

REGULAR MEETING – MARCH 8, 2011

The regular meeting of the Common Council of the City of Marshall was held on March 8, 2011 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 and Boedigheimer. Absent: DeCramer and Ritter. Staff present included: 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 recommended.

APPROVAL OF MINUTES:

Sanow moved, Doom seconded, that the minutes of the regular meeting held on February 22, 2011 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 - PROJECT C41: MEMORIAL PARK PROJECT – CONSIDER AWARD OF PROPOSAL FOR BRIDGE ABUTMENT STRUCTURES FOR PEDESTRIAN WALK BRIDGE:

Proposals were received, opened and read on February 24, 2011 for the bridge abutment structures for the Memorial Park Pedestrian Walk Bridge. The proposals received, opened and read were from:

Bladholm Construction, Inc.

Chuck Hess Concrete & Masonry, Inc.

Marshall, Minnesota

Marshall, Minnesota

\$15,234.00

\$13,850.00

Doom moved, Sanow seconded, that the proposal for the bridge abutment structures for the Memorial Park Pedestrian Walk Bridge be awarded to Chuck Hess Concrete & Masonry, Inc., Marshall, Minnesota in the amount of \$13,850.00. All voted in favor of the motion, except Hulsizer who voted no.

CONSENT AGENDA – A. TEMPORARY ON-SALE LIQUOR LICENSE FOR THE MARSHALL AREA CHAMBER OF COMMERCE TO USE AT BEST BUSINESS PRODUCTS, 1511 CARLSON STREET ON MARCH 24, 2011; B. PROJECT C41: MEMORIAL PARK PROJECT – CONSIDER AUTHORIZATION TO CALL FOR PROPOSALS FOR GENERAL CONTRACTOR; C. ANNUAL RENEWAL OF CONSUMPTION AND DISPLAY LICENSES APRIL 1, 2011; D. ANNUAL RENEWAL OF REFUSE HAULERS LICENSES APRIL 1, 2011; E. ANNUAL RENEWAL OF PLUMBERS LICENSES APRIL 1, 2011; F. LG220 APPLICATION FOR EXEMPT PERMIT FOR THE ROTARY CLUB OF MARSHALL FOR A RAFFLE ON JUNE 21, 2011; G. CONSIDER THE REQUEST OF ST. PATRICK'S DAY COMMITTEE FOR THE ST. PATRICK'S DAY PARADE ON MARCH 17, 2011; H. APPROVAL BILLS/PROJECT PAYMENTS:

Council Member Hulsizer requested that item B, which is consideration of authorization to call for proposals for general contractor for Memorial Park Project C41 be removed from the consent agenda.

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

A Temporary On-Sale Liquor License for the Marshall Area Chamber of Commerce to use on March 24, 2011 at Best Business Products, 1511 Carlson Street. The fee for this license is \$30.00.

The annual renewal of the Consumption and Display Licenses for the period April 1, 2011 through March 31, 2012 at a fee of \$130.00 for the Prairie Event Center, and Southwest Minnesota State University.

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The annual renewal of Refuse Haulers Licenses for the period April 1, 2011 through March 31, 2012 at a fee of \$160.00 for Southwest Sanitation Inc. and Waste Management.

The annual renewal of Plumbers Licenses for the period April 1, 2011 through December 31, 2011 at a fee of \$60.00 for the following applicants:

Scott Williams dba **Bisbee Plumbing & Heating**
Robney Bruflat dba **Bruflat Plumbing & Heating**
Neil Kroger – **Cottonwood Co-op Oil Company**
Edward Thooft dba **E. T. Heating and Cooling**
Ronald Sussner dba **Frank's Electric, Plumbing & Heating Inc.**
Gary L. Hansen dba **G H Plumbing & Heating**
Gary Geistfeld dba **GarAnimal Contractors**
Gary Smidt dba **Gary's Plumbing & Heating**
Ken Holm dba **Heartland Mechanical Inc.**
Jefferey Roguske dba **Lake Country Mechanical Inc.**
John Jenniges Jr. dba **M J Mechanical, LLC**
Tony McChesney dba **McChesney Mechanical**
Dallas Sanderson dba **Sanderson Mechanical Inc.**
Dick Winter - **Schwan's Food Company**
James Thomas dba **Thomas Plumbing, Inc.**
Vernon Goslar dba **Trio Plumbing & Heating**
David Wilking dba **Wilk's Plumbing, LLC**

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 Rotary Club of Marshall for a raffle to be held at the Marshall Golf Club, 800 Country Club Drive, Marshall, Minnesota on June 21, 2011 and that the 30 day waiting period be waived.

Approval for street closure for the annual St. Patrick's Day Parade on Thursday, March 17, 2011. Parade Route 3a modified to reflect relocation of the "C" Street portion of the detour route to "A" Street will be utilized as prepared by MN/DOT. The parade travels along Main Street from 1st Street to 5th Street with traffic detoured at "A" Street along Saratoga Street to North 6th Street. This request will be forwarded to MN/DOT for their approval.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 73557 through 73725.

All voted in favor of the motion.

Council Member Hulsizer was concerned with the request to call for proposals for a general contractor for the Memorial Park Project. Ms. Hulsizer indicated that she knew the park project would need a contractor, but the council had already approved a total of about \$108,000 in supplies for the park. She indicated that according to the budget information they received in January there was approximately \$275,000 budgeted for the Memorial Park Project. Ms. Hulsizer was requesting an updated report identifying the revenues and expenditures. Thomas Meulebroeck, Finance Director/City Clerk; and Glenn Olson, Director of Public Works/City Engineer; indicated that funding will come from private donations and fund raising.

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Hulsizer moved, to table the request to call for proposals for a general contractor for the Memorial Park Project until more information is available on the projected donations, fund raising and costs. This motion died due to the lack of a second.

Sanow moved, Doom seconded, the proper city personnel be authorized to call for proposals for a general contractor for the Memorial Park Project. Council Member Sanow indicated that they are only calling for proposals at this time and the council would still have time to get more detail on the funding and costs. All voted in favor of the motion, except Hulsizer who voted no.

ADOPT RESOLUTION REALLOCATING BUDGET AMOUNTS FOR FISCAL YEAR ENDED DECEMBER 31, 2010:

Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that the year-to-date 2010 revenues and expenditures have been compared to the original 2010 budget. Mr. Meulebroeck reviewed the budget adjustments for the 2010 budget. These adjustments will reduce the variances between budgets to actual. Sanow moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3559, SECOND SERIES and that the reading of the same be waived. Resolution Number 3559, Second Series is a resolution Reallocating Budget Amounts for Fiscal Year Ended December 31, 2010. All voted in favor of the motion.

ADOPTION OF ORDINANCE FOR MAP AMENDMENT TO CONFIRM THE THOROUGHFARE SYSTEM THROUGHOUT THE CITY OF MARSHALL:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of the City of Marshall to confirm the existing thoroughfare system in the City of Marshall with a few revisions and that they be included in the official City of Marshall Zoning Map. The Zoning Ordinance increases the front yard to 35 feet when a lot abuts a thoroughfare in all zoning districts and refers to the "adopted city thoroughfare plan". The thoroughfare plan was adopted in 1976 and the City has significantly expanded since then. The city staff has reviewed the old map and current traffic pattern and suggests designating the following public right-of-ways within the City Limits as thoroughfares:

- US Highway 59
- State Highway 19
- State Highway 23 by-pass
- State Highway 68
- County State Aid Highway 7
- County State Aid Highway 33
- Channel Parkway
- Country Club Drive

Doom moved, Boedigheimer seconded, the adoption of ORDINANCE NUMBER 632, SECOND SERIES and that the reading of the same be waived. Ordinance Number 632, Second Series is an ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance provides for updating the City of Marshall thoroughfare system and including it as part of the City of Marshall Zoning Map. All voted in favor of the motion.

ADOPTION OF ORDINANCE TO PLACE ALL UN-ZONED AREAS WITHIN THE OFFICIAL ORDERLY ANNEXATION AREA INTO THE A-AGRICULTURAL DISTRICT:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of the City of Marshall to designate zone A (Agricultural District) for all un-zoned areas within the official Orderly Annexation Area. Resolution Number 516, Second Series that was adopted by the City Council on January 18, 1982 is the "Joint Resolution of the Township of Lake Marshall and the Township of Fairview and the City of Marshall Designating an Unincorporated Area as in Need of Orderly Annexation

and Conferring Jurisdiction over Said Area To and Upon the Minnesota Municipal Commission.”

In order for the City of Marshall to more effectively exercise planning and zoning authority within the area designated as in need of orderly annexation, (1) the County agreed to exclude the orderly annexation area from its zoning ordinances, (2) the City agreed to extend its planning and zoning regulations to include the entire orderly annexation area as provided in the resolution, and (3) the County Board agreed to the appointment of two non-Marshall residents of Lyon County, one from the Township of Lake Marshall, and one from the Township of Fairview, to serve on the City’s Planning Commission with full voting rights, when planning and zoning application are received and reviewed from the area designated in the orderly annexation area. Since all newly annexed areas are always zoned A (Agricultural) per Section 86-96 (g) of the Zoning Ordinance, it is reasonable to zone Orderly Annexation Area the same as the consistency is maintained when any part is actually annexed.

Sanow moved, Doom seconded, the adoption of ORDINANCE NUMBER 633, SECOND SERIES and that the reading of the same be waived. Ordinance Number 633, Second Series is an ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance provides for all orderly annexation areas to be placed into A (Agricultural) District. A Summary Ordinance of this Ordinance was approved for publication purposes once all the legal descriptions are provided for the original ordinance. All voted in favor of the motion.

COMMENCEMENT BOULEVARD IMPROVEMENT PROJECT Y84 – CONSIDER CHANGE ORDER NO. 3 (FINAL) AND ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION:

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order 3 (Final) for Commencement Boulevard Improvement Project Y84 with D & G Excavating of Marshall, Minnesota resulting in a contract decrease of \$25,887.08. This change order reflects the final “as-built” quantities for this project.

Doom moved, Sanow seconded, the approval of Change Order No. 3 (Final) with D & G Excavating, of Marshall, Minnesota for a contract decrease of \$25,887.08 and the acknowledgement of the final payment in the amount of \$12,876.50 for Commencement Boulevard Improvement Project Y84. All voted in favor of the motion.

DONITA AVENUE RECONSTRUCTION PROJECT Y88 – A. CONSIDER RESOLUTION ORDERING PREPARATION OF REPORT ON IMPROVEMENT; B. CONSIDER RESOLUTION RECEIVING REPORT AND CALL FOR HEARING ON IMPROVEMENT:

Glenn Olson, Director of Public Works/City Engineer, reviewed the Donita Avenue Reconstruction Project Y88. This project was initiated by Marshall Municipal Utilities to abandon the watermain located in the backyard easement between Donita Avenue and Southview Drive. In addition to the watermain replacement the street pavement, storm sewer mains and sanitary sewer mains were also reviewed during the development of the scope for the project.

Boedigheimer moved, Doom seconded, the adoption of RESOLUTION NUMBER 3560, SECOND SERIES and that the reading of the same be waived. Resolution Number 3560, Second Series is a resolution Ordering Preparation of Report on Improvement for the Donita Avenue Reconstruction Project Y88. This project provides for the replacement of watermain, sanitary sewer, partial replacement of storm sewer and street reconstruction. The project will reconstruct Donita Avenue and described utilities from South 1st Street to South 4th Street, including South 1st Street to the intersection of Southview Drive. All voted in favor of the motion.

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Boedigheimer moved, Doom seconded, the adoption of RESOLUTION NUMBER 3561, SECOND SERIES and that the reading of the same be waived. Resolution Number 3561, Second Series is a resolution Receiving the Feasibility Report and Calling for a Hearing on Improvement for Donita Avenue Reconstruction Project Y88. The public hearing will be held at 5:30 P.M. on April 12, 2011. All voted in favor of the motion.

ELM STREET RECONSTRUCTION PROJECT Y89 – CONSIDER RESOLUTION RECEIVING REPORT AND CALLING FOR HEARING ON IMPROVEMENT:

Glenn Olson, Director of Public Works/City Engineer, indicated that this project involves the reconstruction of watermain, storm sewer, sanitary sewer and street reconstruction. This project will reconstruct Elm Street and watermain in Block 2 and Block 3 of Fremar Addition.

Doom moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3562, SECOND SERIES and that the reading of the same be waived. Resolution Number 3562, Second Series is a resolution Receiving the Feasibility Report and Calling for Hearing on Improvement for Elm Street Reconstruction Project Y89. The public hearing will be held at 5:30 P.M. on April 12, 2011. All voted in favor of the motion.

WATER BUS ADDITION – A. CONSIDER RESOLUTION ADOPTING THE FINAL PLAT; B. CONSIDER APPROVAL OF RESOLUTION FOR THE RURAL SERVICE DISTRICT:

Glenn Olson, Director of Public Works/City Engineer, indicated that Marshall Municipal Utilities has requested the development of a subdivision including certain properties immediately adjacent to their property, as well as a dedicated public right-of-way for street and utility construction extending from T.H. 23 South to the city limits. Mr. Olson is requesting that this be tabled to allow time to resolve the ownership issues. Doom moved, Sanow seconded, that the resolution adopting the final plat for Waterbus Addition and the resolution for the rural service district for Waterbus Addition be tabled until the next regular City Council meeting to be held on March 22, 2011. 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 Human Rights Commission determined the poster winners of the Martin Luther King Poster Contest. They will be asked to attend a future council meeting.

Doom Community Services Advisory Board discussed the Bike Path. It was requested that part of the Bike Path be dedicated as the Molly Lindstrom Bike Trail. There will be a public forum held on the bike trail on March 31, 2011 at the YMCA.

Sanow Cable Commission discussed using volunteers to help tape events.

Boedigheimer indicated that interviews were held for a part-time police officer.

STAFF REPORTS:

Glenn Olson, Director of Public Works/City Engineer, indicated that the Public Works Department is continuing to prepare for possible flooding in the Spring of 2011. Mr. Olson indicated that the public needs to be aware of signs of flooding, consider whether they need to purchase flood insurance and make sure their sump pumps are installed correctly. Sand bags are available for sale at \$0.16 each

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with no sand. Mr. Olson indicated that they have priced a sand bag filling machine that is capable of filling 4 sand bags at a time. They cost approximately \$9,000. Mr. Olson also indicated that the sump pump permits expire on March 31, 2011. Mr. Olson indicated that the city has received a \$500,000 TED Grant for the Lake Street Project.

Mayor Byrnes indicated that the City of Marshall has an Emergency Operations Plan in place.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Mayor Byrnes indicated that there was a Joint Hearing of the House and Senate in regard to the City of Marshall seeking authorization for a local sales tax vote for funding of the proposed improvements at the MERIT Center and for the Amateur Sports Commission projects.

REVIEW OF PENDING AGENDA ITEMS:

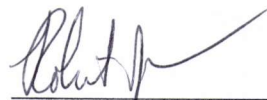
There were questions or concerns on the pending agenda items.

INFORMATION ONLY:

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

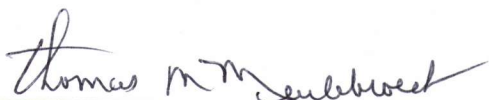
Applicant		Location Address			Description of Work	Valuation
1.	Jesse Trebil Foundation Systems	202	North	Whitney Street	130' interior drain tile	\$5,000
2.	James Lozinski Construction Inc.	600		Kennedy Street	Roof repair Exterior & Interior	\$4,500
3.	Lozinski Rentals	417	North	6th Street	Exterior Remodel	\$10,000
4.	Archer Daniels Midland	701	North	7th Street	Demo Wood Elevator	\$62,500
5.	Flint Hills Resource Pine Bend LLP	901	North	7th Street	Modify Handrail on Tanks 73 & 74	\$15,000
6.	Avera Marshall	1104	East	College Drive	Interior Remodel	\$5,000
7.	Tutt Construction, Inc.	448	West	Main Street	Roof Remodel Interior & Exterior	\$68,000

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



Mayor

ATTEST:



Finance Director/City Clerk