

JOINT SPECIAL CITY COUNCIL / LYON COUNTY COMMISSIONERS  
SEPTEMBER 6, 2011

A Joint Special City Council / Lyon County Commissioners meeting was held on September 6, 2011 in the Commissioners Room 1 and 2 at the Lyon County Government Center, 607 West Main Street. The meeting was called to order at 11:33 A.M. by Mayor Byrnes.

In addition to Byrnes the following City Council Members were in attendance: Hulsizer, Sanow, and Ritter. Absent were: Doom, DeCramer and Boedigheimer. City Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Shane Waterman, Assistant City Engineer and Thomas M. Meulebroeck, Finance Director/City Clerk.

In attendance from the County were Commissioners: Bob Fenske, Steve Ritter, Rod Stensrud, Mark Goodenow and Rick Anderson.

In attendance from Fairview Township were: Dean Louwagie and Harold Dieken.

**DISCUSSION ON SKUNK HOLLOW ROAD:**

Ben Martig, City Administrator, indicated that in 1996, Skunk Hollow Road – along with a portion of Saratoga Street - was transferred from township/County jurisdiction to the City of Marshall through action of a Joint Agency Agreement. This roadway was designated as County Road 67 at the time. File documentation suggests that Lyon County was reviewing all highways they were responsible for in the city at the time and that the County and City Engineer recommended that the roadway should be transferred to the city as it “more appropriately match jurisdictional responsibility with actual road usage.” The full agreement was approved by the County and City.

The agreement included a provision for the County to provide the City of Marshall a financial payment which was to be used for the resurfacing of Skunk Hollow roadway in the amount of \$80,363.43. This was based on an estimate for a bituminous overlay. Glenn Olson, Director of Public Works/City Engineer has reviewed the documentation of this calculation and will explain the intent and basis of the proposal at the joint meeting. The project was never completed. The current principal and interest of funds is \$122,658.55 as of the end of July. Those funds are still maintained in a designated City account and have not been used for resurfacing purposes.

The roadway has been provided regular maintenance over the time since the city has received responsibility in 1996. Additionally, there has been repair completed on the river bank to protect the road from washout from flooding. The street continues to be in poor condition but is serving its purpose for access of the properties along Skunk Hollow Road.

Skunk Hollow Road has not been designated as a collector street for the City of Marshall nor has it been included in the 20-year comprehensive plan of Marshall to be designated collector or arterial street. The primary access to serve Marshall to this section of the City is designated as Highway 23 to Highway 19/E. College Drive. If the City were to pursue designation of a collector or arterial street, this road would be recommended to be reconstructed along the dike system to provide adequate design. There would need to be an analysis completed on what to do with the existing Skunk Hollow Road and residences. The existing Skunk Hollow Road is designed and intended to serve as access to properties in this area similar to a residential street. However, none of the homes (approximately seven) along the road are in city municipal limits and have no public utilities with the exception of electrical provided by

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SEPTEMBER 6, 2011

Marshall Municipal Utilities for about half of them. The agricultural land to the south of the road is in municipal corporate limits but recommended to be detached along with the roadway south to the dike. The roadway and the adjacent agricultural property are not likely to be developed for municipal purposes. In summary, staff believes that as the road is serving the properties and not designed or planned as an arterial roadway for the city, and municipal development and infrastructure is unlikely in the foreseeable future, and therefore it is more appropriate that the County or township assume responsibility for the road.

The Agency Agreement can be terminated through action of either party. Staff is recommending that the City utilize the detachment procedure as established by Minn. Stat. §414.06, and detach this property from the City and turn that back to the County in accordance with procedures recommended by the City Attorney. County Road 67 does transition at the end of the segment under city responsibility. The township may ultimately be responsible for the roadway if the County is not supportive of accepting responsibility of the road. They have been invited to the meeting as well as it relates to their potential responsibility.

City staff has met with County Administrator Stomberg and County Public Works Director Kanwar to discuss the detachment proceeding. They were not interested in maintaining the road as the County revoked their responsibility in 1996. The County did raise a question about the procedure to transfer to County versus Fairview Township. However, as stated earlier the city attorney has recommended this procedure.

Statutes authorize the detachment proceeding to be initiated by a resolution from the municipality asking that a hearing be scheduled before the Chief Administrative Law Judge for the State of Minnesota. It is the recommendation that the resolution be approved and would then be forwarded to the State for public hearing on the matter. County and township will have a right to appear at the public hearing to address their concerns regarding the proposed detachment.


The recommendation of detachment was reviewed by the Council Public Improvement and Transportation Committee (Doom, Sanow, Ritter) at their May 4, 2011 meeting and unanimously recommended proceeding with the detachment process. Staff has been reviewing the process and met with County staff prior to bringing to Council to formally begin the process at the last meeting. As you know, Administrator Stomberg presented concern to take back the property at the last Council meeting and requested the joint meeting to discuss. The Council agreed and the item has been tabled until September 27, 2011.

Commissioner Goodenow indicated that there are approximately 500 vehicles that utilize Skunk Hollow Road on a daily basis; therefore his thought is that this road is a major roadway into and out of the City. Commissioner Fenske indicated that if this road was turned back to the County they could not add this  $\frac{3}{4}$  of a mile to their State Aid mileage. Mel Odins, District 8 State Aid Engineer, addressed the turn back to the County and indicated that there are implications to the City and County. Harold Dieken, Fairview Township Board, indicated they did not have the funds to take ownership or to maintain the road and that if it became their responsibility the road would probably be converted to a gravel road. Council Member Sanow indicated that he utilizes this road heavily and he suggested as did Commissioner Stensrud that the City and County work together to design a road that would be workable for everyone. City Attorney, Dennis Simpson, did address the detachment process.

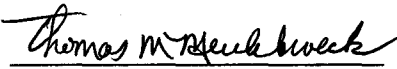
JOINT SPECIAL CITY COUNCIL / LYON COUNTY COMMISSIONERS  
SEPTEMBER 6, 2011

Ritter moved, Sanow seconded, that the City and County each designate representatives to serve on a Joint Committee to review the options, the use and negotiate ownership of Skunk Hollow Road and that the committee make a recommendation to both the City Council and County Commissioners. All voted in favor of the motion.

Sanow moved, Ritter seconded, the meeting be adjourned at 12:15 P.M. All voted in favor of the motion.

  
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Mayor of the City of Marshall

ATTEST:

  
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Finance Director/City Clerk

SPECIAL MEETING – SEPTEMBER 6, 2011

The special meeting of the Common Council of the City of Marshall was held on September 6, 2011 in the Board Room at Marshall Municipal Utilities, 113 South 4<sup>th</sup> Street. The meeting was called to order at 5:34 P.M. by Mayor Byrnes. In addition to Byrnes the following members were present: Hulsizer, Sanow and Ritter. Absent: Doom, DeCramer and Boedigheimer. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Harry Weilage, Director of Community Services; and Thomas M. Meulebroeck, Finance Director/City Clerk. Glenn Olson, Director of Public Works/City Engineer arrived late.

**CONSIDER ACCEPTANCE OF FAA GRANT AGREEMENT FOR DEVELOPMENT OF EAST BUILDING AREA (PHASE I) AND ACQUISITION OF SNOW REMOVAL EQUIPMENT:**

Ben Martig, City Administrator, indicated that at the June 14, 2011 meeting, the City Council authorized entering into a professional services agreement with TKDA for design phase services for Airpark East in the amount of \$210,000. This includes previous planning efforts, near term roadway & utility design, and preliminary design for the build-out of the airfield & Airport Industrial Park. The first phase of the Airpark East construction is anticipated at 70% MnDOT / 30% local funding this September.

Mr. Martig indicated that a used Oshkosh Bat Wing Plow is available from the Metropolitan Airport Commission (MAC) at a bargain price of \$81,000 versus \$400,000. The City has previously purchased used equipment utilizing this same process and have had very good luck with used equipment acquired from the MAC. Staff believes the useful life of this used equipment is greater than 10 years. The current used plow has lasted 25 years and is still operational. The truck the City is requesting to purchase is 15 years old, so it stands to reason that the Oshkosh truck will last for another 10 years. Glenn Olson, Director of Public Works/City Engineer, indicated that they have not made a decision as to what they will do with the current similar equipment the City has.

Both the Bat Wing Plow and the Airpark East design services were included in the grant application to be provided to FAA at funding participation of 95% federal / 5% local.

Sanow moved, Ritter seconded, the acceptance of FAA Grant Agreement for Professional Services for Design Phase Services for Marshall Airpark East (Phase I) and Acquisition of Snow Removal Equipment with funding participation of 95% federal (\$276,450) / 5% local (\$14,550) and that the proper city personnel be authorized to execute the agreement. All voted in favor of the motion.

**REVIEW MARSHALL-LYON COUNTY LIBRARY PROJECT – CHANGE ORDER NO. BP#3-1:**

Ben Martig, City Administrator, indicated that as a follow up to the presentation and discussion at the August 23, 2011 City Council meeting, staff is recommending Council Members Sanow, Doom, Hulsizer or Boedigheimer “call up” discussion to reconsider Library project change Order No. BP #3-1. This does not require a formal vote only verbal action by one member. If there is an agreement to “call up” for reconsideration, staff recommends a motion to approve the Library Project Change Order No. BP #3-1.

Mr. Martig indicated that this agenda item is for discussion only unless a member voting for the approved motion to deny at the last meeting “calls up” the previous question. In this case, a new vote may be taken to reconsider.

Mr. Martig indicated that at the last meeting, staff presented change order No. BP#3-1 that included shelving with MINNCOR for the new library. TSP had informed staff that the shelving was listed as one of the items in the spec's but MINNCOR Industries left out the periodical shelving units