

## REGULAR MEETING – JUNE 14, 2011

The regular meeting of the Common Council of the City of Marshall was held on June 14, 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, 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; Rob Yant, Director of Public Safety; Ilya Guttmann, Building Official; 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.

### **APPROVAL OF AGENDA:**

It was the general consensus of the council that the agenda be approved with the addition of item 13b, which is to consider the approval of Change Order No. 3 for the Marshall Lyon County Library and the addition of item 17a, which is to consider approval of public art at 256 West Main Street; item 17b, which is to consider approval of an Artist Agreement with Josh Sarantitis for a mural at 256 West Main Street; item 17c, which is to consider approval of a Letter of Agreement between the City of Marshall and the Marshall Area Fine Arts Council (MAFAC) for three artistic murals; and item 17d, which is to consider approval of a Letter of Agreement between the City of Marshall/Marshall Mural Committee and Johnson's Paint and Wallpaper.

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

Doom moved, Sanow seconded, that the minutes of the regular meeting held on May 24, 2011 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 – SOUNDS OF SUMMER FESTIVAL: A. PUBLIC HEARING ON THE REQUEST FOR USE OF CITY PARKING LOT LOCATED ON WEST COLLEGE DRIVE ON AUGUST 18-21, 2011 (NO HEARING NECESSARY – PRIVATE PARKING LOT); B. PUBLIC HEARING ON THE REQUEST FOR STREET CLOSURE OF A PORTION OF WEST COLLEGE DRIVE AND A PORTION OF MARVIN SCHWAN MEMORIAL DRIVE; C. SPECIAL EVENT PERMIT FOR SOUNDS OF SUMMER FOR AUGUST 18, 2011 TO AUGUST 21, 2011:**

This was the date and time set for a public hearing on the request for use of the City parking located on West College Drive on August 18-21, 2011 and on the request for street closure of a portion of West College Drive and a portion of Marvin Schwan Memorial Drive. Glenn Olson, Director of Public Works/City Engineer, reviewed the request from the Sounds of Summer Committee requesting permission to close West College Drive from the corner of Main Street and West College Drive to Saratoga Street, and also Marvin Schwan Memorial Drive from West College Drive to South "A" Street on Thursday, August 18, 2011 from 3:00 p.m. to approximately 9:00 p.m., and again on Saturday, August 20, 2011 from 3:00 p.m. to Sunday, August 21, 2011 to approximately 3:00 a.m. This would allow them adequate time for clean up after the Saturday evening activities. Mr. Olson indicated that after calling for the public hearing for the closure of the parking lot, it was discovered that the parking lot is privately owned. Therefore, no further council action is necessary on the parking lot request. The applicant must get approval from the private owner.

Ritter moved, Sanow seconded, that the public hearing be closed. All voted in favor of the motion.

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Ritter moved, DeCramer seconded, to approve the request of the Sounds of Summer Committee for the closure of West College Drive from the corner of Main Street and West College Drive to Saratoga Street, and also Marvin Schwan Memorial Drive from West College Drive to South "A" Street on Thursday, August 18, 2011 from 3:00 p.m. to approximately 9:00 p.m., and again on Saturday, August 20, 2011 from 3:00 p.m. to Sunday, August 21, 2011 to approximately 3:00 a.m. All voted in favor of the motion.

On May 24, 2011 the City Council adopted a resolution Declaring Sounds of Summer as a Community Festival. Sounds of Summer is scheduled for Thursday, August 18, 2011 through Sunday, August 21, 2011. This application identifies the various individuals, organizations and activities involved with the Sounds of Summer. By approving the Special Event Permit the Landmark Bistro will be allowed to serve alcohol off site at the Sounds of Summer Event.

Ritter moved, DeCramer seconded, the approval of a Special Event Permit for the Marshall Festivals Inc., dba Marshall Sounds of Summer and approval for the Landmark Bistro to serve alcohol in the fenced off area of the parking lot on West College Drive from 5:00 P.M. to 12:00 midnight on Saturday, August 20, 2011. This also includes approval for those under 21 be allowed into the fenced off area with a parent or guardian from 5:00 P.M. to 10:30 P.M. allowing minors to be accompanied by parents/guardian while eating. All voted in favor of the motion.

**AWARD OF BIDS – MERIT CENTER WIND TOWER PROJECT**

**A. FOUNDATION – CONSIDER RESOLUTION DECLARING OFFICIAL INTENT REGARDING THE PROCEEDS OF TAX-EXEMPT BONDS; 2. CONSIDER RESOLUTION ACCEPTING BID (AWARD CONTRACT); B. TOWER, NACELLE AND ASSOCIATED ITEMS – 1. CONSIDER RESOLUTION DECLARING OFFICIAL INTENT REGARDING THE PROCEEDS OF TAX-EXEMPT BONDS; 2. CONSIDER RESOLUTION ACCEPTING BID (AWARD CONTRACT):**

Ben Martig, City Administrator, introduced Stan Brewers, Chair of the MERIT Board. Mr. Brewers along with Rob Yant, Director of Public Safety, indicated that the MERIT Center Board has been in the process of developing a training facility for wind tower training at the MERIT Center in Marshall, Minnesota. The MERIT Center Board has received State funding for the Wind Tower Project and an Ethanol Burn Project participating in 50% of the costs up to \$300,000. The Wind Tower Project was designed for construction in two phases: 1) Foundation, and 2) Tower, Nacelle and Associated Items.

Bids were received opened, and read on April 28, 2011 for the Foundation and for the Tower, Nacelle and Associated Items. The bids for the Tower, Nacelle and Associated Items were rejected by the City Council and authorized to re-advertise for bids at the May 24, 2011 meeting. Rebids were received on June 8, 2011 for the Tower, Nacelle and Associated Items. The bids received, opened and read were from:

Bladholm Construction, Inc.  
Marshall, Minnesota  
Foundation \$50,082.00

Sussner Construction  
Marshall, Minnesota  
Foundation \$46,700

KHC Construction, Inc.  
Marshall, Minnesota  
Foundation \$49,000.00  
Tower, Nacelle & Associated Items 4/28/11 \$367,000.00  
Tower, Nacelle & Associated Items 6/8/11 \$335,527.00

SMI & Hydraulics, Inc.  
Porter, Minnesota  
Tower, Nacelle & Associated Items 4/28/11 \$205,050.00  
Tower, Nacelle & Associated Items 6/8/11 No bid

There was a brief discussion on the revenue and fees that would be generated from use of the training facility.

Doom moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3599, SECOND SERIES and that the reading of the same be waived. Resolution Number 3599, Second Series is a resolution Declaring the Official Intent Regarding Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for the Foundation for the MERIT Center Wind Tower Project. All voted in favor of the motion.

Doom moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3600, SECOND SERIES and that the reading of the same be waived. Resolution Number 3600, Second Series is a resolution Accepting Bid (Award Contract) for the Foundation for the MERIT Center Wind Tower Project. This contract was awarded to Sussner Construction, Inc., Marshall, Minnesota in the amount of \$46,700.00. All voted in favor of the motion.

Boedigheimer moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3601, SECOND SERIES and that the reading of the same be waived. Resolution Number 3601, Second Series is a resolution Declaring the Official Intent Regarding Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for the Tower, Nacelle and Associated Items for the MERIT Center Wind Tower Project. All voted in favor of the motion.

Ritter moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3602, SECOND SERIES and that the reading of the same be waived. Resolution Number 3602, Second Series is a resolution Accepting Bid (Award Contract) for the Tower, Nacelle and Associated Items for the MERIT Center Wind Tower Project. The contract was awarded to KHC Construction, Inc., Marshall, Minnesota in the amount of \$335,527.00. All voted in favor of the motion.

Council Member Boedigheimer was concerned that the principal amount of debt expected to be issued for the Tower, Nacelle and Associated Items for the MERIT Center Wind Tower Project is more than the cost of the project. Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that this is always more than needed, because the amount cannot be increased if the cost of the project increases. Boedigheimer indicated that he was ok with that, but did not believe that this should be three times more than needed.

Mayor Byrnes expressed appreciation to those who have committed their time and effort to this project.

**TRAVIS ROAD EXTENSION PROJECT (WATER PLANT ENTRANCE ROAD) – A. CONSIDER RESOLUTION DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT; B. CONSIDER RESOLUTION CALLING FOR A HEARING ON THE PROPOSED ASSESSMENT:**

Glenn Olson, Director of Public Works/City Engineer, indicated that this project involves the replacement of the bituminous roadway with a concrete roadway including base, fabric, gravel, and drainage facilities. Mr. Olson indicated that two projects were bid as one construction bid, Travis Road Extension (Water Plant Entrance Road) and the Texas Crossing for the overflow of the Redwood River Division Channel located in the Klein Addition on Prairieview Court.

Council Member Hulsizer asked if the Texas Crossing was in the City limits. Mr. Olson indicated that this area was not in City limits, that there are no assessments on the Klein Addition Texas Crossing Project and all costs will be funded by the Surface Water Management Utility Fund since this project is related to the overflow of the City's Redwood River Diversion Channel.

DeCramer moved, Doom seconded, the adoption of RESOLUTION NUMBER 3603, SECOND SERIES and that the reading of the same be waived. Resolution Number 3603, Second Series is a resolution Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment for Travis Road Extension Project (Water Plant Entrance Road) Project Y76. This resolution provides for the

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assessment to be paid over eight (8) years at an interest rate of four (4) percent. All voted in favor of the motion, except Sanow who voted no.

Doom moved, DeCramer seconded, the adoption of RESOLUTION NUMBER 3604, SECOND SERIES and that the reading of the same be waived. Resolution Number 3604, Second Series is a resolution Calling for a Hearing on the Proposed Assessment for Travis Road Extension Project (Water Plant Entrance Road) Project Y76. This public hearing will be held at 5:30 P.M. on July 26, 2011. All voted in favor of the motion, except Sanow who voted no.

**CONSIDER AWARD OF CONTRACT FOR FIREWORKS DISPLAY WITH PYROTECHNICS DISPLAY, INC:**

Ben Martig, City Administrator, indicated that in 2010 the fireworks display was purchased from Premier Pyrotechnic Inc., out of Granite Falls, Minnesota at a cost of \$8,500. Proposals were requested for fireworks display for July 4, 2011, 2012 and 2013. The proposals were received as follows:

Premier Pyrotechnic Display, Inc., - no proposal

Pyrotechnic Display Inc., - \$8,500 per year, and also included a complete \$2,000 fireworks display for the 9/11/11 event free of charge in exchange for signing a three year July 4<sup>th</sup> fireworks contract.

Doom moved, Ritter seconded, that the proper city personnel be authorized to enter into a contract for Fireworks Display with Pyrotechnics Display, Inc., for July 4, 2011, 2012 and 2013 at a cost of \$8,500 per year. The contract also included a complete \$2,000 fireworks display for the 9/11/11 event free of charge. All voted in favor of the motion.

**CONSIDER AWARD OF PROFESSIONAL SERVICES CONTRACT FOR LIBRARY MOVING:**

Ben Martig, City Administrator, indicated that the Library Director is recommending that a contract be approved with Bester Brothers for library moving services. This contract needs to be reviewed by the City Attorney; therefore Ritter moved, Hulsizer seconded, that this contract be tabled to the regular City Council meeting to be held at 5:30 P.M. on June 28, 2011. All voted in favor of the motion.

**APPROVAL OF CONSENT AGENDA – A. LG220 APPLICATION FOR EXEMPT PERMIT FOR SMSU ON SEPTEMBER 10, 2011 AT 401 MUSTANG TRAIL, MARSHALL, MN; B. TRANSIENT MERCHANT LICENSE FOR TNT FIREWORKS TO BE USED AT WAL-MART PARKING LOT AT 1221 EAST MAIN STREET; C. TEMPORARY ON-SALE LIQUOR LICENSE FOR SMSU FOUNDATION FOR AUGUST 19 & 20, 2011 AT 400 MUSTANG TRAIL, MARSHALL, MINNESOTA; D. TEMPORARY ON-SALE LIQUOR LICENSE FOR SMSU FOUNDATION FOR SEPTEMBER 23 & 24, 2011 AT 400 MUSTANG TRAIL, MARSHALL, MINNESOTA; E. APPROVAL OF VANGUARD COMPUTER SYSTEMS CONSOLIDATED SERVICE CONTRACT; F. CONSIDER REQUEST FROM MARSHALL DOWNTOWN BUSINESS ASSOCIATION FOR CRAZY DAYS ON THURSDAY, JULY 21, 2011; G. AUTHORIZATION TO MAKE APPLICATION TO THE OJP BULLETPROOF VEST PARTNERSHIP FOR 2011 FUNDING; H. AUTHORIZATION TO SOLE SOURCE PURCHASE DIGITAL ALLY IN-CAR CAMERA; I. APPROVAL BILLS/PROJECT PAYMENTS:**

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

The approval of an LG220 Application for Exempt Permit for Southwest Minnesota State University to hold a raffle on September 10, 2011 at the SMSU Regional Event Center, 401 Mustang Trail, Marshall, Minnesota.

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The approval of a Transient Merchant License for TNT Fireworks to sell Minnesota approved “Safe and Sane” fireworks in the Wal-Mart parking lot located at 1221 East Main Street. They will be selling fireworks from June 20, 2011 to July 5, 2011. The fee for this license is \$315.

The approval of an On-Sale Liquor License for Southwest Minnesota State University Foundation to use on August 19-20, 2011 at SMSU Regional Athletic Facility, 400 Mustang Trail, Marshall, Minnesota. The fee for this license is \$60.00.

The approval of an On-Sale Liquor License for Southwest Minnesota State University Foundation to use on September 23-24, 2011 at SMSU Regional Athletic Facility, 400 Mustang Trail, Marshall, Minnesota. The fee for this license is \$60.00.

The proper city personnel be authorized to enter into a contract with VaGuard Computer Systems Consolidated Service for the Assessor’s office computer assisted mass appraisal (CAMA) software. The annual fee for this service contract is \$6,300.

The approval of the request of the Marshall Downtown Business Association to close Main Street from College Drive (intersection of T.H. 19 & T.H. 59) northwest to North 6<sup>th</sup> Street; North 3<sup>rd</sup> Street from Main Street to Lyon Street; and South 4<sup>th</sup> Street from the alley south of Main Street (behind Bot Appliance) to the alley north of Main Street (behind Wells Fargo) on Thursday July 21, 2011 from 6:00 A.M. to 7:00 P.M. for the Annual Crazy Days activities contingent upon the approval of MN/DOT.

The proper city personnel be authorized to make application to the OJP Bulletproof Vest Partnership for 2011 funding.

The proper city personnel be authorized to purchase two Digital Ally-In-Car Video Cameras as a sole source bid. The cost for these two cameras is \$9,965.00.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 74787 through 75037.

All voted in favor of the motion.

### **APPOINTMENT OF A PART-TIME OFFICER DERICK DETERMAN:**

Upon the recommendation of Director of Public Safety Robert Yant, Ritter moved, Sanow seconded, that Derick Determan be employed as a part-time Police Officer with the City of Marshall at the rate of \$19.99 effective June 20, 2011. The following resolution was adopted: BE IT RESOLVED that Derick Determan be duly appointed, qualified and acting part-time police officer for the City of Marshall, Minnesota, possessing the power of arrest by warrant and otherwise and other authority generally conferred upon and possessed by the Municipal Police Officers in Minnesota with the specific duty of enforcing the laws of the State of Minnesota and the ordinances of the City of Marshall in apprehending violators thereof and engaging in the hazards of protecting the safety and property of others and said employee shall become a member of the Public Employees Retirement Association Police and Fire Fund. All voted in favor of the motion.

### **INTRODUCTION OF AMENDMENT ORDINANCE FOR THE RURAL SERVICE DISTRICT – CALL FOR A PUBLIC HEARING – JULY 26, 2011:**

Ben Martig, City Administrator, indicated that in 1966, the Common Council for the City of Marshall divided the city into two separate taxing districts referred to as the “Rural Service District” and the “Urban Service District” for the purpose of property taxes. The Rural Service District consists of

parcels of land which are unplatted, rural in character, and are not developed for commercial, industrial, or urban residential purposes and for these reasons, are not benefited to the same degree as other lands by municipal services financed by general taxation. In 2009, all provisions of the original ordinance and subsequent amendments were reviewed and updated. Adjustments to the Rural Service District parcel list must be submitted to the County Auditor by August 1<sup>st</sup> of each year for taxes payable the following year. An amendment to the ordinance is statutorily required in order to place parcels of land meeting the criteria for inclusion into the Rural Service District. The two parcels of land included in the proposed ordinance were annexed into the City of Marshall in December of 2010 and are eligible for inclusion in the Rural Service District beginning with taxes payable in 2012.

Sanow moved, DeCramer seconded, the introduction of an ordinance Amending Ordinance Number 612, Second Series Establishing and Amending Previous Rural and Urban Service Districts for the City of Marshall, Minnesota and call for a public hearing to be held on July 26, 2011. All voted in favor of the motion.

**CONSIDER THE REQUEST OF CARL ROHLIK FOR A VARIANCE ADJUSTMENT PERMIT FOR FRONT YARD AT 207 STEPHEN AVENUE:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of Carl Rohlik for a Variance Adjustment Permit to construct two new 4-plex apartment buildings with the front yard of 10 feet in lieu of 25 feet. Mr. Olson indicated that the buildings are located in an R-4 Higher Density Multiple Family Residence District. The site does not front the street directly but has a dedicated easement access to Stephen Avenue. Designation of the yards in this condition is not fully described in the City Code; however, ordinances of other cities suggest using 25 feet for a yard width in the situations similar to this one. This site is quite unique because there is an easement going diagonally right through the middle of the lot making it impossible to comply with all yard regulations and still maintain Code required distance between the buildings. The suggested layout (eventually, two more 4-plexes will be built on this lot) seems the most reasonable and will provide the best use of the land.

Doom asked if the 30 foot wide driveway easement was recorded as a driveway; Ritter was concerned with the concrete driveway being installed over the easement; Boedigheimer indicated that this was bad planning for the area. Ritter ask what the undue hardship was and Mr. Olson indicated that the wording has changed and undue hardship was replaced with practical difficulties.

A petition was received that indicated the opposition to this project from the neighbors in this area.

Troy Schmidt, 205 Stephen Avenue, was concerned with the concrete over the easement. Mr. Olson indicated that there is concrete over easements all over town.

Erin Kuehl, 203 Stephen Avenue, indicated that Mr. Rohlik purchased this property as is and knew there was an easement through the middle of the lot. Ms. Kuehl indicated that 25 feet is required between property lines and was not in favor of two 4-plex apartment buildings being built with a front yard of only 10 feet. Ms. Kuehl indicated that ten neighborhood families have signed a petition against the variance. Ms. Kuehl indicated that they are also concerned with drainage in the back corner of their lot.

Glenn Kuehl, 203 Stephen Avenue, expressed his concerns in reference to this project.

Boedigheimer moved, Ritter seconded, that the request by Carl Rohlik for a Variance Adjustment Permit to construct two new 4-plex apartment buildings with a 10 foot front yard be denied due to this request not being reasonable and affects the character of the area. All voted in favor of the motion, except

Doom who voted no.

**ADM SIGNIFICANT INDUSTRIAL USER AGREEMENT:**

Glenn Olson, Director of Public Works/City Engineer, indicated that ADM discharges wastewater to the City of Marshall Publically Owned Treatment Works (POTW). Due to the quantity and strength of this discharge a Significant Industrial User Agreement is necessary. ADM has a SIU Agreement in place which limits them to 5000 lbs/day TSS on a monthly average. ADM has a hard time meeting these limits; therefore they are requesting an increase in the TSS Loading to 6000 lbs/day TSS on a monthly average. After the review of the Capacity Study and past history it was determined that the City POTW could handle the excess loading with no issues.

DeCramer moved, Sanow seconded, that the property city personnel be authorized to enter into the City of Marshall Wastewater Discharge Permit for Archer Daniels Midland. This agreement provides for an increase from 5000 lbs/day TSS on a monthly average to 6000 lbs/day TSS on a monthly average. All voted in favor of the motion.

**CONSIDER RESOLUTION DESIGNATING BIKE PATH AS THE MOLLY LINSTROM MEMORIAL TRAIL:**

Council Member Doom indicated that discussion was held and motion was made and passed at the Marshall Community Services May meeting to recognize former board member Molly Linstrom for her commitment to greenspace and trail development by designating a portion of the new bike trail system in her name. As Council is aware, the community has had ribbon-cutting ceremonies and is in the process of connecting the Marshall Trail system per the City's Comprehensive Plan. Former Advisory Board and City Council member Linstrom was an advocate of green space and trail development as well as downtown redevelopment.

Doom moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3605, SECOND SERIES and that the reading of the same be waived. Resolution Number 3605, Second Series is a resolution Designating Bike Path as the Molly Linstrom Memorial Trail. This resolution provides for newly developed pedestrian bike trail located along Country Club Drive to be known as the Molly Linstrom Memorial Trail. Recognition will be noted at the directional kiosk on South 4<sup>th</sup> Street. All voted in favor of the motion.

**MARSHALL-LYON COUNTY LIBRARY NEW FACILITY – CONSIDER CHANGE ORDER NO. 4 AND CHANGE ORDER NO. 3:**

Ben Martig, City Administrator, reviewed change order no. 4, which includes collection security in the amount of \$429.00; telecommunications layout in the amount of \$4,185.00 and exterior key box in the amount of \$503.00. Mr. Martig also reviewed change order no. 3 which was summarized to the City Council on May 10, 2011 and indicated that he had authorized the expense. This change order provides for the color of the brick mortar in the amount of \$750.00.

Ritter moved, Sanow seconded, the approval of change order no. 4 for \$932 which includes a collection security in the amount of \$429.00; and an exterior key box in the amount of \$503.00 and change order no. 3, in the amount of \$750.00 for a change in the color of the brick mortar. Item no. 2, which is the telecommunication layout in the amount of \$4,185, of change order number 4 was tabled to the next regular City Council meeting to be held on June 28, 2011. All voted in favor of the motion.

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

**APPROVAL OF CITY OF MARSHALL LIGHTING FOR THE CITY BATHROOMS –  
CHANGE ORDER NO. 1:**

Ben Martig, City Administrator, reviewed change order no. 1 with The Retrofit Companies in the amount of \$1,603.60 to replace lighting in the City Park Facilities and Softball Field Complex restrooms. Mr. Martig indicated that the restrooms were not included in the initial lighting project. The fixtures in the restrooms are no longer available, therefore the City would be switching these out to T8 Lamps and electronic ballast. The Park's Department has indicated that the replacement of ballast has cost about \$150.00 each not including lamps. The estimated cost of total replacement with lamps is \$57.27. Also, there has been a dramatic improvement in lighting quality and levels with this project. Council Member DeCramer asked if there are sensors in the restrooms. Mr. Martig will check on this.

Ritter moved, DeCramer seconded, the approval of change order no. 1 with The Retrofit Companies, resulting in an increase of \$1,603.60 to replace the lighting in the City Park Facilities and Softball Field Complex restrooms. All voted in favor of the motion.

**CONSIDER SAFETY MANAGEMENT PROGRAM AGREEMENT WITH MINNESOTA  
MUNICIPAL UTILITY ASSOCIATION:**

Ben Martig, City Administrator, reviewed the proposed Safety Management Program Agreement with Minnesota Municipal Utility Association. This agreement will cover the timeframe from January 1, 2011 through December 31, 2011. Funding for this program is included in the city's budget for general fund/other funds that cover all employee groups.

Doom moved, DeCramer seconded, that the proper city personnel be authorized to enter into the Safety Management Program Agreement with Minnesota Municipal Utility Association for January 1, 2011 through December 31, 2011. The cost for the agreement is \$15,000. All voted in favor of the motion.

**CONSIDER REQUEST OF AVERA MARSHALL TO REZONE FROM R-1 (ONE-FAMILY  
RESIDENCE DISTRICT) TO R-3 (LOW TO MEDIUM DENSITY, MULTIPLE-FAMILY  
RESIDENCE DISTRICT) AT 101, 103, 105, 107, 200 SOUTH MINNESOTA STREET AND 502,  
504, 506, 600, 601, 602, 603, 604, 606 CHARLES AVENUE AND 101, 106 SOUTH BRUCE  
STREET – INTRODUCTION OF ORDINANCE AND CALL FOR PUBLIC HEARING:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of Avera to rezone 101, 103, 105, 107, 200 South Minnesota Street and 502, 504, 506, 600, 601, 602, 603, 604, 606 Charles Avenue and 101, 106 South Bruce Street from R-1 (One-Family Residence District) to R-3 (Low to Medium Density, Multiple-Family Residence District). Mr. Olson indicated that currently the areas occupied by the hospital, clinic, nursing home, and assisted living facility are all zoned R-3. Avera Marshall is planning a major clinic expansion that will encroach on some of the adjacent lots. Clinics are not allowed in R-1 districts but are a conditional use in R-3.

Mr. Olson indicated there are three more parcels within these blocks that Avera does not own. The City of Marshall staff believes that it is reasonable to rezone entire blocks when possible and therefore recommends that lots at 500 Charles Ave, and 100 and 102 South Bruce Street, be rezoned along with the lots applied for by Avera. Kevin Schroeder from Avera was in attendance at the meeting to answer any questions.

Ritter moved, DeCramer seconded, the introduction of an ordinance Amending Chapter 86 of the City Code Relating to Zoning as recommended by City staff. This ordinance would provide for Lot 1 through Lot 10, Block 4, Lot 1 through Lot 5, Block 6 and Lot 3 through Lot 5, Block 7, Morningside Height Addition to be rezoned from R-1 (One-Family Residence District) to R-3 (Low to Medium



Density, Multiple-Family Residence District). All voted in favor of the motion, except Byrnes who abstained.

**CONSIDER THE APPROVAL OF MURAL PROJECT AGREEMENTS – A. CONSIDERATION OF PUBLIC ART AT 256 WEST MAIN STREET AGREEMENT; B. CONSIDERATION OF ARTIST AGREEMENT WITH JOSH SARANTITIS FOR A MURAL AT 256 WEST MAIN STREET; C. CONSIDERATION OF A LETTER OF AGREEMENT BETWEEN THE CITY OF MARSHALL AND THE MARSHALL AREA FINE ARTS COUNCIL (MAFAC) FOR THREE ARTISTIC MURALS; D. CONSIDERATION OF LETTER OF AGREEMENT BETWEEN THE CITY OF MARSHALL/MARSHALL MURAL COMMITTEE AND JOHNSON'S PAINT AND WALLPAPER:**

Ben Martig, City Administrator, indicated that the first action recommended is to approve the public art. The art is an illustration of the agricultural heritage to the Marshall area. The art will be between 1500-2000 square feet in size and in three sections. The visual materials include paint and mosaic glass tiles.

The second action item recommended is to approve the Artist Agreement with Josh Sarantitis at a cost of \$31,300. The agreement provides payment, insurance and performance requirements. Staff will be providing a "Letter of Agreement" with the building owners for use of the property at a future council meeting under the consent agenda.

The third action is approval of the letter of agreement with MAFAC. This agreement outlines that the City will own the murals and insure them but MAFAC would be responsible for overseeing responsibility of the mural for 10-years. The City would have to insure under their overall property insurance coverage and also fund any maintenance during this time period.

The Council had previously approved the Artist Agreement for public art at 316 West Main Street. The fourth and final action is to approve the Letter of Agreement between the City of Marshall/Marshall Mural Committee and Johnson's Paint and Wallpaper as the owner of the building at 316 West Main Street. Under the terms of the agreement, the owner must allow the project for 10-years and the City is responsible for insurance and maintenance during that time period.

Council Member Hulsizer indicated that she did not think that the all three murals were being done this year. Mr. Martig indicated that the third mural will be done next year. Hulsizer also asked what the \$650 for Community Day in the Artist Agreement with Josh Sarantitis was. Mr. Martig indicated that he was not sure. It was also indicated that there is no money in the city budget to cover vandalism of the murals.

Doom moved, Ritter seconded, that the three sections of the public art and the Artist Agreement with Josh Sarantitis; letter of agreement with MAFAC and the Artist Agreement for public art at 326 West Main Street be approved contingent upon review of the City Attorney. All voted in favor of the motion.

**CONSIDER THE REQUEST OF ACMC FOR A CONDITIONAL USE PERMIT FOR A SIGN ON MARKET STREET RIGHT-OF-WAY:**

Glenn Olson, Director of Public Works/City Engineer, requested that this item be tabled to the next regular City Council meeting.

DeCramer moved, Sanow seconded that the request of ACMC for a conditional use permit for a sign on Market Street right-of-way be tabled until the City Council meeting to be held on June 28, 2011. All voted in favor of the motion.

**CONSIDER THE REQUEST OF MATTHEW WHITESITT FOR A CONDITIONAL USE PERMIT TO HAVE AN OUTDOOR SPORTS EQUIPMENT SHOP IN A B-2 CENTRAL BUSINESS DISTRICT AT 100 WEST MAIN STREET:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of Mr. Matthew Whitesitt to have an outdoor sports equipment consignment shop in a B-2 Central Business District. This particular type of business is not listed in either permitted or conditional uses. However, this business resembles a few other business types listed in conditional uses such as repair and rental shops of domestic type equipment and tire, battery, and automobile accessory shops. Automobile garages and repair shops are also on conditional use list. According to the owner, this use may require occasional display of small trailers on the outside.

Doom moved, DeCramer seconded, to approve a conditional use permit for Mr. Matthew Whitesitt to have an outdoor sports equipment consignment shop in a B-2 Central Business District with the following conditions:

1. No more than two trailers are displayed outside at the same time.
2. All trailers are single axle units.
3. No exterior "For Sale" signs are displayed on trailers or on the property.

All voted in favor of the motion.

**CONSIDER AMENDMENT OF CITY WAGE SCHEDULE FOR ADDITION OF BUILDING INSPECTOR TO TEMPORARY WAGE SCHEDULE:**

Ben Martig, City Administrator, reviewed the request to add a Building Inspector Classification to the Temporary/Seasonal Wage Schedule. The job duties, requirements and pay schedule would reflect that of the Building Inspector I position on the full-time wage schedule. This would allow the Building Inspection Department to add a temporary part-time Building Inspector I position. Doom moved, DeCramer seconded, to approve the amendment of the City Wage Schedule for the addition of a Building Inspector to the Temporary Wage Schedule. All voted in favor of the motion.

**CONSIDER AUTHORIZATION TO ENTER INTO PROFESSIONAL SERVICES FOR DESIGN PHASE SERVICES FOR EAST BUILDING AREA PROGRAM (SOUTHEAST AIRPARK DEVELOPMENT AREA):**

Glenn Olson, Director of Public Works/City Engineer, indicated that the City Council has recently approved a construction contract for the development of the Madrid Street Bridge connecting Channel Parkway to the Southeast Airpark Development Area. Future development plans include extension of a roadway from the bridge to the Southeast Airpark Development Area, lot development, and extension of a Municipal State Aid System roadway from just west of the Madrid Street Bridge, north to T.H. 68 connecting the Southeast Airpark Development Area to the trunk highway system, as well as the Sonstegard Industrial Park at Lake Street.

Mr. Olson indicated that at the Airport Commission meeting held on May 3, 2011 they discussed continued contracting with TKDA or requesting proposals from other professional engineering firms to now begin the development of the East Area of the Airport. The item was brought back to the Airport Commission at their June meeting. At their meeting on June 7, 2011, a motion was made, seconded and passed unanimously for approval of the Professional Services Agreement with TKDA for the Design Phase Services of the Southeast Airpark Development Area (East Building Area Program).

Mr. Olson reviewed the Professional Services Agreement with TKDA. This agreement will direct the consultant to proceed with development of project plans and specifications for the extension of Madrid Street into the Southeast Airpark Development Area. For approximately the last 15 years, the city has utilized the professional services of TKDA of St. Paul, Minnesota, for all of its airport

professional services. They have provided excellent service to the City through a very dynamic development of business relocations, runway extensions, ramp and taxiway additions, airport lighting and everything related to those improvements.

Boedigheimer moved, Doom seconded, that the proper city personnel be authorized to enter into a Professional Services Agreement with TKDA, St. Paul, Minnesota for the Design Phase Services of the Southwest Airpark Development Area (East Building Area Program) in the amount of \$210,000.00. All voted in favor of the motion.

**NORTHWEST INDUSTRIAL AREA STORMWATER MANAGEMENT DESIGN PROJECT Y86 – CONSIDER AUTHORIZATION FOR ADDITIONAL SERVICES FOR WETLAND BANK ENROLLMENT AND WETLAND DELINEATION:**

Glenn Olson, Director of Public Works/City Engineer, indicated that in the late 1990's the MERIT Center site was developed, a portion of which was developed within a wetland area. Application was made to Lyon County Soil & Water for a wetland delineation and subsequent acquisition of the Guerts property for the construction of a mitigated wetland area, as well as the development of a wetland bank for future development within the city of Marshall. The wetland banking program was never completed and, after several years of discussions with Lyon County Soil & Water, the City has been directed to start this process all over again as regulations and delineations of wetlands have changed or personnel have left the agencies that were originally involved with the wetland designations and banking. The City also is in need to do wetland mitigation for construction of a portion of the Mosch/Bladholm storm sewer ponding site for industrial park expansion for both the Sonstegard property and the DeRuyck property.

Mr. Olson indicated provided a review of the scope of services and fee estimate for professional services associated with the wetland bank enrollment and wetland delineation work for the stormwater management design for the Mosch/Bladholm site and MERIT Center site. This proposal will complete the wetland identifications and establish the wetland bank located within the City's industrial park area. In July 2010, the City entered into a professional services agreement for the Northwest Industrial Area Stormwater Management Design, which could include this work as additional services.

Ritter moved, DeCramer seconded, approval for additional professional services under the existing Professional Services Agreement with Bolton & Menk, Inc., for the Northwest Industrial Area Stormwater Management Design Project Y86 for wetland bank enrollment and wetland delineation for a not-to-exceed amount of \$13,310.00. All voted in favor of the motion.

**SONSTEGARD INDUSTRIAL PARK INFRASTRUCTURE PROJECT Y81 – EASEMENT PAYMENTS:**

Dennis Simpson, City Attorney, indicated that the City has retained the services of Brovold & Company, LLC to provide appraisal services to determine value of property interests to be acquired by the City of Marshall. The City needs to acquire permanent easements and temporary construction easements for the installation of underground infrastructure. The appraiser has completed some of the appraisals. Appraisal reports for the Moberg property and Bradley property are complete and available at the City Attorney's office.

Mr. Simpson indicated that he has had discussions with Harvey Moberg and Gerry Moberg regarding their parcel of property involved in the project. They have approved the easement document and have signed the permanent easement and temporary construction easement as requested. Original document has been sent to be recorded. The easement acquisition appraisal has determined that the value of those easements is in the amount of \$4,508.

Doom moved, Sanow seconded, approval of the payment to the Moberg Family Trust, as property

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owners, for the acquisition of property rights necessary for the completion of the Sonstegard Industrial Infrastructure Project Y81 in the amount of \$4,508.00. All voted in favor of the motion.

**CONSIDER APPOINTMENT TO VARIOUS BOARDS / COMMISSIONS:**

Per the recommendation of Mayor Byrnes, DeCramer moved, Doom seconded, and it was unanimously approved that the following appointment be made:  
Housing Commission – Dale Janiszeski be appointed for a 5-year term to expire on May 31, 2016

**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      Fire Relief Associations annual report is included in the agenda packet; Regional Development Commission met last week but Byrnes was unable to attend; Regional Radio Board discussed allocation of grant funding.

Hulsizer    Library Board discussed the 2012 budget and the Plum Creek Contract.

Doom        Planning Commission and Council Personnel Committee items were acted on earlier in the meeting.

Sanow       No report.

DeCramer   EDA will be meeting Wednesday at noon; Utilities Commission will be meeting Wednesday at 7:00 P.M.

Ritter       Housing Commission met on Monday, June 13, 2011

**STAFF REPORTS:**

Ben Martig, City Administrator, indicated that copper water lines broke at the fire hall. There is a Council Work session scheduled for June 21, 2011.

Glenn Olson, Director of Public Works/City Engineer, provided an update on the current projects. He indicated that the Travis Road Project would be starting after July 4<sup>th</sup> and the Pearl Avenue – Sara Circle Projects would be starting in August.

Dennis Simpson, City Attorney, indicated that he is working on easements, contract reviews and changes to the Fire Department By-Laws.

**COUNCIL MEMBER INDIVIDUAL ITEMS:**

Council Member Hulsizer asked if the asphalt walkway at Legion Field would be extended. Mr. Olson indicated that this should be completed by the end of the year.

**REVIEW OF PENDING AGENDA ITEMS:**

There were no questions on pending agenda items.

**INFORMATION ONLY:**

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

Applicant		Location Address	Description of Work	Valuation
1.	Babcock Construction	403 Lawrence Street	Reroof (asphalt) 4:12	\$4,300

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2.	American Waterworks	405 North 5th Street	Basement Waterproofing	\$6,600
3.	American Waterworks	303 South Whitney Street	Basement Waterproofing	\$5,100
4.	Kevin Lanoue Construction	1000 South 1st Street	Garage Door	\$1,100
5.	Babcock Construction	302 Sunrise Lane	Reside Dwelling, Install Windows, Install Doors	\$14,700
6.	Service Master Professional Services	401 Village Drive	Demo	\$5,000
7.	Michael & Hannah Prah	305 North High Street	Reroof Dwelling (asphalt), Finish Garage	\$3,800
8.	Joseph Amato	202 Park Avenue	Partical Reroof (asphalt)	\$2,600
9.	Rick Slagel Construction Inc	401 South Highway 23	Reroof Entry, Add Skylights	\$12,000
10.	Rick Slagel Construction Inc	1120 Horizon Drive	Reroof (asphalt) 5:12, Replace windows, Roof over door, Soffit	\$18,000
11.	Rick Slagel Construction Inc	1006 Country Club Drive	Reroof (asphalt) & Reside (vinyl) Sheds	\$7,000
12.	Rick Slagel Construction Inc	506 Donita Avenue	Replace Windows	\$5,000
13.	Rick Slagel Construction Inc	605 DeSchepper Street	Reroof (asphalt) 5:12	\$6,000
14.	Rick Slagel Construction Inc	311 East Redwood Street	Reroof (asphalt) 5:12	\$6,000
15.	Denise Strosahl	304 East Marshall Street	Egress Window	\$500
16.	Troy & Kristin Holien	412 North 6th Street	Garage Addition Detached	\$2,000
17.	James Lozinski Construction Inc.	421 South 4th Street	Reroof (asphalt) 12:12	\$9,000
18.	Service Master Professional Services	401 Village Drive	Sheetrock, Insulate	\$1,000
19.	James Lozinski Construction Inc.	1007 Colombine Drive	Reroof (asphalt) 4:12	\$5,900
20.	James Lozinski Construction Inc.	403 North Bruce Street	Reroof (asphalt) 4:12	\$5,900
21.	Lucas Youngsma	110 West Southview Drive	Garage Door	\$300
22.	David Meier	1004 West Main Street	Reroof (asphalt) 4:12	\$9,400
23.	Dustin & Jennifer Hinckley	115 East Redwood Street	Deck	\$3,000
24.	Mike Buysse Construction Inc.	1401 Westwood Drive	Reroof (asphalt) 4:12	\$6,000
25.	Kevin Schroeder	800 Elaine Avenue	Replace Door	\$400
26.	Southwestern Center for Independent Living (SWCIL)	304 Timberlane Drive	Steps	\$1,300
27.	Babcock	607 Kendall Street	Reroof (asphalt &	\$6,700

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	Construction				rubber) 10:12	
28.	James Lozinski Construction Inc.	108	Kathryn	Avenue	Deck with ramp	\$5,900
29.	James Lozinski Construction Inc.	413	Mason	Street	Reroof (asphalt) 5:12	\$3,200
30.	James Lozinski Construction Inc.	509	Elm	Street	Reroof (asphalt) 6:12	\$2,900
31.	Mike Buysse Construction Inc.	204 West	Redwood	Street	Reroof Garage Detached (asphalt) 5:12	\$1,000
32.	CE Signs & Designs	1401	Nwakama	Street	Install Signs	\$4,100
33.	Northland Roofing	1104	Jefferson	Avenue	Reroof (asphalt) 4:12	\$8,000
34.	Kevin Lanoue Construction LLC	611 South	1st	Street	Reroof (asphalt) 4:12	\$4,400
35.	Bradley & Jill Engebretson	206	Walnut	Street	Demo Garage	\$500
36.	Jules Noyes	605	Parkside	Drive	Reroof (asphalt)	\$7,500
37.	Kevin Goslar	300 West	Southview	Drive	Reroof (asphalt) 4:12 & Gutters	\$5,900
38.	Brian & Linda Onken	203	George	Street	Reroof (asphalt)	\$4,800
39.	Kevin Lanoue Construction LLC	102	Gray	Place	Reroof (asphalt) 4:12	\$8,000
40.	Gary Vlaminc Construction	803	Brian	Street	Reroof (asphalt) 4:12	\$5,800
41.	Robert Waltz	405	DeSchepper	Street	Reroof (asphalt) 4:12	\$5,800
42.	Northland Roofing	106 North	1st	Street	Reroof (rolled), Replace damaged sheetrock	\$4,700
43.	Jeffrey Bragg	616 West	Lyon	Street	Deck	\$1,900
44.	Jeffrey Bragg	616 West	Lyon	Street	Deck	\$3,100
45.	Babcock Construction	412	Elm	Street	Reside (vinyl), Reroof (rubber & asphalt) 10:12	\$13,000
46.	Gina Hasch	514	Hudson	Avenue	Reroof (asphalt)	\$6,500
47.	Wallace Bock	614 West	Thomas	Avenue	Install Egress Window	\$500
48.	Jeff Gladis Construction	210	Robert	Street	Reroof (asphalt)	\$7,000
49.	Jeff Gladis Construction	606	Lawrence	Street	Reroof (asphalt)	\$6,400
50.	Jeff Gladis Construction	406	Lawrence	Street	Reroof (asphalt)	\$8,400
51.	Jeff Gladis Construction	613	Southview	Drive	Reroof (asphalt)	\$5,900
52.	Jeff Gladis Construction	110	McFarland	Circle	Reroof (asphalt)	\$19,600
53.	Jeff Gladis Construction	214 North	Whitney	Avenue	Reroof (asphalt)	\$9,600
54.	True Value Home Center	903 East	College	Drive	Demo	\$1,500

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55.	True Value Home Center	903 East College Drive	Remodel	\$32,500
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	Applicant	Location Address	Description of Work	Valuation
1.	Trio Plumbing & Heating	1203 Canoga Park Drive	Duplex	
2.	Bisbee Plumbing & Heating	1210 East College Drive	Install tub	\$3,000.00
3.	Bisbee Plumbing & Heating	701 North 7th Street	Shop	

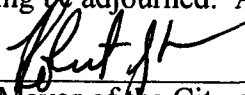
**DETERMINATION BY CITY COUNCIL TO GO INTO CLOSED SESSION PURSUANT TO MINNESOTA STATUTE 13D.05 SUBD. 3 (C) (3), DISCUSSION OF REAL PROPERTY PURCHASE ACQUISITION OF PROPERTY AT 103 WEST LYON STREET:**

Sanow moved, Doom seconded, that the Council go into closed session at 8:20 P.M. pursuant to Minnesota Statute 13D.05 Subd. 3(c) (3) for discussion of real property purchase acquisition of property at 103 West Lyon Street. All voted in favor of the motion.

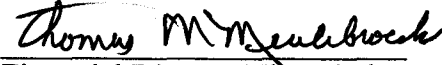
Those present at the closed session included: Byrnes, Hulsizer, Doom, Sanow, DeCramer, Boedigheimer and Ritter. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer and Thomas M. Meulebroeck, Finance Director/City Clerk.

The council came out of closed session at 8:30 P.M.

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

  
Mayor of the City of Marshall

ATTEST:

  
Financial Director/City Clerk