

REGULAR MEETING – JULY 12, 2011

The regular meeting of the Common Council of the City of Marshall was held on July 12, 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; Harry Weilage, Director of Community Services; Rob Yant, Director of Public Safety; 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 item 5c, which is to consider approval of Transient Merchant Licenses being moved to 7a and include 9 additional Transient Merchant License Applications.

APPROVAL OF MINUTES:

Sanow moved, Ritter seconded, that the minutes of the regular meeting held on June 28, 2011 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

YELLOW RIBBON COMMUNITY PROCLAMATION:

Denise Schneekloth, Chairperson for the Yellow Ribbon Committee, was in attendance at the meeting. Ms. Schneekloth indicated that the Marshall Yellow Ribbon Committee has been working on completing the 16 point process so Marshall will officially be declared a Yellow Ribbon Community. One of the steps is to get the community behind the organization and have the committee stay in contact with the City in regards to any needs of families or any news on future deployment. The ceremony designating Marshall as a Yellow Ribbon Community will take place on September 11, 2011 at the 9/11 Memorial Event.

DeCramer moved, Doom seconded, to adopt the Yellow Ribbon Community Proclamation. All voted in favor of the motion.

PUBLIC HEARING ON THE CLOSURE OF WEST COLLEGE DRIVE, MARVIN SCHWAN MEMORIAL DRIVE, AND A PORTION OF SOUTH 1ST STREET FOR THE 9/11 EVENT:

Glenn Olson, Director of Public Works/City Engineer reviewed the request to close the following streets for the 9/11 Memorial Event:

1. Marvin Schwan Memorial Drive from West College Drive to "A" Street – closed Friday, September 9, 2011 at 6:00 P.M. to Monday, September 12, 2011 at 10:00 A.M.
2. South 1st Street from the West side of Casey's General Store access driveway 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.

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

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Doom moved, Sanow seconded, approval to close the following streets for the 9/11 Memorial Event:

1. Marvin Schwan Memorial Drive from West College Drive to “A” Street – closed Friday, September 9, 2011 at 6:00 P.M. to Monday, September 12, 2011 at 10:00 A.M.
2. South 1st Street from the West side of Casey’s General Store access driveway 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.

All voted in favor of the motion.

AWARD OF BIDS - AIRPORT FOG SEALING PROJECT Y96 - CONSIDER AWARD OF BIDS AND RESOLUTION AUTHORIZING EXECUTION OF MN/DOT GRANT AGREEMENT:

Bids were received, opened and read on June 23, 2011 for the Airport Fog Sealing Project Y96. The bids received, opened and read were from:

Caldwell Asphalt	McLaughlin & Schulz, Inc.
Hawick, Minnesota	Marshall, Minnesota
\$25,269.93	\$26,874.37

Ritter moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3614, SECOND SERIES and that the reading of the same be waived. Resolution Number 3614, Second Series is a resolution providing Authorization to Execute Minnesota Department of Transportation Grant Agreement for Airport Improvement Excluding Land Acquisition. This resolution provides for the proper city personnel to execute the Grant Agreement for Airport improvement Excluding Land Acquisition. This agreement provides for Fog Sealing at Southwest Minnesota Regional Airport – Marshall/Ryan Field. The bid was awarded to Caldwell Asphalt, Hawick, Minnesota in the amount of \$25,269.93. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA – A. TEMPORARY ON-SALE LIQUOR LICENSE FOR MARSHALL AREA FINE ARTS COUNCIL FOR OCTOBER 6, 2011 IN THE PARKING LOT OF WALNUT GROVE MERCANTILE; B. TEMPORARY 3.2 PERCENT MALT LIQUOR LICENSE FOR THE VFW POST 742 FOR THE MONTH OF AUGUST AT THE LYON COUNTY FAIRGROUNDS; D. APPROVAL OF SOFTWARE MAINTENANCE WITH INTERGRAPH FOR SQUAD CAR COMPUTERS FOR THE POLICE DEPARTMENT; E. APPROVAL OF QUIT CLAIM DEED OF CITY PROPERTY TO MMU (REGARDING WATER-BUS ADDITION PROPERTY AND PAUL DEUTZ SUBSTATION EXPANSION PROPERTY); F. PROJECT Y81 WEST MAIN PROPERTY – EASEMENT PAYMENT; G. APPROVE BILLS/PROJECT PAYMENTS:

Council Member Hulsizer requested item g, which is to consider approval of bills/project payments, be removed from the consent agenda. Council Member Boedigheimer requested item d, which is to consider approval of Software Maintenance with Intergraph for Squad Car Computers for the Police Department be removed from the consent agenda.

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

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The approval of a Temporary On-Sale Liquor License for the Marshall Area Chamber of Commerce to use on October 6, 2011 at the Walnut Grove Mercantile, 1501 East Lyon Street. The fee for this license is \$30.00.

The approval of a 3.2 Percent Malt Liquor License for the VFW Post 742 to use for the month of August, 2011 at the Lyon County Fairgrounds. The VFW Post will be using this license for the Lyon County Fair from August 3, 2011 through August 6, 2011 and the International Rolle Bolle Tournament from August 12, 2011 through August 14, 2011. The fee for this license is \$50.00.

The proper city personnel be authorized to execute a quit claim deed transferring property from the City of Marshall to Marshall Municipal Utilities (regarding the Water-Bus Addition property and Paul Deutz substation expansion property).

The approval of the payment in the amount of \$13,902.00 to Westman Acquisitions, LLC, as property owner, for the acquisition of property rights necessary for the completion of Sonstegard Industrial Park Infrastructure Project Y81.

All voted in favor of the motion.

Council Member Boedigheimer was concerned that the Software Maintenance with Intergraph for the Squad Car Computers for the Police Department that had expired and asked who monitors this. Rob Yant, Director of Public Safety indicated that the officer missed the expiration date and realized this when he went to authorize payment for the service. Ben Martig, City Administrator, indicated that his Administrative Assistant has started a central tracking system of all agreements and this will be added to the list. Boedigheimer moved, Sanow seconded, that the proper city personnel be authorized to enter into a Software Maintenance Agreement with Intergraph for Squad Car Computers to continue use of the State Patrol's I/Mobile System by the Marshall Police Department. All voted in favor of the motion.

Council Member Hulsizer questioned the status of the donation from Robert L. Carr for the Marshall Lyon County Library project. Ben Martig, City Administrator, indicated that the donation money from Robert L. Carr was to be used first and then the city would be using other sources. Thomas M. Meulebroeck, Finance Director, indicated that the donation from Robert L. Carr has been spent and that other sources are being used to make this payment. No funds from the Liquor Fund have been used at this time.

Ritter moved, DeCramer seconded, that the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 75275 through 75409. All voted in favor of the motion.

CONSIDER APPROVAL OF LIBRARY MOVING CONTRACT:

Sanow moved, Doom seconded, that consideration of the moving contract with BesterBros for the Marshall-Lyon County Library moving services be removed from the table and be tabled to the next regular City council meeting to be held on July 26, 2011. All voted in favor of the motion.

CONSIDER APPROVAL OF MARSHALL-LYON COUNTY LIBRARY NEW FACILITY CHANGE ORDER NO. 5:

Ben Martig, City Administrator, indicated that the City Council reviewed and approved Change Order No. 4 on June 14, 2011. The Council approved two items but tabled the \$4,185.00

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consideration for telecommunication items as the library had more questions prior to their recommendation. The telecommunication revision added twelve additional CAT 6 data runs following reviews of equipment locations and other use needs. Telecommunication changes are common on significant construction projects from approved plans and specifications. The library staff and board reviewed in detail the revisions and support the change. Change Order # 5 was reviewed/approved by the Library Board on June 20, 2011.

Ritter moved, DeCramer seconded, approval of Change Order No. 5 with Robert L. Carr Company in the amount of \$4,185.00. This change order is for the telecommunication revision. All voted in favor of the motion, except Doom who voted no.

CONSIDER APPROVAL OF TRANSIENT MERCHANT LICENSES:

Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that there were originally four applications for Transient Merchant Licenses and that the council has approved to add an additional nine applications for Transient Merchant Licenses to the agenda. Mr. Meulebroeck provided a brief summary of the City Code regulating Transient Merchant Licenses. Mr. Meulebroeck indicated that the City Code allows for a 30-day review process but his office was requested to expedite the process.

Council Member Boedigheimer indicated that a Transient Merchant License allows for the solicitation and the license is not an endorsement of a contractor.

Council Member Sanow asked about the background check. Rob Yant, Director of Public Safety, indicated that his department uses city and Minnesota State criminal records. They are looking for anything dealing with fraud. Council Member Sanow indicated that during the last storm several people were cheated. Sanow indicated that he is not in favor of issuing Transient Merchant Licenses. He indicated that they should have to advertise the same way that local contractors do.

Council Member Boedigheimer asked about checking on out of state vehicles. Rob indicated that they cannot check on out of state requests.

Sanow moved, Hulsizer seconded, that the Transient Merchant Licenses be denied. Voting in favor of the motion were Sanow and Hulsizer. Voting no were: Doom, Byrnes, DeCramer, and Boedigheimer. Ritter abstained.

Boedigheimer moved, Doom seconded, that Transient Merchant Licenses be approved contingent upon the Police Department review, receipt of the bond and the payment of the license fee for: Claim Pro Roofing; First Choice Builders, Inc.; Legacy Contracting, Inc.; Dean Johnson Exteriors, LLC; American Remodeling Contractors, Inc.; Minnesota Window and Siding Co., Inc.; Executive Exteriors and Remodeling; MCJ Construction, Inc.; Elevation Restoration; Trinity Exteriors, Inc.; Bohlmann Exteriors; Bargaen, Inc.; and Ladwalk Roofing, Inc. Boedigheimer indicated that the local contractors are not able to do all of the work. DeCramer indicated that he has checked on some of the applicants and they have up to 25-years of experience. DeCramer indicated that it is buyer beware. Voting in favor of the motion were: Boedigheimer, Doom, Byrnes, and DeCramer. Voting no were: Sanow and Hulsizer. Ritter abstained.

Council Member Ritter indicated that the message being sent is that contractors from out of town are not good contractors and that is concerning to him.

REQUEST FOR APPROVAL TO MOVE DWELLING INTO RESIDENTIAL DISTRICT FROM 602 CHARLES AVENUE TO 305 BRUCE STREET – CALL FOR A PUBLIC HEARING:

Glenn Olson, Director of Public Works/City Engineer, indicated that Richard Doom is requesting approval to move a dwelling into a residential district from 602 Charles Avenue to 305 South Bruce Street. This split-level, 1,252 S.F. dwelling with a 240 S.F. porch was constructed in the mid-1950s. An Observation Report has been prepared by the Building Inspector and the dwelling was found to be of sound structure and appearance, and is in a reasonably good state of repair and fit for moving, and is reasonably susceptible to renovation in conformity with this City Code. The certification of the building inspection report will be signed by the City Building Official prior to the hearing. This report will include final zoning review as well as any existing private covenants that may exist on the property.

Mr. Olson indicated that the original request to move the home was made in June. However, staff had an oversight on the code requirement for review to move to the residential district within the City. Therefore, the applicant was not notified of this additional procedure until July 7, 2011. The owner had planned to move the house and property on July 8, 2011. However, the permit to move on a city street had not been authorized so the moving should not have been arranged. Staff has been informed by the moving company that arrangements have been made to leave the property on site pending Council consideration with tentative plans to move in August. Additional safety precautions are being made at the location of temporary storage of the house. Site work has begun at 305 South Bruce Street. However, a building permit has not been approved so footings and other structural work will not be authorized until after Council consideration on July 26, 2011. Staff has apologized for the oversight and Mr. Doom has been very understanding and cooperative following the procedures that have been recently brought to his attention.

Sanow moved, Boedigheimer seconded, that a public hearing be held at the next regular City Council meeting to be held on July 26, 2011 to consider the request of Richard Doom to move a dwelling into a residential district at 305 South Bruce Street. All voted in favor of the motion.

APPROVAL OF THE FLY-IN BREAKFAST ON SATURDAY, AUGUST 20, 2011 FROM 8:00 A.M. TO 12:00 P.M.:

Scott Hiller and Harry Weilage were in attendance at the meeting representing the Marshall Sunrise Rotary Club. Mr. Weilage indicated that at the Marshall Airport Commission meeting on July 5, 2011, Gary Schmidt reported that the Marshall Sunrise Rotary would like to sponsor a Fly-In Breakfast on Saturday, August 20, 2011. This would be held in conjunction with the Sounds of Summer Celebration at Schwan's Hanger 2. Insurance for this event will be under the Sounds of Summer event. Council Member DeCramer indicated that anyone from the military will receive a free breakfast.

Sanow moved, Ritter seconded, approval for the Marshall Sunrise Rotary Club to have their Fly-In Breakfast at the Airport on Saturday, August 20, 2011 subject to final plan review in August by the Airport Commission. All voted in favor of the motion.

DISCUSSION OF EMERGENCY RESPONSE AND MITIGATION FOLLOWING STORM OF JULY 1, 2011:

Ben Martig, City Administrator, provided an update on the City's response to the storm of July 1, 2011. Mr. Martig indicated that the City's Emergency Operations Plan went into effect immediately following the storm that hit Marshall on July 1, 2011. The Marshall Fire Hall became the communications base as local emergency responders went to work. The first priority was to clear downed trees from City Streets. Shane Waterman, Assistant City Engineer, worked with local contractors on removing downed trees. The homeowners were allowed to place downed trees on the boulevards for the city to remove at no cost to them. Several power outages were reported, but most of the power was restored in an hour.

Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that he contacted the City of Marshall's insurance on Friday and hopefully an adjuster will be in town soon. A project number has been set up to track all of the expenses related to the clean up, including payroll.

The Mayor and City Council thanked the city staff and residents of the City of Marshall for all of their help.

Mayor Byrnes called for a 5-minute recess at 6:55 P.M.

SONSTEGARD INDUSTRIAL PARK IMPROVEMENT PHASE II – CONSIDER RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS:

Glenn Olson, Director of Public Works/City Engineer, indicated that Project Y81 – Sonstegard Industrial Park Improvement Phase II involves the installation of sanitary sewer main, watermain, storm sewer and pavement construction for the extension of Lake Road from Michigan Road to T.H. 68. The project will include site grading for the entire Sonstegard Industrial area including street excavation work. The project also includes the extension of a 16" diameter watermain along T.H. 68 from Channel Parkway to just west of the Lake Road intersection with T.H. 68.

Doom moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3615, SECOND SERIES and that the reading of the same be waived. Resolution Number 3615, Second Series is a resolution Approving Plans and Specifications and Ordering Advertisement for Bids. The bids for Project Y81 Sonstegard Industrial Park Improvement Phase II will be received at 10:00 A.M. on August 11, 2011. All voted in favor of the motion.

Mayor Byrnes asked for an update on the Right of Way issue. Ben Martig, City Administrator, indicated that the city has received notice that all right-of-way permits issued by the State of Minnesota have been suspended due to the state shut down. This shut down will cost the City of Marshall thousands of dollars. A letter has been sent to the governor and legislatures to appeal the decision. Council Member Boedigheimer indicated that the city should proceed with the project. Mr. Martig indicated that the State Patrol has been asked to watch for violations.

PROJECT Y31: (139-131-02) WINDSTAR STREET FROM SCOTT ST. TO TH 59 -- CONSIDER RESOLUTION AMENDING ASSESSMENT ROLL / REMOVING ASSESSMENTS FROM DEFERRED STATUS – A. RESOLUTION TO RELEASE THE DEFERRED ASSESSMENT THAT HAVE BEEN RECORDED AS PER RESOLUTION 3266, SECOND SERIES; B. RESOLUTION TO REALLOCATE ASSESSMENTS THAT

ARE NO LONGER DEFERRED AS PER RESOLUTION 3266, SECOND SERIES; C. RESOLUTION TO BE ADOPTED TO HAVE THE BALANCE OF THE ASSESSMENTS ORIGINALLY DEFERRED IN RESOLUTION 3266, SECOND SERIES AND NOT ALLOCATED TO BE DEFERRED:

Glenn Olson, Director of Public Works/City Engineer, indicated that due to the platting of Wilke-Miller-Buesing Seventh Addition, the assessment deferred per Resolution Number 3266, Second Series requires removal from deferral status. In addition, the assessment removed from deferral status requires reallocation and the remainder of the unplatted area remains in deferred status. Thomas M. Meulebroeck, Financial Director/City Clerk, briefly reviewed the resolutions being proposed.

Ritter moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3616, SECOND SERIES and that the reading of the same be waived. Resolution Number 3616, Second Series is a resolution Releasing Deferred Assessments Recorded per Resolution Number 3266, Second Series. This resolution provides for an assessment on Parcel No. 27-605008-6 in the amount of \$123,447.30 be removed from deferred status. All voted in favor of the motion.

Ritter moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3617, SECOND SERIES and that the reading of the same be waived. Resolution Number 3617, Second Series is a resolution Reallocating Assessments. This resolution provides for the redistribution of assessments in the amount of \$74,648.12 and that they be paid over 10 years at 5.8% interest. All voted in favor of the motion.

Ritter moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3618, SECOND SERIES and that the reading of the same be waived. Resolution Number 3618, Second Series is a resolution Deferring Special Assessments. This resolution provides for the Street Assessment for Parcel No. 27-605-008-7 in the amount of \$48,799.18 to be deferred until the following conditions occur:

- A. Street Assessment – upon subdivision of this property, or have access to Windstar Street from the north side of Windstar Street \$48,799.18 (20 year maximum).

At the time that the owners have accomplished all or any of the conditions, the City will then terminate the deferral of said portions of the assessment and shall have the right to collect said assessment. Once the conditions for assessment indicated have been affected by the Owners or their successors and assigns, said assessment shall be spread in equal principal installments over a period of ten (10) years and shall bear interest at a rate of five and eight-tenths percent (5.8%) from the date of the occurrence of the event qualifying the assessment. No interest shall be charged on said assessment until notice of termination of the deferred assessment has been served on the Owners of the described property by the City. If neither subdivision of the property nor access to Windstar Street from the north side of Windstar Street has been affected within 20 years of the date of this resolution, the street assessment will be spread as per the conditions described in the resolution. All voted in favor of the motion.

PETITION FOR VACATION OF AN ALLEY SOUTH OF SUMMIT STREET – RECEIPT OF PETITION TO VACATE, ORDER THE PETITION TO BE FILED FOR RECORD WITH THE CITY ADMINISTRATOR, ORDER HEARING ON SUCH PETITION:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request for petition for vacation of an alley on the south side of Summit Street, beginning at the west end of Summit Street at the southerly right of way line of Summit Street; thence southerly approximately 131

feet. It is also petitioned that the vacated alley be divided among the adjacent property owners to provide adequate setbacks for existing and proposed construction of garages adjacent to the vacation. Ritter moved, Doom seconded, the approve the receipt of petition to vacate, order the petition to be filed for record with the City Administrator, order hearing on such petition and set the public hearing for July 26, 2011. All voted in favor of the motion.

CONSIDER ADOPTION OF RESOLUTION FOR THE NAMING OF AIRPARK EAST:

Ben Martig, City Administrator, indicated that the City Council has approved a number of actions that will facilitate development of the East area of the airport. This area has been identified with different terms such as Marshall Airpark, East Development Area, Access Road area and others. Staff and the Airport Advisory Commission are suggesting to formally adopt the term "Airpark East" to this development area. The term "Airpark" is a common term used for commercial and/or industrial areas that have direct access to airport runways or very close proximity. The East designation lends clarification locally to the area discussed as well as providing clarification should other areas be opened for development in the future.

Doom moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3619, SECOND SERIES and that the reading of the same be waived. Resolution Number 3619, Second Series is a resolution Designating "Airpark East" at the Southwest Minnesota Regional Airport Marshall/Ryan Field. This resolution designates "Airpark East" to be the official name to be used for administrative and marketing purposes for the airport expansion area. All voted in favor of the motion.

ORDINANCE TO ALLOW LOCAL ELECTRICAL INSPECTIONS IN LIEU OF THE STATE SHUT DOWN:

Dennis Simpson, City Attorney, indicated that across the State, and including Marshall, construction projects are being delayed or short-circuited by lack of State provided electrical inspectors. Under State law, any electrical installation and virtually any construction, remodeling, replacement or repair must be inspected for compliance with accepted standards of construction for safety to life and property. While it is usually the State that performs these inspections, the State of Minnesota is not doing any electrical inspection during the time of State shutdown during the budget crisis. City staff is concerned that local construction projects will be unreasonably delayed because of this lack of inspection. In particular the City/County library project, and any new construction or remodel construction caused by the recent storm may be held up because of lack of State electrical inspectors. City staff has been working with the League of MN Cities and a process has been identified wherein a City can pass an ordinance authorizing inspections of electrical installations within their jurisdiction. Specifically, the City can allow inspections to be performed within the City by individuals licensed by the State as either a master or journeyman electricians.

Therefore, it is recommended that the local ordinance authorizing local control of electrical inspections be passed. This ordinance would then be forwarded to the Department of Labor and Industry. City staff would then develop a process to retain inspection services. Inspections must be performed by individuals insulated from conflicts. The statutes require that a person doing the electrical inspection for the City not to engage in or be employed in the sale, installing, altering or repairing of electrical wiring, apparatus or equipment for light, heat, power and other purposes, and the person cannot have a financial interest in any concern engaged in any such business. Mr. Simpson indicated that he has obtained a list of cities that already do their own electrical inspections. However, those cities are not in the Marshall proximity and the City most likely could not use other city's electrical inspectors. It would seem best that the City retain one inspector who might be currently licensed as a master or journeyman electrician, but is maybe retired from business or not actively involved in the electrical business at the present time. State statute requires that the inspector provide a \$1,000 bond.

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The local ordinance does contain a sunset provision which would indicate that the local authority for providing these inspections would sunset at the time the State budget impasse is resolved and the Department of Labor and Industry resumes inspection.

Glenn Olson, Director of Public Works/City Engineer, indicated that the State Electrical Inspector is interested in working for the City of Marshall.

Council Member Boedigheimer was concerned with Section 18-136: Sunset. This ordinance shall be revoked without further action of the city council once the Department of Labor and Industry is funded for the 2011 fiscal year by legislative enactment of a state budget. City Attorney Simpson suggested that this section remain in the ordinance.

Boedigheimer moved, Sanow seconded, the adoption of ORDINANCE NUMBER 640, SECOND SERIES and that the reading of the same be waived. Ordinance Number 640, Second Series is an Ordinance Amending Chapter 18 of the Marshall Code of Ordinances by Adding Article VII Relating to Minnesota Electrical Act. The motion also included having this ordinance forwarded to the Legislative and Ordinance Committee to review section 18-136 and there be no introduction of the ordinance, that the ordinance be adopted as presented at this time. All voted in favor of the motion.

STATEMENT OF ANNUAL PERFORMANCE REVIEW FOR THE CITY ADMINISTRATOR:

Mayor Byrnes indicated that the City Council is pleased with Ben Martig, City Administrator's performance. Mr. Martig has met or exceeded all expectations. Sanow moved, DeCramer seconded, that Mr. Martig receive the next step increase effective July 7, 2011. All voted in favor of the motion.

DISCUSSION OF THE SALARIES AND COMPENSATION OF THE MAYOR AND COUNCIL MEMBERS:

Ben Martig, City Administrator, indicated that in accordance with the City of Marshall Charter, Section 2.07, the Mayor and City Councilmember's should discuss salary wage rate increase at the first council meeting in July. Section 2.07. Salaries read as follows: Salaries of the Councilmember's and Mayor shall be discussed as an agenda item at the first council meeting of July of each year. After said discussion, the council shall set and determine said salaries in accordance with the applicable state law.

No action was taken, therefore the current ordinance addressing the salaries and compensations of the Mayor and Council Members will remain in effect.

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 reviewed their annual audit and schedule 1, 2 and 3; Regional Development Commission will hold their annual meeting on July 21, 2011; Regional Radio Board continues to work on getting the ARMOR system operating after the storm.

Hulsizer Library Board items were discussed earlier in the meeting.

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Doom Planning Commission did not have a quorum. Doom asked what the process was if members do not show up for a meeting or call. Ben Martig, City Administrator, indicated that a record is kept and reported to the Mayor. Clarification was made that members are not to have more than three unexcused absences per year. Staff has discussed amending the ordinance to state that if there is no quorum for a public hearing at the Planning Commission that the public hearing can go to the City Council.

Sanow No report.

DeCramer No report.

Boedigheimer Airport Commission item was acted on earlier in the meeting.

Ritter No report.

STAFF REPORTS:

Ben Martig, City Administrator, indicated that the meeting was not being videotaped. He was not aware why, but will be checking. Mr. Martig indicated that Wayne Brede and Jim Laumeier of Laumeier Human Resource Solutions will be providing the results of the Classification and Job Evaluation Study at the special meeting on July 19, 2011. Staff is continuing to work with Terri Heaton from Springsteds Inc., on the bonding for the City of Marshall.

Glenn Olson, Director of Public Works/City Engineer, indicated that there are two capital improvements projects being discussed for the airport. Mr. Olson indicated that the two projects could be combined as one project and be eligible for federal funding at 95/5.

Dennis Simpson, City Attorney, did not have a report.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Council Member Hulsizer thanked all of the City staff for their work after the storm of 7-1-11. She also indicated that the residents worked together helping each other. Sanow indicated that his church recently had Studio 1 do a recording and he indicated that they did an excellent job. Council Member Boedigheimer also indicated how well everyone worked together after the storm of 7-1-11. Mayor Byrnes indicated that he would not be at the next regular meeting.

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.	Sussner Construction, Inc.	1410	South	Saratoga Street	Storage Extension	\$95,800
2.	Cecil Doyle	1510		Westwood Drive	Door	\$3,000
3.	Christus German	500		Village Drive	Office Remodel	\$4,000

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	Evangelical					from damage	
4.	Dru Kesteloot	802		Colombine	Drive	New Windows	\$1,000
5.	David Meier	1104	South	2nd	Street	Reroof Asphalt 4:12	\$14,200
6.	Swanson Construction	411		Lawerence	Street	Reroof (asphalt) 4:12	\$5,000
7.	Knochenmus Enterprises, LLP	709	South	2nd	Street	Install Window	\$800
8.	Babcock Construction	314	East	Main	Street	Replace Doors, Windows, Siding (vinyl)	\$13,500
9.	Gary Vlamnick Construction	402		Viking	Drive	Reroof (asphalt) 4:12	\$5,800
10.	John Houseman	606		Elizabeth	Street	Deck	\$2,000
11.	Michael Carter	611	West	Redwood	Street	Reroof (Steel)	\$5,200
12.	Layle French Construction Inc.	1400		Westwood	Drive	Reroof (Asphalt) 4:12	\$19,500
13.	Mark Griebel Custom Homes Inc	113		Park	Avenue	Roof patch (wood shakes)	\$2,500
14.	Dennis Lozinski Construction	220	North	Whitney	Street	Reroof (asphalt) 6:12	\$6,000
15.	Bruce Verdoes	1219		Patricia	Court	Reroof (asphalt) 5:12	\$13,000
16.	Northland Roofing	119	East	Redwood	Street	Reroof, asphalt 4:12	\$9,000
17.	James Jacob	305	East	Lyon	Street	Replace Windows & Doors	\$7,800
18.	Jeffery Kuiper	307	South	4th	Street	Reroof (Steel) 4:12 Garage	\$3,000
19.	Mike Buysse Construction Inc.	1400		Pinehurst	Road	Reroof (asphalt) 4:12	\$7,000
20.	William & Candace Thomas	613	West	Redwood	Street	Deck	\$2,000
21.	T&K Kennedy Excavating, Inc.	302	South	6th	Street	Demo House	\$6,800
22.	T&K Kennedy Excavating, Inc.	304	South	6th	Street	Demo House	\$6,800
23.	Javens Construction	112		E	Street	Reroof (asphalt) 8:12	\$4,000
24.	Cheryl Johnson	407	West	Thomas	Avenue	Reroof (asphalt)	\$6,000
25.	James Jacobson	204		Walnut	Street	Replace Window	\$750
26.	Philip & Karna Dwire	311	North	Hill	Street	Replace Windows	\$1,500
27.	Maxine Wyffels	504		Adobe	Road	Reroof (asphalt), Reside (vinyl), Garage door, Replace doors, Deck	\$20,000
28.	Darrin Brownlee	118	North	3rd	Street	Sign	\$100
29.	Larry & Faye Haugen	1105		Windstar	Street	4 Plex	\$250,000
30.	David Meier	1105		Skyline	Drive	Reroof (asphalt)	\$16,300
31.	Eric Uschold	102		E	Street	Reroof (asphalt)	\$4,000

DETERMINATION TO GO INTO CLOSED SESSION PURSUANT TO MINNESOTA STATUTE 13D.05 SUBD. 3(C)(3) TO CONSIDER ESTABLISH PRICING RELATED TO REAL PROPERTY ACQUISITION AND SALE OF PROPERTY AT 109 AND 111 A STREET:

Doom moved, Sanow seconded, that the Council go into closed session at 7:55 P.M. pursuant to Minnesota Statute 13D.05 Subd. 3(c)(3) to consider establishing pricing related to real property acquisition and sale of property at 109 and 111 "A" 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 8:08 P.M.

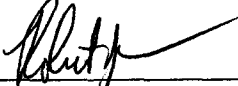
The City Council reconvened at 8:08 P.M.

Mr. Martig indicated that Marshall Ambulance LLC, is interested in the acquisition of the property at 109 and 111 "A" Street for the construction of a facility for the North Memorial Ambulance operations. The proposed selling price of \$60,000 was less than the cost of acquiring the property. The intent is that the property would be sold as is and the purchaser would be responsible for the demolition and all site work needed. The City would return all easement rights for the area. The proposed agreement for the sale of property would require a 10% down payment at the time of execution.

Doom moved, Ritter seconded, approval of a purchase agreement for the sale of property to Marshall Ambulance LLC in the amount of \$60,000.00 and that they be responsible for the removal of all structures from this property, and site improvements. All voted in favor of the motion, except Boedigheimer and Sanow who voted no.

National Night Out will be held on August 2, 2011 and the Dedication of the Molly Linstrom Bike Trail will be on July 22, 2011.

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



Mayor of the City of Marshall

ATTEST:



Finance Director/City Clerk