

## REGULAR MEETING – JUNE 28, 2011

The regular meeting of the Common Council of the City of Marshall was held on June 28, 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, Sanow, DeCramer, Boedigheimer and Ritter. Absent: Doom. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Ilya Guttman, Building Official; Jane DeVries, Deputy City Clerk; and Thomas M. Meulebroeck, Finance Director/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 16A, which is to consider authorization to make contract payment to Duininck Brothers for the Madrid Street Bridge Project.

### **APPROVAL OF MINUTES:**

Sanow moved, Ritter seconded, that the minutes of the regular meeting held on June 14, 2011 be approved as filed with each member, the minutes of the special meeting held on June 21, 2011 be approved as filed with each member and the minutes of the work session held on June 21, 2011 be approved as corrected and as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

### **PUBLIC HEARING - CONSIDER THE 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 104, AND 106 SOUTH BRUCE STREET – PUBLIC HEARING AND ADOPTION OF ORDINANCE:**

Glenn Olson, Director of Public Works/City Engineer, indicated that Avera Marshall has applied for rezoning of the lots they already own. There are three more parcels within the blocks where rezoning takes place 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.

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.

Shana Zahrbock, representative from APMC, was in attendance at the meeting.

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

Sanow moved, Ritter seconded, the adoption of ORDINANCE NUMBER 639, SECOND SERIES and that the reading of the same be waived. Ordinance Number 639, Second Series is an ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance provides for Lot 1 through Lot 10, Block 4; Lot 1 through Lot 5, Block 6; Lot 1, Lot 3 through Lot 5, Block 7; Morningside Height Addition ( 101, 103, 105, 107, 200 South Minnesota Street; 500, 502, 504, 506, 600, 601, 602, 603, 604, 606 Charles Avenue; 100, 102, 104, 106 South Bruce Street) be rezoned from R-1 One Family Residence District to R-3 Low to Medium Density Multiple Family District. All voted in favor of the motion.



**CONSIDER AWARD OF BIDS FOR FURNITURE, FIXTURES AND EQUIPMENT FOR THE NEW LIBRARY:**

Bids were received, opened and read on June 15, 2011 for the Marshall Lyon County Library Furniture, Fixtures and Equipment. The bids received, opened and read were from:

	Package #1	Package# 2	Package #3	Package #4
Brown & Saenger	\$153,396.46			
Office Elements	\$127,840.00			
Embury LTD		\$16,186.75 Note #1		
Interstate Office Products	\$137,402.59			\$12,207.25
Marco	Note #2			
MINNCOR Industries			\$29,427.40 Note #3	

Package #1 – Furniture, Seating and System Furniture

Package #2 – Metal Shelving

Package #3 – Wood Shelving, Tables and Carts

Package #4 – Media Table

Package #5 – Graphic Package – No bids were received for this package

Note #1 – Voluntary Alternate: Deduct \$1,159.00 for Estey Shelving in lieu of MJ Industries

Note #2 – Submitted proposals for limited items – not complete package; proposal disqualified.

Note #3 – Proposal includes freight; MINNCOR provided numerous voluntary notes in their proposal

Ron Halgerson, TSP, Inc., provided a summary of the bids received and indicated that the Library Board has reviewed the bids.

Hulsizer moved, DeCramer seconded, that the bids for the Library Furniture, Fixtures and Equipment be awarded as follows:

- Package #1 – Furniture, Seating and System Furniture be awarded to Office Elements in the amount of \$127,840.00
- Package #2 – Metal Shelving be awarded to Embury LTD in the amount of \$16,186.75
- Package #3 – Wood Shelving, Tables and Carts be awarded to MINNCOR Industries in the amount of \$29,427.40
- Package #4 – Media Table be awarded to Interstate Office Products in the amount of \$12,207.25

All voted in favor of the motion.

**CONSIDER APPROVAL OF LIBRARY MOVING CONTRACT:**

Ben Martig, City Administrator, indicated that the moving contract with BesterBros for the Library moving services was presented at the City Council meeting on Tuesday, June 14, 2011. This discussion was tabled until City Attorney Dennis Simpson has time to review the agreement. Simpson has requested that this be tabled until the first regular City Council meeting on Tuesday, July 12, 2011.



# REGULAR MEETING – JUNE 28, 2011

DeCramer moved, Sanow seconded, that consideration of the moving contract with BesterBros for the Library moving services be removed from the table and be tabled to the next regular City Council meeting to be held on July 12, 2011. All voted in favor of the motion.

## AWARD OF PROPOSALS FOR JANITORIAL SERVICES OF VARIOUS CITY-OWNED BUILDINGS:

Glenn Olson, Director of Public Works/City Engineer, indicated that proposals for cleaning services for various city-owned buildings were requested for 1 year beginning July 1, 2011 and expiring June 30, 2012. Checklists were provided to each of the facilities for revisions, if any. No revisions or comments on current services were received. The current contracts expire on June 30, 2011.

Proposals were received, opened and read on June 24, 2011 for Janitorial Services for Various City-Owned Buildings. The proposals received, opened and read were from:

	<u>Airport A/D Building</u>		<u>Adult Community Center</u>	
	Cost of Services Per Month Including tax	Cost per Request Carpet/Upholstery Deep Cleaning	Cost of Services Per Month Including tax	Cost per Request Carpet/Upholstery Deep Cleaning
C & C Cleaning Marshall, MN	\$617.74	\$20/hr upholstery \$0.20/S.F. carpet	\$945.84	\$20/hr upholstery \$0.20/S.F. carpet
C & C Cleaning Marshall, MN 3-year contract	\$574.50	\$20/hr upholstery \$0.20/S.F. carpet	\$879.63	\$20/hr upholstery \$0.20/S.F. carpet
Mr. Rick's Cleaning Hendricks, MN	\$1,200.00	\$500.00 every year	\$1,000.00	\$300.00 every 2 years
Stain Busters Granite Falls, MN	\$534.38	\$0.10/S.F.	\$961.88	\$0.10/S.F.
	<u>Street Department</u>		<u>Wastewater Treatment Facility</u>	
	Cost of Services Per Month Including tax	Cost per Request Carpet/Upholstery Deep Cleaning	Cost of Services Per Month Including tax	Cost per Request Carpet/Upholstery Deep Cleaning
C & C Cleaning Marshall, MN	\$400.78	\$20/hr upholstery \$0.20/S.F. carpet	\$511.93	\$20/hr upholstery \$0.20/S.F. carpet
C & C Cleaning Marshall, MN 3-year contract	\$372.73	\$20/hr upholstery \$0.20/S.F. carpet	\$476.10	\$20/hr upholstery \$0.20/S.F. carpet
Mr. Rick's Cleaning Hendricks, MN	\$800.00	\$100.00 for floor waxing	\$1,000.00	\$300.00 every 3 years
Stain Busters	\$374.06	\$0.10/S.F.	\$427.50	\$0.10/S.F.



REGULAR MEETING – JUNE 28, 2011

Granite Falls, MN

	<u>Studio 1</u>		<u>MERIT Center</u>	
	Cost of Services Per Month Including tax	Cost per Request Carpet/Upholstery Deep Cleaning	Cost of Services Per Month Including tax	Cost per Request Carpet/Upholstery Deep Cleaning
C & C Cleaning Marshall, MN	\$221.23	\$20/hr upholstery \$0.20/S.F. carpet	\$171.00	\$20/hr upholstery \$0.20/S.F. carpet
C & C Cleaning Marshall, MN 3-year contract	\$205.75	\$20/hr upholstery \$0.20/S.F. carpet	\$159.03	\$20/hr upholstery \$0.20/S.F. carpet
Mr. Ricks Cleaning Hendricks, MN	\$700.00	\$400.00 every 2 years	\$350.00	\$300.00
Stain Busters Granite Falls, MN	\$213.5	\$0.10/S.F.	\$106.88	\$0.10/S.F.

Mr. Olson indicated that the janitorial services contracts will go into effect July 1, 2011 in accordance with the proposals. A checklist will be provided for the cleaning service to ensure compliance. The City has not previously worked with Stain Busters from Granite Falls so a reference check was done with the Ramada Inn in Marshall and the Upper Sioux Community of Granite Falls. The one reference from the Upper Sioux Community indicated their experience with carpet staining only but both references were very positive for both their work and their professionalism.

Council Member Boedigheimer asked if there was a provision for a deduct due to bad weather. Council Member DeCramer asked if the contract can be terminated for no performance.

Ritter moved, Hulsizer seconded, that the proposal for Janitorial Services for Various City Owned Buildings be awarded to C & C Cleanings of Marshall, Minnesota for a 3-year contract effective July 1, 2011 through June 30, 2014 for the Adult Community Center in the amount of \$879.63/month; Street Department in the amount of \$372.73/month; Studio 1 in the amount of \$205.75/month for each of these areas and additional requests for deep cleaning upholstery will be \$20.00/hr. plus sales tax and additional requests for deep cleaning carpets will be \$0.20/S.F. plus sales tax. All voted in favor of the motion, except Sanow who abstained.

Ritter moved, Hulsizer seconded, the adoption of RESOLUTION NUMBER 3607, SECOND SERIES and that the reading of the same be waived. Resolution Number 3607, Second Series is a resolution to Contract with a Council Member for Janitorial Services under Minnesota Statutes §§ 471.88, subd. 5 and 471.89, subd. 2. This contract is awarded to C & C Cleaning for a 3-year contract effective July 1, 2011 through June 30, 2014 for the Adult Community Center in the amount of \$879.63/month; Street Department in the amount of \$372.73/month; Studio 1 in the amount of \$205.75/month for each of these areas and additional requests for deep cleaning upholstery will be \$20.00/hr. plus sales tax and additional requests for deep cleaning carpets will be \$0.20/S.F. plus sales tax. All voted in favor of the motion, except Sanow who abstained.

Ritter moved, Hulsizer seconded, that the proposal for Janitorial Services for Various City Owned Buildings be awarded to Stain Busters, Granite Falls, Minnesota for July 1, 2011 through June 30, 2012



for the Airport A/D Building in the amount of \$534.38/month; Wastewater Treatment Facility in the amount of \$427.50/month; the MERIT Center in the amount of \$106.88/month and that for each of these areas the additional requests for deep cleaning upholstery and deep cleaning carpets will be \$0.10/S.F. plus sales tax. All voted in favor of the motion, except Sanow who abstained.

At this time Mayor Byrnes indicated to Raterra Rashana that the public hearing on the request of Avera Marshall to rezone property for a major clinic expansion that will encroach on some of the adjacent lots has closed. Ms. Rashana indicated she has an issue with the parking along Bruce Street. Some suggestions included asking employees to not park in this area, make the area no parking during certain times and enforcing the no parking. Shana Zahrbock, representative from ACMC, indicated that their employees have been asked to not park along Bruce Street.

**PROJECT Y89: ELM STREET RECONSTRUCTION PROJECT – A. CONSIDER RESOLUTION DECLARING OFFICIAL INTENT REGARDING THE PROCEEDS OF TAX-EXEMPT BONDS; B. CONSIDER RESOLUTION ACCEPTING BID (AWARD CONTRACT):**

Glenn Olson, Director of Public Works/City Engineer, indicated that this project involves the reconstruction of Elm Street which shall consist of the installation of curb and gutter, sidewalk, aggregate base, pavement removal and construction, replacement of storm sewer and water mains and miscellaneous work. The project also proposes to replace the watermain in the alleys along both sides of N. 6<sup>th</sup> Street from Elm Street to Kossuth Avenue.

Bids were received, opened and read on June 21, 2011 for the Elm Street Reconstruction Project Y89. The bids received, opened and read were from:

Winter Brothers Underground, Inc.  
Sioux Falls, South Dakota  
\$555,000.00

Rogge Excavating, Inc.  
Ghent, Minnesota  
\$559,573.65

Chad Monson Excavating, LLC  
Willmar, Minnesota  
\$581,175.00

D & G Excavating, Inc.  
Marshall, Minnesota  
\$611,684.00

Kuechle Underground, Inc.  
Kimball, Minnesota  
\$713,910.52

Council Member Boedigheimer was concerned that the principal amount of debt expected to be issued for the Elm Street Reconstruction Project is more than the cost of the project and requested that the Ways and Means Committee review this.

DeCramer moved, Byrnes seconded, the adoption of RESOLUTION NUMBER 3608, SECOND SERIES and that the reading of the same be waived. Resolution Number 3608, Second Series is a resolution Declaring the Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds. This resolution provides for the principal amount to be \$800,000.00. Council Member Ritter asked that the dollar amount be changed. Mr. Olson, indicated that this amount is determined by the total project cost plus a percent, determined by Administration and Finance, to provide an amount large enough to cover the entire cost of the project. Ben Martig, City Administrator, suggested that a policy be developed. Sanow moved, Ritter seconded, that the motion be amended to reduce the amount of debt from \$800,000 to \$555,000. All voted in favor of the amendment, except DeCramer. All voted in favor of the motion as amended, except Sanow who voted no.



REGULAR MEETING – JUNE 28, 2011

DeCramer moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3609, SECOND SERIES and that the reading of the same be waived. Resolution Number 3609, Second Series is a resolution Accepting Bid (Award Contract) for Elm Street Reconstruction Project Y89. This contract was awarded to Winter Brothers Underground, Inc., Sioux Falls, South Dakota in the amount of \$555,000.00. All voted in favor of the motion, except Sanow who voted no.

**CONSIDER RESOLUTION ACCEPTING BID (AWARD CONTRACT) – A. PROJECT Y94: 2011 BITUMINOUS RESURFACING PROJECT; B. PROJECT Y95: 2011 BITUMINOUS CHIP SEALING PROJECT:**

Bids were received, opened and read on June 23, 2011 for the 2011 Bituminous Resurfacing Project Y94. The bids received, opened and read were from:

McLaughlin & Schulz, Inc.  
Marshall, Minnesota  
\$156,239.95

Sanow moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3610, SECOND SERIES and that the reading of the same be waived. Resolution Number 3610, Second Series is a resolution Accepting Bid (Award Contract) for the 2011 Bituminous Resurfacing Project Y94. This bid was awarded to McLaughlin & Schulz, Inc., Marshall, Minnesota in the amount of \$156,239.95. All voted in favor of the motion.

Bids were received, opened and read on June 23, 2011 for the 2011 Bituminous Chip Sealing Project Y95. The bids received, opened and read were from:

McLaughlin & Schulz, Inc.  
Marshall, Minnesota  
\$60,960.00

Caldwell Asphalt Co., Inc.  
Hawick, Minnesota  
\$69,850.00

Sanow moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3611, SECOND SERIES and that the reading of the same be waived. Resolution Number 3611, Second Series is a resolution Accepting Bid (Award Contract) for the 2011 Bituminous Chip Sealing Project Y95. This bid was awarded to McLaughlin & Schulz, Inc., Marshall, Minnesota in the amount of \$60,960.00. All voted in favor of the motion.

**APPROVAL OF CONSENT AGENDA – A. TEMPORARY ON-SALE LIQUOR LICENSE FOR MARSHALL AREA CHAMBER OF COMMERCE TO USE AT AVERA, 300 SOUTH BRUCE STREET ON JULY 18, 2011; B. TEMPORARY ON-SALE LIQUOR LICENSE FOR SMSU TO USE AT REGIONAL EVENT CENTER, 401 MUSTANG TRAIL ON SEPTEMBER 10, 2011; C. CONSIDERATION OF RESOLUTION ADOPTION PERFORMANCE MEASURES; D. APPROVAL BILLS/PROJECT PAYMENTS:**

Council Member Boedigheimer requested item c, which is to consider a resolution adopting Performance Measures be removed from the consent agenda.

Sanow moved, Ritter 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 July 18, 2011 at Avera, 300 South Bruce Street. The fee for this license is \$30.00.



REGULAR MEETING – JUNE 28, 2011

The approval of a Temporary On-Sale Liquor License for Southwest Minnesota State University to use on September 10, 2010 at the Regional Event Center, 401 Mustang Trail. The fee for this license is \$30.00.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher no. 75038 through 75274.

All voted in favor of the motion.

Sanow moved, DeCramer seconded, the adoption of RESOLUTION NUMBER 3612, SECOND SERIES and that the reading of the same be waived. Resolution Number 3612, Second Series is a resolution Adopting Performance Measures. This resolution provides for the adoption of the ten performance measures developed by the Council on Local Results and Innovation. All voted in favor of the motion, except Boedigheimer who voted no.

**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, reviewed the request by ACMC to install an advertising sign to the west of the existing Market Street advertising sign. At the last City Council meeting on June 14, 2011, this request was tabled per the owner's request to allow some additional time to possibly revise the design and location of the sign. Glenn indicated that a previous sign was placed on the Market Street Right-of-Way by special permission issued by the City Council in October of 1979, pursuant to City Code Sec. 62-9. That sign was 190 SF in area. In March of 1996, a Conditional Use Permit for an advertising sign with special permission was granted for a sign of 221 SF, enabling the mall to construct the existing sign on the Market Street Right-of-Way. It is the City staff opinion that approval of this Conditional Use Permit may also serve as a "special permission" as required by the Section 62-9 of the City Code. The existing sign is located just 3 feet away from the property line on the west side of Market Street. The ACMC originally wanted to place its sign to the west of the existing sign meaning it had to fit into those three feet and be right underneath of the existing sign.

At the Planning Commission meeting on June 8, 2011, a motion was made by Lozinski, second by Shover to recommend approval of the original sign design and location as recommended by staff. All voted in favor.

- 1) ACMC, as the owner of the sign, maintains the formally required certificate of insurance to hold the City harmless in the event of a liability claim. The owner shall provide the Zoning Administrator with a copy of the certificate.
- 2) The sign location must be maintained within the Market Street right-of-way area as described in the survey dated June 24, 2011 by Bolton & Menk, Inc. It shall not encroach into College Drive right-of-way.
- 3) This permit is for the sign structure as shown on the drawing presented to the City Council and on file with the Zoning Administrator.
- 4) The sign structure shall be maintained in a safe condition and all surfaces maintained without blemish or defects. The City may remove the sign if deemed necessary due to lack of maintenance with the cost to remove paid by the sign owner.
- 5) The sign owner will obtain written agreement from the existing advertising sign owner already located on the Market Street right-of-way.

Mr. Olson indicated that after additional consideration this location was deemed not adequate and the owner now would like to install the sign on the east side of Market Street. In addition, to alleviate concerns about visibility at the intersection, the sign has been redesigned into a pylon sign.



REGULAR MEETING – JUNE 28, 2011

Ritter moved, Sanow seconded, that the request to approve a conditional use permit for ACMC, a tenant of Market Street Mall at 1420 East College Drive, for a sign on Market Street right-of-way near the intersection with East College Drive be removed from the table and approved with the following conditions:

- 1) ACMC, as the owner of the sign, maintains the formally required certificate of insurance to hold the City harmless in the event of a liability claim. The owner shall provide the Zoning Administrator with a copy of the certificate.
- 2) The sign location must be maintained within the Market Street right-of-way area as described in the survey dated June 24, 2011 by Bolton & Menk, Inc. It shall not encroach into College Drive right-of-way.
- 3) This permit is for the sign structure as shown on the attached drawing presented to the City Council and on file with the Zoning Administrator.
- 4) The sign structure shall be maintained in a safe condition and all surfaces maintained without blemish or defects. The City may remove the sign if deemed necessary due to lack of maintenance with the cost to remove paid by the sign owner.

Shana Zahrbock, ACMC Marshall Site Manager, was in attendance at the meeting to answer any questions.

Council Member Boedigheimer indicated that due the change in location and redesign of the sign that this should be referred back to the Planning Commission.

Council Member Ritter indicated that the Planning Commission is an advisory board and he is ok with the City staff recommendations.

Voting in favor of the motion were Sanow and Ritter. Voting no were Boedigheimer, DeCramer, Byrnes and Hulsizer. The motion failed.

Boedigheimer moved, DeCramer seconded, that the request for a conditional use permit for ACMC be referred back to the Planning Commission. Voting in favor of the motion were Boedigheimer, DeCramer, Byrnes and Hulsizer. Voting no were Sanow and Ritter.

**STATE SHUT DOWN UPDATE – A. MARSHALL AREA TRANSIT; B. DRUG TASK FORCE OFFICER; C. OTHER:**

Cathleen Amick and John Fitzgerald of Western Community Action (WCA) were in attendance at the meeting to provide information on how the state shut down will affect the Marshall Area Transit service. Ms. Amick indicated that the transit services would be hit hard by a shutdown because much of the program's funding comes from the state. Ms. Amick indicated that if the local transit buses were to keep running, it might require financial help from the City of Marshall.

Ben Martig, City Administrator, indicated that without state funds Marshall could temporarily lose its Drug Task Force Officer. Mr. Martig is recommending that the city continue to fund this position and this should be reviewed on a regular basis.

Other items of concern included the Chemical Assessment Team; the LGA Payments; and state web sites being shut down.

Glenn Olson, Director of Public Works/City Engineer, indicated that without functioning state agencies obtaining everything from electrical inspections to right-of-way permits would be impossible.



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

**CONSIDER THE REQUEST OF AVERA MARSHALL FOR A CONDITIONAL USE PERMIT FOR A CLINIC IN AN R-3 LOW TO MEDIUM DENSITY, MULTIPLE-FAMILY DISTRICT:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the request by the Avera Marshall for a Conditional Use Permit for a medical clinic in an R-3 Low to Medium Density Multiple Family District. Avera Marshall is planning a major clinic expansion that will encroach on some of the adjacent lots. Clinics are a conditional use in an R-3 district. Other adjacent lots may be used in the future for another expansion. Since this is an addition to an existing clinic, no negative effect on the neighborhood is expected.

Ritter moved, DeCramer seconded, the approval of a conditional use permit for Avera Marshall for a clinic in an R-3 Low to Medium Density, Multiple-Family District at 101, 103, 105, 107, 200 South Minnesota Street, 502, 504, 506, 600, 601, 602, 603, 604, 606 Charles Avenue, 104 & 106 South Bruce Street. All voted in favor of the motion, except Byrnes who abstained.

**MERIT CENTER WIND TOWER PROJECT – A. FOUNDATION – CONSIDER CHANGE ORDER NO. 1 FOR TIME EXTENSION; B. TOWER, NACELLE & ASSOCIATED ITEMS – CONSIDER CHANGE ORDER NO. 1 FOR TIME EXTENSION:**

Glenn Olson, Director of Public Works/City Engineer, 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.

Mr. Olson indicated that at the July 27, 2010 meeting, City Council authorized advertisement for bids for the Foundation of the MERIT Center Wind Tower Project. Bids were received on April 28, 2011. At the October 26, 2010 meeting, City Council authorized advertisement for bids for the Tower, Nacelle and Associated Items of the MERIT Center Wind Tower Project. Bids were received on April 28, 2011. After lengthy discussions with both bidders and misunderstandings of the requirements of the bid, Council rejected all bids and reissued an authorization for advertisement for bids for the Tower, Nacelle and Associated Items at the May 24, 2011, and the rebids were received on June 8, 2011. At the June 10, 2011 meeting of the MERIT Center Board, they unanimously recommended award of bids and funding as proposed by staff. City Council awarded both phases of the project at their June 14, 2011 meeting. The original anticipated award date was May 10, 2011. Due to the rebid process on the Tower, Nacelle and Associated Items Phase of the project, neither phase of the project was awarded until June 14, 2011. The difference between the anticipated award date and the actual award date is 35 calendar days. The change orders reflect increase in time only. The Completion Date for the Foundation is increased 35 calendar days from June 30, 2011 to August 4, 2011. The Substantial Completion Date for the Tower, Nacelle and Associated Items is increased 35 calendar days from September 15, 2011 to October 20, 2011.

Sanow moved, Ritter seconded, the approval of Change Order No. 1 for a 35-day time extension only for the Foundation Phase of the MERIT Center Wind Tower Project with Sussner Construction, Inc., Marshall, Minnesota and the approval of Change Order No. 1 for a 35-day time extension only for the Tower, Nacelle and Associated Items Phase of the MERIT Center Wind Tower Project with KHC Construction, Inc., Marshall, Minnesota. All voted in favor of the motion.

**CONSIDER AUTHORIZATION TO ADVERTISE FOR BIDS FOR FRONT END MOWER (6-FOOT) FOR THE AIRPORT:**

Glenn Olson, Director of Public Works/City Engineer, indicated that as per the "Airport Project Prioritized for State Fiscal Year (FY) 2012 Funding" letter dated January 25, 2011 for the "Front End Mower (6 foot) Project" (\$20,000), the City of Marshall has this item on the CIP proposed budget for the City FY2012 (01/01/2012-12/31/2012). However, if funding remains available at the current time (after July 1, 2011), City staff would request for an amendment to the City FY2011 budget to fund this project.



REGULAR MEETING – JUNE 28, 2011

The State is requesting final commitment by the City Council prior to July 15, 2011. City staff would then prepare the specifications for Equipment Review Committee review. Bids could be received by July 12, 2011 with a grant request to the State prior to July 15, 2011. However, if the State does not need actual bids prior to July 15, 2011 and only needs City commitment that the City plans to submit a Grant request, the City would then wait until City FY2012 (01/01/2012-12/31/2012).

Boedigheimer moved, DeCramer seconded, that the proper city personnel be authorized to advertise for bids for a front end mower (6-foot) for the Airport. All voted in favor of the motion, except Hulsizer who voted no.

**CONSIDER RESOLUTION GRANTING A UTILITY EASEMENT TO MARSHALL MUNICIPAL UTILITIES (MMU) FOR PUBLIC UTILITY PURPOSES ON CITY-OWNED PROPERTY:**

Glenn Olson, Director of Public Works/City Engineer, indicated that Marshall Municipal Utilities (MMU) has requested an easement for public utility purposes on City-owned property adjacent to the Street Department and along the City flood control protection dike. This easement is necessary for MMU to locate and construct facilities adjacent to and outside of current city dike property.

DeCramer moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3613, SECOND SERIES and that the reading of the same be waived. Resolution Number 3613, Second Series is a resolution Granting a Utility Easement to Marshall Municipal Utilities (MMU) for Public Utility Purposes on City-Owned Property. This resolution provides an easement for MMU to locate and construct facilities adjacent to and outside of current city rights of way. All voted in favor of the motion.

**REQUEST FOR STREET CLOSURE FOR THE 9/11 EVENT A. CLOSURE OF MAIN STREET FOR THE PARADE; B. CLOSURE OF WEST COLLEGE DRIVE, MARVIN SCHWAN MEMORIAL DRIVE, AND PORTION OF SOUTH 1<sup>ST</sup> STREET FOR THE 9/11 EVENT – CALL FOR A PUBLIC HEARING:**

Glenn Olson, Director of Public Works/City Engineer, indicated that City staff is recommending closing Main Street from South 1<sup>st</sup> Street to North 6<sup>th</sup> Street from 11:00 a.m. to 2:00 p.m. This parade consists of the Fire Trucks from the surrounding area along with Police, EMT, and the Military. The fire trucks are going to be lined up on South 1<sup>st</sup> Street (by Casey's) and Marvin Schwan Memorial Drive. The rest of the vehicles (Police & EMTs) will be in the Schwan's parking lot off of Marvin Schwan Memorial Drive. The parade will proceed from South 1<sup>st</sup> Street down Main Street ending at 6<sup>th</sup> Street at approximately 1:00 p.m., or if exceptionally large parade, could be 1:30 p.m. If approved by the City Council, the request will be coordinated with Mn/DOT for their approval.

Sanow moved, Ritter seconded, the approval of the 9/11 Event Parade to be held on Sunday, September 11, 2011 subject to MN/DOT approval. This Parade route will be on Main Street from South 1<sup>st</sup> Street to North 6<sup>th</sup> Street from 11:00 A.M. to 2:00 P.M. All voted in favor of the motion.

Glenn Olson, Director of Public Works/City Engineer, indicated that City staff is recommending street closures as follows:

Marvin Schwan Memorial Drive from West College to A Street:

Closed Friday, September 9, 2011 at 6:00 p.m. to Monday, September 12, 2011 at 10:00 a.m.

South 1<sup>st</sup> Street from the west side of Casey's General Store; access to Marvin Schwan Memorial Drive

Closed Friday, September 9, 2011 at 6:00 p.m. to Monday, September 12, 2011 at 10:00 a.m.

Mr. Olson indicated that in accordance with Section 62-6 of the Marshall City Code, any private use of public streets and parking lots on either a temporary or permanent basis should be considered by



REGULAR MEETING – JUNE 28, 2011

the Marshall City Council. City Staff would recommend that the City Council hold a public hearing on this request prior to granting final approval.

Ritter moved, Sanow seconded, that a public hearing be held on July 12, 2011 for the closure of streets for the 9/11 Event that will be held on Sunday, September 11, 2011. All voted in favor of the motion.

**CONSIDER APPROVAL OF THE AMENDED 2011 WAGE SCHEDULES FOR TEMPORARY/SEASONAL EMPLOYEES:**

Ben Martig, City Administrator, reviewed the request to add a Maintenance Worker Classification to the Temporary/Seasonal Wage Schedule. The job duties, requirements and pay schedule would reflect that of the Maintenance Worker I position on the full-time wage schedule. This would allow the Street Department to fill one position that is vacant currently while an employee is on a medical leave of absence through November, 2011. Ritter moved, DeCramer seconded, to approve the amendment of the City Wage Schedule for the addition of a Maintenance Worker to the Temporary Wage Schedule. All voted in favor of the motion.

**AUTHORIZATION TO MAKE CONTRACT PAYMENT TO DUININCK BROTHERS:**

Glenn Olson, Director of Public Works/City Engineer, indicated that the City of Marshall has entered into a contract with Duininck Brothers for the Madrid Bridge Project. In an effort to get the first contract amount submitted to the State for reimbursement, a request is being made to have this payment approved.

Boedigheimer moved, Ritter seconded, approval of Contract Payment No. 1 to Duininck Brothers in the amount of \$61,138.30 for the Madrid Bridge Project and approval for this for this contract amount to be submitted to the State for reimbursement. All voted in favor of the motion, except Sanow and Hulsizer who voted no.

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

Per the recommendation of Mayor Byrnes, DeCramer moved, Boedigheimer seconded, and it was unanimously approved that the following appointments be made:

Airport Commission – Robert Meyer be appointed for a 3-year term to expire on May 31, 2014

Airport Commission – Mike Dulas be appointed to an unexpired term to expire on May 31, 2012

Planning Commission – Travis Bestge be appointed for a 3-year term to expire on May 31, 2014

**COUNCILMEMBER COMMISSION/BOARD LIAISON REPORTS:**

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

Byrnes            No report.

Hulsizer        No report.

Sanow           No report.

DeCramer       EDA information is included in the agenda packet; Utilities Commission has 2 wells down and 1 well is not running at capacity.



## REGULAR MEETING – JUNE 28, 2011

Boedigheimer MERIT Center Commission held a ground breaking on Friday for the Foundation for the Tower, Nacelle and Associated Items of the MERIT Center Wind Tower Project.

Ritter No report.

### STAFF REPORTS:

Ben Martig, City Administrator, indicated that there will be a special City Council work session on July 19, 2011 to start the budget process and review the job descriptions completed by Laumeyer Human Resources.

Glenn Olson, Director of Public Works/City Engineer provided an update on the NW Industrial Park Area Lift Station and Forcemain Project Y85. Mr. Olson indicated that during excavation of the boring pit for the scheduled 30" diameter casting pipe to be jack and bored under TH 59 large rocks were encountered near the elevation of the proposed pipe. The contractor reviewed the situation and is proposing to increase the size of the casting pipe to 44" diameter to reduce the risk of large rocks stopping the 30" diameter casting. As a result of this Mr. Olson is requesting that Change Order No. 2 with Voss Plumbing & Heating, Inc., in the amount of \$22,560.00 to be approved. This change order will be funded by the Wastewater Treatment Facility Fund.

Ritter moved, Sanow seconded, the approval of Change Order No. 2 with Voss Plumbing & Heating, Inc., in the amount of \$22,560.00 for NW Industrial Park Area Lift Station and Forcemain Project Y85. All voted in favor of the motion.

Dennis Simpson, City Attorney, indicated that easements have been completed for several city projects.

### COUNCILMEMBER INDIVIDUAL ITEMS:

Mayor Byrnes indicated that there will be a dedication Designating a part of the Bike Path as the Molly Linstrom Memorial Trail on July 22, 2011. Council Member DeCramer indicated that he attended the League of Minnesota Cities Conference in Rochester.

Council Member Boedigheimer indicated that he does not agree with a letter sent by City Attorney Dennis Simpson to Troy and Erica Schmitt, 205 Stephen Avenue, in regard to a 20 foot utility and drainage easement. Boedigheimer moved, Ritter seconded, that City Ordinances related to easements be referred to the Legislative and Ordinance Committee. City Attorney Simpson indicated that the Council is not authorized to adopt an ordinance that conflicts with the Public Utility Commission. All voted in favor of the motion.

### REVIEW OF PENDING AGENDA ITEMS:

There were not questions 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.	Clarence Boogaard	310	East	Main Street	Reroof Garage (asphalt)	\$1,000
2.	Jill Percy	1005	East	Fairview Street	Egress Window	\$2,000
3.	Jean Paul	320	West	College Drive	Reroof (asphalt)	\$3,600



REGULAR MEETING – JUNE 28, 2011

				6:12	
4.	Oakview DCK, LLC	1420	Boyer Drive	Restaurant	\$900,000
5.	Christus German Evangelical Lutheran Congregation	500	Village Drive	Reroof (steel)	\$26,200
6.	Gregory Cattoor	1001 East	College Drive	Reroof	\$47,000
7.	Thomas Vandendriessche	1105	Bruce Circle	Reroof (asphalt) 4:12	\$13,000
8.	Gary Vlaminck Construction	801	Brian Street	Reroof (asphalt) 4:12	\$6,800
9.	Tutt Construction, Inc.	523	Viper Circle	Reroof (asphalt) 5:12	\$10,200
10.	Avera Marshall	606	Charles Avenue	Demo	\$6,500
11.	Avera Marshall	604	Charles Avenue	Demo	\$2,000
12.	Avera Marshall	602	Charles Avenue	Demo	\$2,000
13.	Avera Marshall	600	Charles Avenue	Demo	\$2,000
14.	B&G Properties of Marshall	1217 East	College Drive	Façade Extension	\$1,200
15.	Kesteloot Construction, Inc.	504	Harriett Drive	Deck	\$2,900
16.	Brian Swanson	503	Carlson Street	Replace Walk-In Doors	\$1,200

**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:**

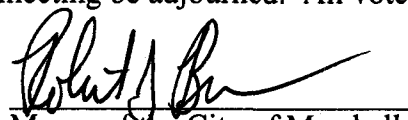
Ritter moved, DeCramer seconded, that the Council go into closed session at 7:55 P.M. pursuant to Minnesota Statute 13D.05 Subd. 3(c) (3) for discussion of real property purchase acquisition of property at 103 West Lyon Street. All voted in favor of the motion.

Those present at the closed session included: Byrnes, Hulsizer, 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 8:05 P.M.

There was a discussion on the need for the City Council to prepare for future expenditures and where funding for proposed projects would come from.

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

  
Mayor of the City of Marshall

ATTEST:

  
Financial Director/City Clerk