

## REGULAR MEETING – DECEMBER 13, 2011

The regular meeting of the Common Council of the City of Marshall was held on December 13, 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; Sheila Dubs, Human Resources Coordinator; Thomas M. Meulebroeck, Finance Director/City Clerk; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

### **APPROVAL OF THE AGENDA:**

It was the general consensus of the council that the agenda be approved as presented.

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

Sanow moved, DeCramer seconded, that the minutes of the regular meeting held on November 22, 2011, the minutes of the special meeting held on November 22, 2011, the minutes of the special meeting held on November 29, 2011, the minutes of the special meeting held on December 6, 2011 and the minutes of the special meeting work session held on December 6, 2011 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

### **AWARD OF BIDS – CONSIDER AWARD OF BIDS FOR ATV FOR THE CAT TEAM:**

Rob Yant, Director of Public Safety, indicated that the SWMN CAT desires an ATV in order to transport equipment and/or personnel through rough terrain or places where other vehicles are unable to go or cannot go because they are set up with specific functions on a response. Often times the personnel are in Level A suits with SCBA attached and have to walk a distance to the scene with or without additional equipment. Mr. Yant indicated that the bid from Action Sports met specs and that the bid from Marshall Small Engine, Inc., did not meet specs.

On February 16, 2011 the City Council accepted the State Homeland Security Grant for \$55,000 of which \$10,000 was for the purchase of a utility vehicle. On September 9, 2011 an email was received from Sherrill Neudahl with HSEM that the ATV has been approved for purchase. This was consistent with the original grant proposal. One stipulation of the purchase was that Kevin S. Reed, State Emergency Response Teams Coordinator for the MN Division of Homeland Security and Emergency Management, will monitor the ATV to make sure it is not used for other non-approved purposes when not being used by the hazmat team. Specifications were approved by the Equipment Committee on September 26, 2011.

Bids were received for an ATV for the SWMN CAT on November 3, 2011. The bids received, opened and read were from:

Marshall Small Engine, Inc.  
Marshall, Minnesota  
Cub Cadet Volunteer ATV 2010 or newer  
Base bid \$9,999.23

Action Sports  
Marshall, Minnesota  
2012 Polaris Ranger XP  
Base bid \$10,595.00

Ritter moved, DeCramer seconded, that the bid for an ATV for SWMN CAT be awarded to Action Sports for a 2012 Polaris Ranger XP in the amount of \$10,595.00.

## REGULAR MEETING – DECEMBER 13, 2011

Council Member Doom asked what specs were not met. Mr. Yant indicated that the lighting did not meet specs.

Bill Ziegenhagen, Marshall Small Engine, Inc. indicated that the Cub Cadet was bid with 37.5 watt headlights but the bid indicated that they could be replaced with the Halogen 50 watt at no cost.

Ritter and DeCramer withdrew their motion and second.

Sanow moved, Ritter seconded, that the bid for an ATV for SWMN CAT be awarded to Marshall Small Engine, Inc., in the amount of \$9,999.23 with the bulb replacement installed to met 50 watt Halogen at no additional cost. All voted in favor of the motion.

### **AWARD OF BIDS – CONSIDER APPROVAL OF VEHICLE STORAGE FOR POLICE DEPARTMENT:**

Rob Yant, Director of Public Safety, indicated that the Marshall Police Department has a need to store vehicles in which the City must retain control of the vehicle. This primarily involves vehicles that may be held for evidence or for a vehicle that may be forfeited, etc. Both processes are very slow and therefore vehicles are kept for longer periods of time. The City entered into a lease with George Jacob 3 years ago and within this 3-year period Lawrence and LaVonne Moore purchased the storage facility and assumed the lease. This lease was for two buildings described as: Sandstone Building – Bay #1 and Bay #2, totaling 3,500 square feet located at 111-C South 10<sup>th</sup> Street. Both units are always near capacity with vehicles being stored in them.

Mr. Yant indicated that bids were solicited for use for long-term storage by the City for the Police Department and two were received. However, one of them has since been withdrawn and the only current bid is for the Moore property, which was also dramatically lower in cost than the other bid had been. The price is very affordable, but vehicles stored in these units for longer periods of time have had mold develop in them. The owner has said that he will do what it takes to control the mold problem; such as increasing the ventilation within the units. A clause has been added to the agreement related to this issue. Proper ventilation should make a big difference in maintaining good air quality within the unit. It is important that an improvement be made.

Mr. Yant also indicated that the Department is also working on options where a vehicle that needs to be kept for an especially long time or is a more valuable to be stored elsewhere. He indicated that they are currently using the garage area of the old library for a single building and interested in storing vehicles in the Hauge Egg building. The basement is usable but due to a very steep access ramp only drivable vehicles can be stored there.

Doom moved, Sanow seconded, that the proper city personnel be authorized to enter into a three-year lease with Lawrence Moore for storage of vehicles in two buildings described as: Sandstone Building – Bay #1 and Bay #2, totaling 3,500 square feet located at 111-C South 10<sup>th</sup> Street at a cost of \$5,800 per year. All voted in favor of the motion, except Ritter who voted no.

### **AWARD OF BID – CONSIDER AGREEMENT FOR THE PURCHASE OF RT VISION CONSTRUCTION MANAGEMENT SOFTWARE UTILIZING STATE AID FUNDS:**

Glenn Olson, Director of Public Works/City Engineer, indicated that the Minnesota Department of Transportation (Mn/DOT) monitors and regulates the development and construction of Municipal State Aid projects in the City of Marshall. Included in that monitoring is the review of construction related inspections and testing as well as the documentation necessary for compliance with the State and Federal requirements for reimbursement.

REGULAR MEETING – DECEMBER 13, 2011

Mn/DOT has recommended the Cities and Counties try to standardize the record keeping procedures for projects involving State Aid and, while the City has been able to provide all the required documentation for the MSAS projects that the City has worked on, the physical process used to provide the documentation and record keeping along with the daily quantity records, estimate development, change orders, and payments is time consuming and requires multiple manual input for each process.

The software required will be five concurrent licenses of OneOffice and the e/Gram basic inspection module for State Aid purposes. This software will streamline the project process from initiation to final approval while providing all the necessary and required documentation for the State and Federal processes.

Doom moved, Ritter seconded, that the proper city personnel be authorized to enter into an agreement with RTVision, Inc., of Little Falls, Minnesota, in the amount of \$10,518.56 for construction management software as recommended by MN/DOT and allowed for funding from the construction or maintenance dollars from the City's Municipal State Aid account. All voted in favor of the motion.

**APPROVAL OF CONSENT AGENDA – A. TEMPORARY ON-SALE LIQUOR LICENSE FOR MARSHALL AREA CHAMBER OF COMMERCE FOR JANUARY 9, 2012 AT TITAN MACHINERY; B. TEMPORARY ON-SALE LIQUOR LICENSE FOR HOLY REDEEMER CHURCH FOR FEBRUARY 14, 2012 AT HOLY REDEEMER HALL; C. TEMPORARY ON-SALE LIQUOR LICENSE FOR SMSU FOUNDATION FOR FEBRUARY 24, 2012 AT SMSU CONFERENCE CENTER; D. LG220 APPLICATION FOR EXEMPT PERMIT FOR SMSU FOUNDATION FOR A RAFFLE ON FEBRUARY 24, 2012; E. LG220 APPLICATION FOR EXEMPT PERMIT FOR LYON COUNTY PHEASANT FOREVER FOR A RAFFLE AND PADDLEWHEELS ON MARCH 10, 2012; F. LG214 PREMISES PERMIT APPLICATION FOR VFW POST 742 TO BE USED AT THE VARSITY PUB; G. LG214 PREMISES PERMIT APPLICATION FOR VFW POST 742 TO BE USED AT SAM'S; H. ANNUAL RENEWAL FOR: ON-SALE INTOXICATING LIQUOR LICENSE, SUNDAY ON-SALE INTOXICATING LIQUOR LICENSE, WINE LICENSE, 3.2 MALT LIQUOR BEVERAGE ON-SALE LICENSE, 3.2 MALT LIQUOR BEVERAGE OFF-SALE LICENSE, TOBACCO LICENSE, TAXI LICENSE; I. AUTHORIZATION TO DECLARE VEHICLE AS SURPLUS PROPERTY FOR THE CITY OF MARSHALL; J. AUTHORIZATION TO DECLARE A VEST AS SURPLUS PROPERTY FOR THE POLICE DEPARTMENT; K. APPROVAL OF CONFIDENTIALITY AND INDEMNIFICATION AGREEMENT BETWEEN BLUE CROSS BLUE SHIELD OF MINNESOTA, VAN IWAARDEN ASSOCIATES AND THE CITY OF MARSHALL; L SEC. 30-46 – ILLICIT DISCHARGE TO THE STORM SEWER SYSTEM – INTRODUCTION OF ORDINANCE; M. APPROVAL OF BILLS/PROJECT PAYMENTS:**

Ritter moved, Doom 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 January 9, 2012 at Titan Machinery, 1201 North Highway 59. The fee for this license is \$30.00.

The approval of a Temporary On-Sale Liquor License for Holy Redeemer Church to use on February 14, 2012 at Holy Redeemer Church Hall, 503 West Lyon Street. The fee for this license is \$30.00.

The approval of a Temporary On-Sale Liquor License for Southwest Minnesota State University Foundation to use on February 24, 2011 at SMSU Conference Center – Upper Level, 1501 State Street. The fee for this license is \$30.00.

REGULAR MEETING – DECEMBER 13, 2011

BE IT RESOLVED, that the proper City personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the Application for Exempt Permit for Southwest Minnesota State University for a raffle to be held at 1501 State Street, Marshall, Minnesota on February 24, 2012 and that the 30 day waiting period be waived.

BE IT RESOLVED, that the proper City personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the Application for Exempt Permit for Lyon County Pheasants Forever for a raffle and paddlewheels to be held at the Ramada, Marshall, Minnesota on March 10, 2012 and that the 30 day waiting period be waived.

The approval of an LG214 Premises Permit Application for the VFW Post 742. This permit will allow the VFW Post 742 to conduct gambling at the Varsity Pub, 128 West Main Street, Marshall, Minnesota.

The approval of an LG214 Premises Permit Application for the VFW Post 742. This permit will allow the VFW Post 742 to conduct gambling at Sam's Place Restaurant & Lounge, 236 West Main Street, Marshall, Minnesota.

The approval of the following license renewals for 2012 contingent upon certificates of insurance being received, the appropriate fees being paid and all requirements of the City Code being complied with.

**LIQUOR LICENSE APPLICATIONS (\$4,200 per year)**

American Legion	Applebee's Neighborhood Grill & Bar
Eagles Club	Gambler
Hitching Post Eatery and Saloon	Landmark Bistro
Mariachi Fiesta	Marshall Bowl
Marshall Golf Club	Bingo LLC dba Ramada
Sam's Place	TK's Steakhouse and Pappy's
Varsity Pub	

**SUNDAY LIQUOR LICENSE APPLICATIONS (\$200 per year)**

American Legion	Applebee's Neighborhood Grill & Bar
Eagles Club	Hitching Post Eatery and Saloon
Landmark Bistro	Mariachi Fiesta
Marshall Bowl	Marshall Golf Club
Bingo LLC dba Ramada	Sam's Place
TK's Steakhouse and Pappy's	Varsity Pub

**WINE LICENSE (\$800 per year)**

Hunan Lion

**ON-SALE NON-INTOXICATING BEER LICENSE APPLICATIONS (\$250.00 per year)**

Godfathers Pizza	Hunan Lion
Pizza Hut	Pizza Ranch
Prairie Event Center	

**OFF-SALE NON-INTOXICATING BEER LICENSE APPLICATIONS (\$90.00 per year)**

Ampride West	Casey's General Store
Cattoor Oil	County Fair
Express Way of Marshall	Freedom Valu Center/Erickson Oil
Hy-Vee Food Store	Hy-Vee Gas Station
La Mexicana	Wal-Mart

**TOBACCO LICENSE APPLICATIONS (\$75.00 per year)**

American Legion	Ampride Main
Ampride West	Casey's General Store
Cattoor Oil	County Fair
Express Way of Marshall	Freedom Value Center
Hy-Vee Food Store	Hy-Vee Gas Station
Marshall Golf Club	Marshall Liquor Store
Marshall Tobacco Inc	Sam's Place
Super America	Wal Mart

**TAXI (\$100 for 1<sup>st</sup> cab and \$25 for each additional cab)**

Marshall Taxi

Authorization be granted to declare the City of Marshall 1995 Ford Taurus motor vehicle as surplus property. This vehicle will be auctioned on-line at the state site.

Authorization be granted to declare the bullet proof vest with serial number 1070823 as surplus property. Matthew Loeslie former Police Officer for the City of Marshall has requested to keep this bullet proof vest. This was approved with the understanding that Officer Loeslie signs a waiver holding the City of Marshall harmless for its use.

The proper city personnel be authorized to enter into a Confidentiality and Indemnification Agreement between Blue Cross/Blue Shield of Minnesota, Van Iwaarden Associates and the City of Marshall. This is required as part of the GASB 45 Actuarial analysis that is being completed as a component of the 2011 City audit.

The introduction of an ordinance Amending Section 30-46 of Chapter 30 of the City Code relating to the Environment. This ordinance will regulate the Illicit Discharge and Connection to Storm Sewer and Redwood River.

The following bills and project payments authorized for payment: ACCOUNTS PAYABLE, Voucher no. 77176 through 77476.

All voted in favor of the motion.

**CONSIDER APPROVAL OF RESOLUTION FOR THE 2012 PATROL SUBSCRIPTION AGREEMENT:**

Rob Yant, Director of Public Safety, indicated that PATROL is high quality on-line training which fills in gaps that the Police Department often has in terms of officer's training. Topics include areas such as Deadly Force and Use of Force Reporting, Issues in Police Pursuits and Emergency Driving, Juvenile Arrests, and Search and Seizure. Training is a key part of police liability and continuing to use PATROL for training will be useful in improving key officer knowledge and also help minimize our liability exposure. The training is offered on-line so the officers can complete the courses when they are less busy and they do not have to leave town. Each officer may earn up to 17 credits, generally in high liability or high skill areas. With 21 officers the cost would be \$1,785 per year. This is only \$5.00 per credit.

DeCramer moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3676, SECOND SERIES and that the reading of the same be waived. Resolution Number 3676, Second Series is a resolution Authorizing Approval of contract Between PATROL and the City of Marshall. This contract is for January 1, 2012 through December 31, 2012 at a cost of \$85.00 per officer. All voted in favor of the motion.

**CONSIDER APPROVAL OF THE 2012-2013 HEALTH CARE SAVINGS PLAN  
MEMORANDUMS OF UNDERSTANDING:**

Sheila Dubs, Human Resource Coordinator, indicated that the Minnesota State Retirement System (MSRS) offers a HCSP program to state employees and other governmental subdivisions. A HCSP is an employer sponsored program that allows employees to save money, tax-free, to use upon termination of employment to pay for eligible health care expenses. Individual employees are responsible for all associated account administration fees. The City has supported and encouraged employees to participate in this plan beginning in April, 2006. The current HCSP Memorandums of Understanding for each of the union and non-union groups will expire on December 31, 2011. The AFSCME bargaining unit, both LELS bargaining units, and the non-union group, would appreciate council consideration and approval of memorandums of understanding to ensure continuation of the agreements. The Memorandums of Understanding reflect majority consensus among the eligible participants in each respective bargaining unit as well as that of the non-union group.

Participation in the MSRS HCSP results in a tax savings to the City. Employers are not required to pay FICA (social security and Medicare) taxes on amounts contributed to this plan by the employee or the employer, thus the contributions equate to a 7.65% savings to the City on the contributions of AFSCME and non-union employees and a 1.45% (Medicare portion of FICA) savings to the City on the contributions of employees in the LELS unions.

Since April 2006, the City Council has considered and approved the Memorandums of Understanding from the respective union/non-union groups, which includes an annual (pro-rated) employer contribution to individual HCSP accounts in the amount of \$25.00 made in December into active employee accounts (those accounts receiving a biweekly contribution). Though public employers are not obligated to maintain or contribute to a post-retirement or active employee health care savings plan (MN Statute 352.98 subd. 3.c.), it is the recommendation of Staff that Council approve the Memorandums of Understanding.

Boedigheimer moved, Sanow seconded, the approval of the 2012-2013 Health Care Savings Plan Memorandums of Understanding between the City of Marshall and AFSCME, LELS Local 190, LELS Local 245 and the non-union employee groups. All voted in favor of the motion.

**CONSIDER APPROVAL OF AGREEMENTS FOR ADULT COMMUNITY CENTER – A. MARSHALL AREA SENIOR CITIZEN'S INC; B. LEASE AGREEMENT WITH LUTHERAN SOCIAL SERVICES (LSS):**

Ben Martig, City Administrator, reviewed the agreement with Marshall Area Senior Citizen's (MASC) Inc. Mr. Martig indicated that MASC, Inc. rents space at the Adult Community Center at a \$550 monthly rate, for a yearly total of \$6,600.

Mr. Martig also reviewed the agreement with Lutheran Social Services (LSS). Mr. Martig indicated that LSS provides the Senior Nutrition Program and they pay the City 20 cents for every meal served.

Doom moved, Boedigheimer seconded, that the proper city personnel be authorized to enter into an agreement with Marshall Area Senior Citizens, Inc., for the Adult Community Center Rental. This

REGULAR MEETING – DECEMBER 13, 2011

agreement is for the period January 1, 2012 through December 31, 2012 at a rate of \$550.00 per month for MASC, Inc., to rent space at the Adult Community Center. All voted in favor of the motion.

Doom moved, Boedigheimer seconded, that the proper city personnel be authorized to enter into an agreement with Lutheran Social Services for the Senior Nutrition Program. This agreement is for the period January 1, 2012 through December 31, 2012 and provides for the City to be reimbursed 20 cents per meal prepared at the Adult Community Center. All voted in favor of the motion.

**PROJECT Y93 / SP 4210-40 / SAP 139-010-015 TH 68/LAKE STREET TURN LANE IMPROVEMENTS – CONSIDER CHANGE ORDER NO. 1 WITH MCLAUGHLIN & SCHULZ, INC:**

Glenn Olson, Director of Public Works/City Engineer, indicated that this project includes the installation of turning lanes and an acceleration lane at the intersection of TH 68 and Lake Road, including the Lake Road approach and truck acceleration lane on TH 68. The improvements include excavation and embankment, drainage, gravel base, asphalt surfacing, traffic control and miscellaneous items. Mr. Olson reviewed Change Order No. 1 for TH 68/Lake Street Turn Lane Project Y93 / SP 4210-40 / SAP 139-010-015 with McLaughlin & Schulz, Inc. of Marshall, Minnesota resulting in a contract increase of \$19,363.75. This change order is for an additional 2,213 C.Y. of common borrow due to revised earthwork calculations. This additional quantity resulted in a contract increase of \$19,363.75.

DeCramer moved, Boedigheimer seconded, the approval of Change Order No. 1 with McLaughlin & Schulz, Inc., of Marshall, Minnesota for a contract increase of \$19,363.75 for TH 68/Lake Street Turn Lane Project Y93 / SP 4210-40 / SAP 139-010-015. All voted in favor of the motion.

**PEARL AVENUE RECONSTRUCTION PROJECT Y73 / SARA CIRCLE RECONSTRUCTION PROJECT Y90 – CONSIDER CHANGE ORDER NO. 1 (FINAL) AND ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION (NO. 5):**

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order No. 1 (Final) for Pearl Avenue Reconstruction Project Y73 / Sara Circle Reconstruction Project Y90 with D & G Excavating, Inc., of Marshall, Minnesota resulting in a contract increase of \$4,249.00. This change order is the result of final measurements and changes in item quantities during construction.

Doom moved, Sanow seconded, the approval of Change Order No. 1 (Final) with D & G Excavating, Inc., of Marshall, Minnesota for a contract increase of \$4,249.00 and the acknowledgement of the final payment in the amount of \$89,908.84 for Pearl Avenue Reconstruction Project Y73 / Sara Circle Reconstruction Project Y90. All voted in favor of the motion.

**TRAVIS ROAD EXTENSION (WATER PLANT ENTRANCE ROAD) PROJECT Y76 / KLEIN ADDITION (PRAIRIEVIEW COURT) TEXAS CROSSING IMPROVEMENT PROJECT Y77 – CONSIDER CHANGE ORDER NO. 1 (FINAL) AND ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION (NO. 4):**

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order No. 1 (Final) for Travis Road Extension (Water Plant Entrance Road) Project Y76 / Klein Addition (Prairieview Court) Texas Crossing Improvement Project Y77 with D & G Excavating, Inc., of Marshall, Minnesota resulting in a contract decrease of \$14,640.97. This change order is the result of final measurements and changes in item quantities during construction.

DeCramer moved, Doom seconded, the approval of Change Order No. 1 (Final) with D & G Excavating, Inc., of Marshall, Minnesota for a contract decrease of \$14,640.97 and the acknowledgement of the final payment in the amount of \$17,647.15 for Travis Road Extension (Water Plant Entrance Road) Project Y76 / Klein Addition (Prairieview Court) Texas Crossing Improvement Project Y77. All voted in favor of the motion, except Sanow who voted no.

**CONSIDER RESOLUTION APPROVING STATE OF MINNESOTA JOINT POWERS AGREEMENTS WITH THE CITY OF MARSHALL ON BEHALF OF ITS CITY ATTORNEY AND POLICE DEPARTMENT:**

Dennis Simpson, City Attorney, indicated that the State of Minnesota BCA is proposing that a new Joint Powers Agreement be entered into between the State and City of Marshall. This new agreement with the City will supersede the following:

1. 1977 CCH Agreement (criminal history record information);
2. 1981 CJDN Agreement (Criminal Justice Data communications Networks, Contract M-7357);
3. 2003 POR Agreement (MN Predatory Offender Registry Database Access Agreement M-6533);
4. 2006 CHRMS Agreement (Criminal History Record Maintenance System agreement);
5. 2008 CYBERS Agreements (Comprehensive Incident Case Reporting System)
6. 2010 eCharging Agreement.

This new agreement will also cover any new services provided by BCA for the City of Marshall. The new BCA agreement does indicate that the City of Marshall has a quarterly connectivity fee of \$630 per quarter.

Ritter moved, Doom seconded, the adoption of RESOLUTION NUMBER 3677, SECOND SERIES and that the reading of the same be waived. Resolution Number 3677, Second Series is a resolution Approving State of Minnesota Joint Powers Agreements with the City of Marshall on Behalf of its City Attorney and Police Department. This resolution identifies the Director of Public Safety, City Attorney, Mayor and City Clerk/Finance Director as the appropriate signatories. This Joint Powers Agreement is for a five year period to expire on December 13, 2016. All voted in favor of the motion.

**CONSIDER RESOLUTION APPROVING COURT DATA SERVICES SUBSCRIBER AMENDMENT TO CJDN SUBSCRIBER AGREEMENT:**

Dennis Simpson, City Attorney, indicated that on April 27, 2010, the City Council approved the Joint Powers Agreement between City, State and Police Department so as to allow for the implementation of eCharging service to facilitate movement of information between individual data systems. The Court Data Services Subscriber agreement is an update and amendment to the prior Joint Powers Agreement. This addresses additional access and/or submission of court records and attempts to update and modify previous agreement. The resolution approving the subscriber amendment identifies Mayor, City Clerk and City Attorney as the appropriate signatories to the agreement. This is in line with resolution previously approved.

Ritter moved, DeCramer seconded, the adoption of RESOLUTION NUMBER 3678, SECOND SERIES and that the reading of the same be waived. Resolution Number 3678, Second Series is a resolution Approving Court Data Services Subscriber Amendment to CJDN Subscriber Agreement. This resolution identifies the Mayor, City Clerk and City Attorney as the appropriate signatures to the agreement. All voted in favor of the motion.



**CONSIDER ADOPTION OF RESOLUTION APPROVING 2012 BUDGET:**

Ben Martig, City Administrator, briefly reviewed the 2012 Budget. Mr. Martig presented two possible options for the 2012 budget and levy. He indicated that the expenditures are the same for both options, but the revenues provided for an increase of 1% over 2011 or a zero increase over 2011. Under the zero levy increase about \$300,000 in reserve funds would be used. Council Member Doom, Boedigheimer and DeCramer were not in favor of taking additional money out of the reserve. DeCramer indicated that he was in favor of a small increase rather than a larger increase down the road.

Ritter moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3679, SECOND SERIES and that the reading of the same be waived. Resolution Number 3679, Second Series is a resolution Adopting a Budget for 2012. This resolution provides for General Fund revenues of \$10,578,818 and expenditures of \$10,904,189 of which the revenues will be supported with a tax levy of \$3,189,164. This resolution also approves the revenues of \$22,497,311 and expenditures of \$25,295,123 for the 2012 Budget for all City Funds. Voting in favor of the motion were Ritter, Sanow, Byrnes and Hulsizer. Voting no were Boedigheimer, DeCramer and Doom.

**CONSIDERATION OF RESOLUTION APPROVING 2012 TAX LEVY COLLECTIBLE IN 2012:**

Sanow moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3680, SECOND SERIES and that the reading of the same be waived. Resolution Number 3680, Second Series is a resolution Approving 2011 Tax Levy, Collectible in 2012. This resolution provides for a tax levy as follows:

General Fund Levy	\$3,189,164
2006 "C" Storm Sewer Impr. District Bonds	212,310
2002 "A" Airport Improvement Bonds	205,000
2005 "A" G. O. Public Improvement Bonds	78,666
2006 "B" G. O. Public Improvement Bonds	38,918
2007 "C" G. O. Public Improvement Bonds	136,557
2008 "B" G. O. Public Improvement Bonds	91,670
2008 G. O. Equipment Certificates	46,827
2009 G. O. Public Improvement Bonds	32,009
2010 G. O. Public Improvement Bonds	45,479
2010 G. O. Capital Improvement Bonds Library	42,111
2011 "B" G. O. Public Improvement Bonds	18,279
2012 G. O. Public Improvement Bonds	50,000
Special Levy (Library)	\$500,000
Special Levy (Economic Development Authority)	\$119,677
<b>TOTAL LEVY</b>	<b><u>\$4,806,667</u></b>

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

**PET RESTRICTIONS IN MEMORIAL PARK – INTRODUCE ORDINANCE AMENDMENTS AND CALL FOR A PUBLIC HEARING:**

Ben Martig, City Administrator, indicated that the Legislative and Ordinance Committee is recommending an ordinance prohibiting domestic pets from Memorial Park with the exception of certified service animals.

## REGULAR MEETING – DECEMBER 13, 2011

Boedigheimer moved, Sanow seconded, the introduction of an ordinance Amending Chapter 46 of the City of Marshall Code of Ordinances and call for a public hearing to be held on December 27, 2011. All voted in favor of the motion.

### **INTOXICATING LIQUOR LICENSE – INTRODUCE ORDINANCE OF AMENDMENTS AND CALL FOR A PUBLIC HEARING:**

Dennis Simpson, City Attorney, indicated that the Legislative and Ordinance Committee is recommending changes to the existing ordinance so as to continue present policy and clarify certain prior ambiguities. They are recommending continuing the existing exemption if the establishment receives less than 30% of gross annual revenue from the sale of alcohol. The exemption would allow 18, 19, and 20 year old individuals to remain on premises after 10:00 P.M. Ordinance amendments would clarify situations wherein underage individuals could remain in non-exempt premises after 10:00 P.M. if accompanied by parent, legal guardian or spouse of legal age. Clarifications also require prior notice to the Marshall Police Department and the City Clerk's Office for private parties where alcohol may be served and at which underage individuals may be attending. Amendments also include a two-step process for enforcement of these provisions. The second step of the enforcement could involve the revocation or suspension of alcoholic beverage license.

Boedigheimer moved, Hulsizer seconded, the introduction of an ordinance Amending Chapter 6 of the City of Marshall Code of Ordinances and call for a public hearing to be held on December 27, 2011. All voted in favor of the motion.

### **POLICE TOWING AND STORAGE – INTRODUCE ORDINANCE AMENDMENTS AND CALL FOR A PUBLIC HEARING:**

Dennis Simpson, City Attorney, indicated that city staff is recommending that the police requested towing and storage services for the City of Marshall move from a licensing operation to an exclusive bid contract service. Therefore, bids have been solicited for towing and storage services for the two year period of time 2012-2013. The bidding of those services has necessitated a review and amendment to the towing and storage ordinance Sec. 74-63. Several revisions have been done to that ordinance. The proposed ordinance does incorporate the bidding process into the ordinance and does make significant changes. Increased insurance coverage is required, the impounding and release of vehicle ordinance provisions have been changed to comply with the actual practice as exists between the police department and the towers. Finally, the City is requiring background checks as they do with all employees and volunteers.

Present bids have been submitted based upon the insurance requirements of the current ordinance. City Attorney and the L&O Committee is recommending that insurance provisions remain the same for the 2012-2013 contract and that the successful bidder be grandfathered in regarding insurance requirements. Staff will be further researching appropriate insurance provisions that may be proposed to be amended with the ordinance on the 27<sup>th</sup> review. Future bids will be solicited with the insurance provisions as provided.

Council Member Ritter asked if a performance bond should be required with these bids. Staff responded that none were required.

Boedigheimer moved, Ritter seconded, the introduction of an ordinance Amending Chapter 74 of the City of Marshall Code of Ordinances and call for a public hearing to be held on December 27, 2011. All voted in favor of the motion.

**COUNCIL MEMBER COMMISSION / BOARD LIAISON REPORTS:**

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

Byrnes            No report.

Hulsizer        Library Board received a list of concerns that need to be addressed.

Doom            Community Services Advisory Board met last week but Doom was unable to attend.

Sanow           Cable Commission did not have a quorum.

DeCramer       No report.

Boedigheimer Airport Commission discussed the relationship between MN/DOT and FAA.

Ritter           Housing Commission met on Monday

**STAFF REPORTS – CITY ADMINISTRATOR:**

Ben Martig, City Administrator, indicated that he will provide an update on the Library in his brief. Ben asked if anyone has any topics to be included in a strategic planning meeting.

**STAFF REPORTS – CITY ENGINEER:**

Glenn Olson, Director of Public Works/City Engineer, indicated that there are no funds earmarked in the Federal Transportation Bill. He will meet with the Transportation Committee of the Chamber to discuss funding requests.

**STAFF REPORTS – CITY ATTORNEY:**

Dennis Simpson, City Attorney, indicated that Brenan Hagert has not responded to the certified mail that was sent requesting he sign the farm lease that was awarded to him. It was the general consensus of the council that this farm lease be offered to the 2<sup>nd</sup> bidder and Mr. Simpson proceed with collecting the difference from Mr. Hagert.

**COUNCIL MEMBER INDIVIDUAL ITEMS:**

Council Member DeCramer indicated that the City of Marshall is a Yellow Ribbon City and a service organization has offered to pay ½ the cost of installing signs. Council Member DeCramer also indicated that the Marshall Area Hockey Association would like the City to reconsider their allocation to the Hockey Association due to a major repair at the facility. Mayor Byrnes requested Martig to follow up with the Hockey Association.

**REVIEW OF PENDING AGENDA ITEMS:**

There were questions on the pending agenda items.

REGULAR MEETING – DECEMBER 13, 2011

**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.	Pride Neon, Inc.	1411	East	College	Drive	Sign	\$2,000
2.	Aspen Exteriors Inc	115		George	Street	Reside	\$10,100
3.	Aspen Exteriors Inc	106C	South	5th	Street	Reroof (asphalt), Reside	\$12,600
4.	Aspen Exteriors Inc	400	East	Main	Street	Reroof (asphalt), Reside	\$18,500
5.	Aspen Exteriors Inc	301	South	1st	Street	Reroof (asphalt), Reside	\$16,800
6.	Phia Moua	1101		Hackberry	Drive	Reroof (asphalt), Window, Down Spout	\$6,000
7.	Avera Marshall	300	South	Bruce	Street	Remodel 1st Floor Office Area	\$15,000
8.	Buyse Roofing Systems & Sheet Metal Inc.	115	West	College	Drive	Reroof (rubber) Flat	\$19,900
9.	Gary Vlaminc Construction	107	West	Greeley	Street	Reroof (asphalt) 8:12, Window Repair	\$8,500
10.	Babcock Construction	507	North	4th	St	Reroof 8:12 Asphalt	\$5,600
11.	Dale Johnson III Construction LLC	500		Genesis	Avenue	Reroof (asphalt) 4:12, Partial Reside (vinyl)	\$11,000
12.	Keith & Terrilyn Arends	618	West	Main	Street	Reroof (asphalt)	\$7,000
13.	Grant & Katie Will	308		Warsaw	Circle	Finish Basement	\$2,600
14.	Asset Restoration	1110		Paris	Road	Partial Reroof - Asphalt - 5:12	\$16,700
15.	Asset Restoration	1108		Paris	Road	Reroof - Asphalt - 5:12	\$24,600
16.	Minnesota Window & Siding Co.	201		G	Street	Reroof (asphalt) 4:12	\$6,000
17.	Carr Properties	601		Village	Drive	Reroof (asphalt)	\$75,000
18.	Exterior Solutions MN LLC	212	West	Main	Street	Install Signs	\$400
19.	Geske Home Improvement Co.	610	South	Saratoga	Street	Patio Door	\$2,300
20.	Schlenner Construction Co.	611		Lawrence	Street	Reside (vinyl)	\$7,000

REGULAR MEETING – DECEMBER 13, 2011

21.	James Lozinski Construction Inc.	225	Rainbow	Drive	Reroof (asphalt) 4:12, Reside (vinyl), Replace Window, Replace Garage Door	\$19,900
22.	James Lozinski Construction Inc.	210	Legion Field	Road	Reroof (asphalt) 4:12, Partial Reside (vinyl), Replace Windows	\$10,900
23.	James Lozinski Construction Inc.	1220	Birch	Street	Replace Windows	\$12,900
24.	Peak Heating & Cooling	1420	East	College Drive	HVAC	\$46,000
25.	Exterior Solutions MN LLC	905	South	1st Street	Partial Reside (steel), Fascia & Gutters	\$6,500
26.	Exterior Solutions MN LLC	207 & 207 1/2	South	4th Street	Reside (steel)	\$5,300
27.	Trinity Exteriors, Inc.	212	Oslo	Avenue	3 doors and 11 windows	\$7,000
28.	Trinity Exteriors, Inc.	216	Oslo	Avenue	2 doors, 2 windows	\$4,000
29.	TAYLOR G S	1201	Canoga Park	Drive	Duplex	\$135,000
30.	Indigo Signworks	1605	Superior	Road	Sign	\$400
31.	Indigo Signworks	305	West	Lyon Street	Sign	\$400
32.	Companion Construction	308	North	Hill Street	Reside (vinyl), Gutters	\$10,000
33.	Jules & Marlene Noyes	605	Parkside	Drive	Partial Reside (vinyl)	\$500
34.	Adam Fogelson	400	South	Whitney Street	Reside (vinyl)	\$13,300
35.	Trinity Exteriors, Inc.	226	Athens	Avenue	Partial Reside (hardic board)	\$800
36.	Trinity Exteriors, Inc.	220	Athens	Avenue	Partial Reside (Hardic Board)	\$3,500
37.	J. Dale Builders, Inc.	1616	Thunderbird	Road	Reroof (asphalt) 7:12 Partial Reside (vinyl)	\$12,500
38.	J. Dale Builders, Inc.	1614	Thunderbird	Road	Reroof (asphalt) 7:12 Partial Reside (vinyl)	\$10,400
39.	J. Dale Builders, Inc.	1612	Thunderbird	Road	Reroof (asphalt) 7:12 Partial Reside (vinyl)	\$10,500
40.	J. Dale Builders, Inc.	1610	Thunderbird	Road	Reroof (asphalt) 7:12 Partial Reside (vinyl)	\$10,800

## REGULAR MEETING – DECEMBER 13, 2011

41.	J. Dale Builders, Inc.	1656	Thunderbird	Road	Reroof (asphalt) 7:12 Partial Reside (vinyl)	\$12,800
42.	J. Dale Builders, Inc.	1654	Thunderbird	Road	Reroof (asphalt) 7:12 Partial Reside (vinyl)	\$11,200
43.	J. Dale Builders, Inc.	1652	Thunderbird	Road	Reroof (asphalt) 7:12 Partial Reside (vinyl)	\$10,900
44.	J. Dale Builders, Inc.	1650	Thunderbird	Road	Reroof (asphalt) 7:12 Partial Reside (vinyl)	\$10,700
45.	Cornerstone Builders, Inc.	602	Donita	Avenue	Reside (vinyl)	\$5,200
46.	Geske Home Improvement Co.	805	East	Main Street	Reside (steel)	\$5,700
47.	Geske Home Improvement Co.	901	North	5th Street	Reside (steel)	\$13,700
48.	Companion Construction	200	Athens	Avenue	Reroof (asphalt) 5:12, Partial Reside (vinyl), Replace Windows, Replace Patio Door, Gutters & Fascia	\$28,300
49.	Daniel & Melinda Meier	621	West	Southview Drive	Reside (vinyl)	\$3,000
50.	Northland Roofing	102	West	Main Street	Reroof Flat (rubber)	\$20,000
51.	Jackson Acquisition Corp.	604	Michigan	Road	Reroof Flat (TPO)	\$115,500
52.	Executive Exteriors & Remodeling	620	West	Lyon Street	Reroof (asphalt) 10:12, Partial Reside Garage (vinyl)	\$13,000
53.	Aspen Exteriors Inc	420	North	6th Street	Partial Reroof (asphalt), Partial Reside (steel)	\$7,200
54.	Bohlmann Exteriors	1122	Clifton	Circle	Partial Reside (steel), 2 overhead doors	\$6,200
55.	Bohlmann Exteriors	803	Colt	Street	Reside (vinyl)	\$4,700
56.	Swanson Home Specialists LLC	210	East	Main Street	Reroof (asphalt) 4:12 (2 detached garage)	\$2,500
57.	Swanson Home Specialists LLC	1000	West	College Drive	Reroof (asphalt) 6:12	\$4,000
58.	Paul Willer	402	East	Marshall Street	Entry Door	\$300

REGULAR MEETING – DECEMBER 13, 2011

59.	Four Seasons Roofing	219 West Main Street	Reroof Flat (rubber)	\$6,400
60.	Redwood Building Center	111 South A Street	Ambulance Garage	\$325,000
61.	Thomas Carr	1710 Thunderbird Road	Partial Reside (vinyl)	\$10,000
62.	Space Development Co. of Marshall	407 Williams Street	Reroof (asphalt) 4:12, Partial Reside (vinyl), Furnace	\$5,500
63.	Dean & Pamela Coudron	627 West Southview Drive	Windows	\$1,000
64.	Executive Exteriors & Remodeling	502 Washington Avenue	Reroof (asphalt) 4:12, Reside (vinyl)	\$20,000
65.	David & Ladonna Miller	306 Sunrise Lane	Window	\$300
66.	Schlenner Construction Co.	1209 Patricia Court	Partial Reside (vinyl)	\$9,500
67.	Dennis Lozinski Construction	615 West Marshall Street	Reroof (asphalt) Garage 7:12	\$1,500
68.	True Value Home Center	505 West Main Street	Office Remodel	\$65,000
69.	True Value Home Center	500 North Highway 59	Reroof (steel)	\$22,600
70.	American Remodeling Contractors, Inc.	226 London Road	Overhead Door	\$1,000
71.	American Remodeling Contractors, Inc.	107 Parkview Drive	Overhead Door	\$1,500
72.	American Remodeling Contractors, Inc.	1309 Greenview Place	Additional Work - Reroof (asphalt) 6:12, Reside (vinyl)	\$7,200
73.	Mark & Mindi Schnaser	1206 Patricia Court	Partial Reside (vinyl)	\$2,000
74.	Layle French Construction Inc.	204 Park Avenue	Windows	\$1,900
75.	Kevin Lanoue Construction LLC	201 Elaine Avenue	Partial Reside (steel)	\$8,500
76.	Geihl Construction, Inc.	608 Viking Drive	Partial Reside (vinyl), Replace Door	\$2,100
77.	James Lozinski Construction Inc.	706 South 2nd Street	Partial Reside (vinyl)	\$1,200
78.	Midwest Ag Supplements LLC	601 Ontario Road	Wall	\$1,000

REGULAR MEETING – DECEMBER 13, 2011

Applicant		Location Address			Description of Work	Valuation
1.	Trio Plumbing & Heating, Inc.	1201	Canoga Park	Drive	Duplex	\$0.00
2.	Bruce & Carie Remme	1004	Woodfern	Drive	Bathroom Remodel	\$500.00
3.	Bisbee Plumbing & Heating	300	South Bruce	Street	Clinic Addition	\$0.00
4.	Dean & Pamela Coudron	627	West Southview	Drive	Garage Drain	\$100.00

**DETERMINATION TO GO INTO CLOSED SESSION PURSUANT TO MINNESOTA STATUTE 13D.03 RELATED TO UNION CONTRACT NEGOTIATIONS:**

Sanow moved, Ritter seconded, that the City Council go into closed session pursuant to Minnesota Statute 13D.03 related to union contract negotiations at 6:43 P.M. All voted in favor of the motion.

Those present for the closed session included: Byrnes, Hulsizer, Doom, Sanow, DeCramer, Boedigheimer and Ritter. Staff present included: Ben Martig, City Administrator; Sheila Dubs, Human Resource Coordinator; and Thomas M. Meulebroeck, Finance Director/City Clerk.

The Council came out of closed session at 7:00 P.M.

Mayor Byrnes called for a 5-minute recess

The closed session was called to order at 6:46 P.M. by Mayor Byrnes.

**DETERMINATION TO GO INTO CLOSED SESSION PURSUANT TO MINNESOTA STATUTE 13D.05 SUBD. 3 (C)(3) TO CONSIDER ESTABLISHING PRICING RELATED TO REAL PROPERTY ACQUISITION:**

Sanow moved, Ritter seconded, that the City Council go into closed session pursuant to Minnesota Statute 13D.05 subd.3 (c)(3) to consider establishing pricing related to real property acquisition.

Mayor Byrnes called to order the closed session at 7:03 P.M.

Those present for the closed session included: Byrnes, Hulsizer, Doom, Sanow, DeCramer, Boedigheimer and Ritter. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Thomas M. Meulebroeck, Finance Director/City Clerk; and Cal Brink, Chamber of Commerce Executive Director.

The Council came out of closed session at 7:16 P.M.




REGULAR MEETING – DECEMBER 13, 2011

**CONSIDERATION OF PURCHASE AGREEMENT:**

Sanow moved, Boedigheimer seconded, that the proper city personnel be authorized to enter into a Purchase Agreement with John M. Middleton and Mary Pat Middleton for the purchase of the property located at 105 North 1<sup>st</sup> Street and 107 North 1<sup>st</sup> Street in the amount of \$83,000. All voted in favor of the motion.

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

  
\_\_\_\_\_  
Mayor of the City of Marshall

ATTEST:

  
\_\_\_\_\_  
Finance Director/City Clerk