvement and Preparation of Plans for Industrial Park Area Sanitary Sewer & Lift Station Improvement Project Y85. All voted in favor of the motion.

Sanow moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3528, SECOND SERIES and that the reading of the same be waived. Resolution Number 3528, Second Series is a resolution Approving the Plans and Specifications and Ordering Advertisement for Bids for the Industrial Park Area Sanitary Sewer & Lift Station Improvement Project Y85. Bids will be received on January 21, 2011. All voted in favor of the motion.

PUBLIC HEARING - PROJECT Y81: SONSTEGARD INDUSTRIAL PARK – PUBLIC HEARING ON IMPROVEMENT AND CONSIDER RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS:

This was the date and time set for a public hearing on the Sonstegard Industrial Park Project Y81. Glenn Olson, Director of Public Works/City Engineer, indicated that this project includes the proposed site grading construction of Lake Road 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. DeCramer moved, Sanow seconded, that the public hearing be closed. All voted in favor of the motion.

DeCramer moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3529, SECOND SERIES and that the reading of the same be waived. Resolution Number 3529, Second Series is a resolution Ordering Improvement and Preparation of Plans for the Sonstegard Industrial Park Improvement Project Y81. All voted in favor of the motion.

PUBLIC HEARING ON THE REQUEST 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:

This was the date and time set for a public hearing on the request by Robert L. Carr to rezone Carr Subdivision II. Glenn Olson, Director of Public Works/City Engineer, indicated that Robert L. Carr has requested that Carr Subdivision II be rezoned from A (Agricultural District), R-1 (One Family Residence District) and R-2 (One to Four Family Residence District) to A (Agricultural District, R-1 (One Family Residence District) and R-2 (One to Four Family Residence District). Mr. Olson indicated that this addition has recently been platted for private lot development. The City of Marshall 1996 Comprehensive Plan (including 2004 Updates and Amendments) shows the property along Donald Street and T.H. 23 as Multi-Family Use. This request complies with the intent of the Marshall Comprehensive Plan. Sanow moved, Ritter seconded, that the public hearing be closed. All voted in favor of the motion.

Boedigheimer moved, Doom seconded, the adoption of ORDINANCE NUMBER 628, SECOND SERIES and that the reading of the same be waived. Ordinance Number 628, Second Series is an Ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance provides for Carr Subdivision II Addition to be removed from A (Agricultural District), R-1 (One Family Residence District) and R-2 (One to Four Family Residence District) and rezoned to A (Agricultural District), R-1 (One Family Residence District) and R-2 (One to Four Family Residence District). All voted in favor of the motion.

PUBLIC HEARING ON THE 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):

This was the date and time set for a public hearing on the request by Lyon County to rezone 504 Fairground Road. Glenn Olson, Director of Public Works/City Engineer, indicated that Lyon County has requested to rezone 504 Fairground Road from A – Agricultural District to I-1 Limited Industrial District. Mr. Olson indicated that Lyon County intends to lease the second floor of the existing Lyon County Public Works Building to another governmental agency which is not a permitted use in an A – Agricultural District. The county chose to create a new parcel within the existing outlot and rezone it to comply with the City of Marshall Ordinance. I-1 Limited Industrial District allows governmental administration building as a conditional use. Ritter moved, Sanow seconded, that the public hearing be closed. All voted in favor of the motion.

Doom moved, DeCramer seconded, the adoption of ORDINANCE NUMBER 629, SECOND SERIES and that the reading of the same be waived. Ordinance Number 629, Second Series is an Ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance provides 504

REGULAR MEETING – DECEMBER 28, 2010

Fairgrounds Road to be rezoned from A – Agricultural District to I-1 Limited Industrial District. All voted in favor of the motion.

AWARD OF BIDS - CONSIDER AWARD OF BIDS FOR PICK-UP FOR THE STREET DEPARTMENT:

Bids were received, opened and read on December 27, 2010 for a pickup for the Street Department. The bids received, opened and read were from:

Nelson Auto Center (State Bid)
Fergus Falls, Minnesota
Ford F-250 XL 4WD Reg. Cab 8' box
\$24,079.98 (includes sales tax)

Lockwood Motors, Inc.
Marshall, Minnesota
Ram 2500 HD Reg. Cab 4x4
\$25,558.94 (includes sales tax)

Nelson Auto Center (State Bid)
Fergus Falls, Minnesota
GMC Sierra 2500 Reg. Cab 4WD 8' box
\$25,964.15 (includes sales tax)

Lockwood Motors, Inc.
Marshall, Minnesota
Chevrolet 2500 HD Reg. Cab 4x4
\$26,185.16 (includes sales tax)

Kruse Ford Lincoln Mercury, Inc.
Marshall, Minnesota
Ford Super Duty XL
\$26,722.02 (includes sales tax)

Kruse Buick Pontiac GMC, Inc.
Marshall, Minnesota
GMC Sierra W/T
\$26,835.69 (includes sales tax)

Glenn Olson, Director of Public Works/City Engineer, indicated that the Street Department currently owns a 1994 Chevrolet Pickup with greater than 90,000 miles with a Tommy Lift. This vehicle is undersized for the type of hauling and towing that is done with this vehicle. Mr. Olson indicated that the Tommy Lift on the existing Street Department vehicle will be removed from that vehicle and installed in the replacement vehicle if the existing Tommy Lift will fit. If it does not fit, a replacement of the Tommy Lift will need to be considered.

Mr. Olson indicated that according to the City of Marshall Purchasing and Procedures, Section 3.2.g., "If the lowest local bidder is not lower than the state contract, the next lowest bidder shall be provided an opportunity to match the comparable price of the cooperative purchasing venture." Mr. Olson indicated that city staff contacted Lockwood Motors of Marshall, Minnesota, to see if they would be able to match the low State bid. The sales representative indicated they could not. City staff then contacted Kruse Ford Lincoln Mercury, Inc. of Marshall, Minnesota, to see if they would be able to match the low State bid. They indicated they would match the State low bid of \$24,079.98 for a 2011 Ford Super Duty XL per an e-mail received from Ken Hochstatter. Council Member Boedigheimer asked if the old pickup would be traded-in. Mr. Olson indicated that no one was interested in the pickup – the value of this vehicle is approximately \$500 and indicated that it should be declared as surplus property. DeCramer moved, Ritter seconded, that the bid for the Pickup for the Street Department be awarded to Kruse Ford Lincoln Mercury, Inc., Marshall, Minnesota for a 2011 Ford Super Duty XL in the amount of \$24,079.98 and that the 1994 Chevrolet Pickup be declared as surplus property. All voted in favor of the motion.

CONSENT AGENDA – A. TEMPORARY ON-SALE LIQUOR LICENSE FOR MARSHALL AREA CHAMBER OF COMMERCE TO BE USED AT LEE'S TAE KWON DO, 311 SOUTH O'CONNELL ST, SUITE 103 ON 1-6-11; B. LG220 APPLICATION FOR EXEMPT PERMIT FOR SHADES OF THE PAST CAR CLUB FOR A RAFFLE ON JUNE 4, 2011; C. LG220 APPLICATION FOR EXEMPT PERMIT FOR AVERA MARSHALL FOUNDATION FOR A RAFFLE ON MAY 2, 2011; D. DEPOSITORY PLEDGE AGREEMENT WITH WELLS FARGO BANK; E. ADOPT RESOLUTION ABATING DELINQUENT SPECIAL ASSESSMENTS FOR THE CITY OF MARSHALL; F. UNDER 21 EXEMPTIONS FOR MARSHALL BOWL AND HITCHING POST; G. APPROVAL OF AGREEMENT WITH ARTIST FOR DOWNTOWN MURAL PROJECT; H. APPROVAL OF CHANGES TO THE

**PERSONNEL POLICY MANUAL; I. APPROVAL OF THE 2011 WAGE SCHEDULES;
J. APPROVAL BILLS/PROJECT PAYMENTS:**

Council Member Boedigheimer requested that item I, which is consideration of approval of the 2011 Wage Schedules and Council Member Hulsizer requested that item G, which is consideration of an Agreement with Artist for downtown Mural Project 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 the Marshall Area Chamber of Commerce to use on January 6, 2011 at Lee's Tae Kwon Do, 311 South O'Connell Street, Suite 103. 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 the Shades of the Past for a raffle to be held at Running's Farm & Fleet Parking Lot, 1101 East Main Street, Marshall, Minnesota on June 4, 2011 and that the 30 day waiting period be waived.

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 Avera Marshall Foundation for a raffle to be held at Avera Marshall, 300 South Bruce Street, Marshall, Minnesota on May 2, 2011 and that the 30 day waiting period be waived.

The approval of a Depository Pledge Agreement from the Custodian Wells Fargo Bank for the Bank of the West. The City of Marshall has utilized the Bank of the West as a depository of City funds for a number of years. Bank of the West utilizes Wells Fargo Bank, N.A. as their collateral agent who holds the pledged securities in safekeeping. This agreement identifies the process and responsibilities for the Collateral Transactions. This agreement has been reviewed by the City Attorney.

The adoption of RESOLUTION NUMBER 3530, SECOND SERIES and that the reading of the same be waived. Resolution Number 3530, Second Series is a resolution Abating Delinquent Special Assessments for the City of Marshall. The City's special assessments records reflect some special assessments that have not been collected for 1964 to 2005 taxable years. These delinquent special assessments may be a result of properties forfeited to the State and not recertified or due to potential human recording error on behalf of the City or County.

Per Section 6-215 (c), of 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. The Hitching Post and Marshall Bowl have provided information on the recent 12 month period of time. The percentage of liquor sales to gross sales were: The Hitching Post – 17% for December, 2009 through November, 2010; and Marshall Bowl – 17% for December, 2009 through November, 2010; therefore these establishments were granted the Under 21 Exemption for 2011.

The approval of amendments to the Personnel Policy Manual. The amendments include the following sections: Table of Contents; Definitions; Employee Classifications; Probationary Period; Sick Leave; Funeral/Bereavement Leave; Elections/Voting; Safety Equipment/Gear; and Schedule of Fees and Rates.

REGULAR MEETING – DECEMBER 28, 2010

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher no. 72592 through 72771.

All voted in favor of the motion.

Council Member Hulsizer questioned the Music Mural Artist Agreement. Ms. Hulsizer was concerned how this would be paid for. Ben Martig, City Administrator, indicated that the funding will come from grants, fundraising and the Downtown Amenities account as follows: Private Donations \$2,000; SMAHC Grant \$14,000; and City Downtown Amenities Account \$8,000. Hulsizer moved, Doom seconded, the proper city personnel be authorized to enter into the Music Mural Artist Agreement. All voted in favor of the motion.

Council Member Boedigheimer indicated that he was not in favor of making pay adjustments for part-time and temporary employees when the fulltime employees are not receiving pay increases. He indicated that this sends the wrong message to the fulltime employees. Ben Martig, City Administrator, indicated that the Personnel Committee reviewed the 2011 Wage Schedule and that the part-time and temporary employees had not received any adjustments for a couple of years and that some of these wages are paid by participation fees for the class/event. Ritter moved, DeCramer seconded, to approve the Amended 2011 Wage Schedule. Voting in favor of the motion were: Ritter, DeCramer, Byrnes and Doom. Voting no were: Boedigheimer, Hulsizer and Sanow.

CONSIDERATION OF APPROVAL OF STATE OF MINNESOTA GENERAL OBLIGATION BOND PROCEEDS GRANT AGREEMENT – END GRANT FOR THE MARSHALL MINNESOTA EMERGENCY RESPONSE AND INDUSTRY TRAINING (MERIT) CENTER PROJECT:

Ben Martig, City Administrator, reviewed the Bond Agreement with the State of Minnesota for a \$300,000 grant related to the MERIT Center Ethanol and Wind Tower Project. Boedigheimer moved, Doom seconded, approval of the State of Minnesota General Obligation Bond Proceeds Grant Agreement – End Grant for the Marshall Minnesota Emergency Response and Industry Training (MERIT) Center Project. All voted in favor of the motion.

CONSIDER APPROVAL OF RESOLUTION APPROVING BUSINESS DEVELOPMENT INFRASTRUCTURE GRANT:

Ben Martig, City Administrator, indicated that City staff is finalizing the Greater Minnesota Business Infrastructure Grant application for the extension of Lake Road planned for construction in 2011. This project relates to the development of the Sonstegard Subdivision I related to planned development of Ralco Nutrition, Inc. in 2011 and other pending projects. The state grant would provide up to 50% of eligible publicly owned infrastructure. Boedigheimer moved, DeCramer seconded, the adoption of RESOLUTION NUMBER 3531, SECOND SERIES, and that the reading of the same be waived. Resolution Number 3531, Second Series is a Resolution of Support for Business Development Infrastructure Application. This resolution provides for City staff to prepare an application for a \$1,000,000 grant from the State for the project. All voted in favor of the motion.

CONSIDER THE REQUEST OF LYON COUNTY FOR A CONDITIONAL USE PERMIT TO HAVE A GOVERNMENTAL ADMINISTRATION BUILDING IN I-1 LIMITED INDUSTRIAL DISTRICT AT 504 FAIRGROUNDS ROAD (FAIRGROUNDS ADDITION - PART OF OUTLOT 10):

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of Lyon County for a Conditional Use Permit to have a Governmental Administration Building in an I-1 Limited Industrial district at 504 Fairgrounds Road (Fairgrounds Addition – Part of Outlot 10). Lyon County

intends to lease the second floor of the existing Lyon County Public Works Building to a governmental agency which is not a permitted use in an A-Agricultural District. The county chose to create a new parcel within existing outlot and rezone it to comply with the City of Marshall Ordinance. I-1 Limited Industrial District allows governmental administration building as a conditional use. The proposed use will not adversely affect the neighborhood.

Loren Stomberg, Lyon County Administrator, was in attendance at the meeting and indicated that they plan on remodeling the top floor of the Lyon County Public Works Building, which will be leased to a governmental agency. Doom moved, Ritter seconded, to approve the request of Lyon County for a Conditional Use Permit to have a governmental administration building in an I-1 Limited Industrial District at 504 Fairgrounds Road. All voted in favor of the motion.

PROJECT Y74: NORTH 5TH STREET/WEST LYON STREET/WEST REDWOOD STREET RECONSTRUCTION PROJECT – CONSIDER CHANGE ORDER NO. 3:

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order No. 3 for the North 5th Street / West Lyon Street / West Redwood Street Reconstruction Project Y74. The work described in Change Order No. 3 includes the installation of a new 6 inch water service to Holy Redeemer Church and to abandon the existing water service in the amount of \$3,915.00, which will be paid by the property owner, Holy Redeemer. The change order also includes several additional storm sewer related items to repair and/or reconnect existing storm sewer services to the storm sewer main.

Doom moved, Sanow seconded, the approval of Change Order No. 3 with Quam Construction Company, Inc., Willmar, Minnesota which results in a contract increase in the amount of \$4,955.00. All voted in favor of the motion.

PROJECT Y41: TIGER LAKE EXPANSION PROJECT – CONSIDER CHANGE ORDER NO. 1:

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order No. 1 for the Tiger Lake Expansion Project Y41. Mr. Olson indicated that during excavation of the pond, a large concrete foundation pier and other construction debris was uncovered. This material was disposed of at the Lyon County Landfill. A storm sewer main scheduled to be removed on the project could not be excavated and removed due to MMU infrastructure lying along the same alignment. Therefore the storm sewer main was bulk headed and abandoned in place. Excavation from the Tiger Lake site was used to construct a berm along the east side of Legion Field Road. It is anticipated that a substantial amount of the excavation was black dirt suitable for vegetation. However, this was not correct, and the berm required topsoil to be placed on the finished surface. Topsoil was brought from the Schwan's property near the High School.

Doom moved, DeCramer seconded, the approval of Change Order No. 1 with Rogge Excavating, Ghent, Minnesota which results in a contract increase in the amount of \$38,566.54. All voted in favor of the motion.

PROJECT Y65: RANCH AVENUE/SOUCY DRIVE AREA RECONSTRUCTION PROJECT – CONSIDER CHANGE ORDER NO. 2:

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order No. 2 for the Ranch Avenue / Soucy Drive Area Reconstruction Project Y65. Mr. Olson indicated that many of the items included in this change order are generally the result of final measurements and changes in item quantities during construction. Additional unsuitable silty, high moisture soils were encountered during the project and required extra common excavation and granular base work to stabilize the street section. Some minor additional work was required for the sanitary sewer services hook-ups,

two water service lines and one storm sewer catch basin and related piping. This change order brings all work items and payments up to date.

Boedigheimer moved, Ritter seconded, the approval of Change Order No. 2 with Chad Monson Excavating, LLC, Willmar, Minnesota which results in a contract increase in the amount of \$64,080.00. All voted in favor of the motion.

AUTHORIZATION TO PURCHASE 109 SOUTH A STREET – A. CONSIDER RESOLUTION WITH INTENT FOR REIMBURSEMENT OF FUNDS WITH TAX INCREMENT FINANCING IN CONJUNCTION WITH PURCHASE OF 109 SOUTH A STREET; B. CONSIDER RESOLUTION APPROVING THE PURCHASE OF 109 SOUTH A STREET AND AUTHORIZATION TO PURCHASE 111 SOUTH A STREET – A. CONSIDER RESOLUTION WITH INTENT FOR REIMBURSEMENT OF FUNDS WITH TAX INCREMENT FINANCING IN CONJUNCTION WITH PURCHASE OF 111 SOUTH A STREET; B. CONSIDER RESOLUTION APPROVING THE PURCHASE OF 111 SOUTH A STREET:

Ben Martig, City Administrator, indicated that the City of Marshall has been in discussion with the heir of 109 South “A” Street for the acquisition of property. The recommended purchase price is \$9,500. The Council had discussed prices in past closed meetings and this dollar amount is within the range. The property is approximately 4,653 square feet and includes a 459 square foot single family residential structure. The current assessed value of the land and building is \$6,800. The intended public purpose is the potential expansion of public safety including ambulance or fire. There would also be benefits of access to Tiger Lake Pond for a pedestrian walkway.

Ben Martig, City Administrator, indicated that the City of Marshall has been in discussion with Prairie Pride regarding the acquisition of their property located at 111 South “A” Street. The recommended price is \$100,000. The Council had discussed prices in past closed meetings and this dollar amount is within the range. The property is approximately 21,780 square feet. The current assessed value of the land and structures is \$96,300. The intended public purpose is the potential expansion of public facilities including ambulance or fire. There could also be benefits to access Tiger Lake Pond for a pedestrian walkway. Additionally, this removes the explosive tanks from a residential area and immediately adjacent to public safety facilities. City staff is moving forward with completing soil testing for exploration of any contaminants on site.

Mr. Martig indicated that it is anticipated that the Tax Increment Financing (TIF) Districts will be modified so as to use TIF funds generated for the reimbursement of expenses and for the acquisition of these two pieces of property.

Council Member Boedigheimer indicated that he was in favor of purchasing these two parcels but he was not in favor of using TIF funds to pay for the related expenses. Mr. Martig indicated that there would not be new TIF Districts established and that the funds were coming from existing TIF funds.

Doom moved, DeCramer seconded, the adoption of RESOLUTION NUMBER 3532, SECOND SERIES and that the reading of the same be waived. Resolution Number 3532, Second Series is a resolution Authorizing Use of Tax Increment Financing Funds to Reimburse City Expenditures. This resolution provides for Tax Increment Financing (TIF) Districts to be modified so as to use TIF funds generated to be used for the reimbursement of expenses and for the acquisition of 109 South “A” Street. Voting in favor of the motion were: Byrnes, Doom, DeCramer, Hulsizer and Ritter. Voting no were: Boedigheimer and Sanow.

REGULAR MEETING – DECEMBER 28, 2010

Doom moved, DeCramer seconded, the adoption of RESOLUTION NUMBER 3533, SECOND SERIES and that the reading of the same be waived. Resolution Number 3533, Second Series is a resolution Authorizing the Acquisition of Real Property at 109 South "A" Street, Marshall, Minnesota and Authorizing the Mayor and City Clerk/Finance Director to Sign the Appropriate Documents. This resolution authorizes the acquisition of the real property described as 109 South "A" Street in the amount of \$9,500. All voted in favor of the motion, except Sanow who voted no.

Doom moved, DeCramer seconded, the adoption of RESOLUTION NUMBER 3534, SECOND SERIES and that the reading of the same be waived. Resolution Number 3534, Second Series is a resolution Authorizing Use of Tax Increment Financing Funds to Reimburse City Expenditures. This resolution provides for Tax Increment Financing (TIF) Districts to be modified so as to use TIF funds generated to be used for the reimbursement of expenses and for the acquisition of 111 South "A" Street. Voting in favor of the motion were: Byrnes, Doom, DeCramer, Hulsizer and Ritter. Voting no were: Boedigheimer and Sanow.

Doom moved, DeCramer seconded, the adoption of RESOLUTION NUMBER 3535, SECOND SERIES and that the reading of the same be waived. Resolution Number 3535, Second Series is a resolution Authorizing the Acquisition of Real Property at 111 South "A" Street, Marshall, Minnesota and Authorizing the Mayor and City Clerk/Finance Director to Sign the Appropriate Documents. This resolution authorizes the acquisition of the real property described as 111 South "A" Street in the amount of \$100,000. All voted in favor of the motion.

CONSIDERATION AND AUTHORIZATION TO EXECUTE THE ENGAGEMENT LETTER WITH ABDO EICK & MEYERS FOR THE AUDITING OF THE CITY'S 2010 FINANCIAL STATEMENTS:

Thomas M. Meulebroeck, Finance Director/City Clerk, reviewed the engagement letter with Abdo, Eick & Meyers, LLP to perform the audit services for the City of Marshall's 2010 Financial Statements. This agreement has been reviewed by Dennis Simpson, City Attorney. Council Member Boedigheimer requested that a change be made which provides that the City Council "will receive" the report no later than June 30, 2011. Boedigheimer moved, Ritter seconded, that the proper city personnel be authorized to enter into an engagement letter with Abdo, Eick & Meyers, LLP to perform the audit services for the City of Marshall's 2010 Financial Statements with the wording being changed to say that the City Council "will receive" the report no later than June 30, 2011. They are estimating the gross fee; including expenses will be approximately \$37,490. All voted in favor of the motion.

CONSIDERATION OF RENEWAL OF WORKER'S COMPENSATION INSURANCE:

Thomas M. Meulebroeck, Finance Director/City Clerk, reviewed the Workers Compensation Insurance rates and premium for 2011 in comparison to 2010. The experience modification has decreased from .91 in 2010 to .89 for 2011. The experience modified is based on the claims for the previous three years (2007 – 2009). The rates are down for all the different codes which do impact the estimated premium. The renewal effective January 1, 2011 with the League of Minnesota Cities reflects the medical deductible remaining at \$5,000. Coverage for volunteer is now covered under the Group Self-Insured Accident Plan for Volunteers. The renewal information was sent to the Insurance Advisory Committee for their review and per their response there was not a need to hold a meeting to consider the renewal, but they did indicate to move forward with the renewal.

Sanow moved, Boedigheimer seconded, to renew the City's Workers Comp Insurance with the League of Minnesota City Insurance Trust effective January 1, 2011 at an estimated premium of \$161,299 which includes a medical deductible of \$5,000. All voted in favor of the motion.

CONSIDER RESOLUTIONS TO CLOSE FUNDS – A. CLOSE WASTEWATER TREATMENT FACILITY FUND CONSTRUCTION FUND 608 TO WASTEWATER DEBT SERVICE FUND 612; B. CLOSE WASTEWATER DEBT SERVICE FUND 603 TO WASTEWATER DEBT SERVICE FUND 613:

Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that the City Council approved the sale of G. O. Utility and Improvement Bond Series 2006B in 2006. Included in these Bonds was \$5,920,000 for the Digester Project and EQ Basin Project at the Wastewater Treatment Facility. The construction of this project has been completed, therefore the balance in this fund is being recommended to be transferred to the corresponding Wastewater Debt Service Fund 612.

DeCramer moved, Doom seconded, the adoption of RESOLUTION NUMBER 3536, SECOND SERIES and that the reading of the same be waived. Resolution Number 3536, Second Series is a resolution Closing Wastewater Treatment Facility Fund Construction Fund 608 to Wastewater Debt Service Fund 612. This resolution provides for the balance of funds of \$254,626.37 in the Construction Fund 608 be transferred to Wastewater Debt Service Fund 612 and that Fund 608 Wastewater Operating Fund be closed. All voted in favor of the motion.

Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that the City Council approved a Resolution in 2000 for the issuance of G.O. Sewer Revenue Bonds Series 2000A to be used for improvements at the Wastewater Treatment Facility. The 2000 G.O. Sewer Revenue Bonds were refunded in 2006 with the G.O. Sewer Revenue Refunding Bonds Series 2006C. All monies deposited into an escrow account for the repayment of G.O. Sewer Revenue Bonds Series 2000A Fund 603 has been satisfied, therefore the remaining amount of monies in Fund 603 of \$92,147.09 is being recommended to be transferred to Fund 613 identified for the G.O. Sewer Revenue Refunding Bonds Series 2006C.

DeCramer moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3537, SECOND SERIES and that the reading of the same be waived. Resolution Number 3537, Second Series is a resolution Closing Wastewater Debt Service Fund 603 to Wastewater Debt Service Fund 613. This resolution provides for the available funds in Wastewater Debt Service Fund (603) in the amount of \$92,147.09 be transferred to Wastewater Debt Service Fund (613) and that Wastewater Debt Service Fund 603 be closed. All voted in favor of the motion.

COUNCIL MEMBER COMMISSION/BOARD LIAISON REPORTS:

Reports by the Mayor and Council Members of the various Boards and Commissions were presented at this time:

Byrnes No report.

Hulsizer No report.

Doom No report.

Sanow No report.

DeCramer EDA met and discussed goals for 2011 and options on selling residential lots in the Parkway Addition; Utilities Commission discussed providing transmission service.

Boedigheimer No report.

REGULAR MEETING – DECEMBER 28, 2010

Ritter No report.

STAFF REPORTS:

Ben Martig, City Administrator, indicated that the 2011 Budget Books are being assembled; the EDA reorganization is being reviewed; work is being done on an outstanding loan for Parkway; Ben will be attending a meeting on Friday, January 7, 2011 in St. Paul; and the Ambulance Service Contract is up for renewal the end of January.

Glenn Olson, Director of Public Works/City Engineer, indicated that the City received an award of MN/DOT TED Grant, but some issues need to be addressed. MN/DOT will be doing mill and overlay on Highway 68 from Marshall to Ghent in 2012. The Snow Removal procedures are posted on-line including city wide snow emergency. Snow removal on sidewalks and bike paths is usually complete before the road because different equipment is used.

Dennis Simpson, City Attorney, indicated that the purchase of the Mosch/Bladholm property closed last week.

COUNCILMEMBER INDIVIDUAL ITEMS:

A Legislative and Ordinance Committee needs to review the Noise Ordinance in regard to Jake Braking.

REVIEW OF PENDING AGENDA ITEMS:

There 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.	THD At-Home Services Inc	1106	Bruce	Circle	Replace Windows	\$7,100
2.	Byrnes Ventures LLC	805	Brian	Street	Basement Remodel, Install Window	\$3,800
3.	Babcock Construction	402 West	Thomas	Avenue	Replace Doors	\$2,000
4.	True Value Home Center	500 North	Highway 59		Sign	\$900
5.	Donna Schilling	701	Genesis	Avenue	Reroof (asphalt), Deck remodel	\$3,000
6.	Jesse Trebil Foundation Systems	619	Winifred	Drive	Internal Drain tile, Sump	\$5,200
7.	Tutt Construction, Inc.	1405	Cumberland	Road	Addition over garage	\$54,000
8.	Charles Hess	1213 East	College	Drive	Interior Remodel	\$5,000
9.	Sussner Construction, Inc.	112 South	6th	Street	Replace stair pans	\$12,000
10.	Brian M. Wolf	416 North	6th	Street	Interior Remodel	\$5,000
11.	Kesteloot Construction, Inc.	522	Harriet	Street	Finish Basement	\$21,500
12.	Terri Arends	618 West	Main	Street	Remodel Bathrooms	\$3,000
13.	James Lozinski Construction Inc.	104 South	High	Street	Garage Door	\$500

REGULAR MEETING – DECEMBER 28, 2010

Doom moved, DeCramer seconded, that the meeting be adjourned at 7:10 P.M. All voted in favor of the motion.


Mayor of the City of Marshall

ATTEST:


Finance Director/City Clerk