

REGULAR MEETING – JANUARY 10, 2012

The regular meeting of the Common Council of the City of Marshall was held on January 10, 2012 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, 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, Doom seconded, that the minutes of the regular meeting held on December 27, 2011 be approved as presented and that the reading of the same be waived. All voted in favor of the motion.

AWARD OF BIDS:

Bids were received, opened and read on November 28, 2011 for two (2) squad cars. The bids received, opened and read were from:

Kruse Bid Pricing

	Model	Year	Price	#	Selling Price
A	Ford Taurus Interceptor	2013	\$24,765.88	2	\$49,531.76
B	Ford Utility Police Interceptor	2013	\$26,649.88	2	\$53,299.76
C	Ford Utility + Ford Taurus	2013			\$51,415.76

Lockwood Bid Pricing

	Model	Year	Price	#	Selling Price
A	Chevy Impala	2012	\$22,685.00	2	\$45,370.00
A	Dodge Charger	2012	\$25,799.00	2	\$51,598.00

POLAR CHEVROLET/State bid

	Model	Year	Price	#	Selling Price
A	Chevrolet Impala	2012	\$20,839.20	2	\$41,678.40
B	Chevrolet Tahoe	2012	\$28,134.00	2	\$56,268.00
C	Chevrolet Impala + Tahoe	2012	\$20839.20 + \$28,134.00	1 each	\$48,973.20

Rob Yant, Director of Public Safety, indicated that he had met with the Vehicle Equipment Committee on January 5, 2012 and they have recommended the purchase of two Chevrolet Impalas from Polar Motors through the state bid process but with the option to offer the sale to the lowest priced local

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dealer, Lockwood Motors for the same price and the recommendations that the process to replace the Impalas begin once they reach 85,000 miles.

Marked police cars are the primary means for officers to be able to get about and perform their duties; from responding to calls for service to providing routine patrol for deterrence of crimes. The Police Department currently has six marked squad cars plus the Tahoe (Supervisor vehicle). At this time, they are proposing to replace squad 0702 and 0801. 0702 was brought into service on June 13, 2008 and 0801 was brought into service on November 11, 2008. Earlier in 2011, 0702 had a rebuilt transmission installed for a cost of \$2,776.

Mr. Yant indicated that Lockwood's bid both the 2012 Dodge Charger and 2012 Chevrolet Impala and Kruse bid the 2013 Taurus and 2013 Utility vehicle. All vehicles bid were police package units, but the Kruse bid did not meet all of the bid specifications (no rear defroster, mats and side molding). The Chevrolet Impala's bid by Lockwood Motor's is the least expensive vehicle bid of the local bids. It has been confirmed from Lockwood that the Impalas are available in a color comparable to the current squad car colors. Bids included an option of including a 2-wheel drive SUV police package vehicle. Lockwood Motors did not bid this type of unit. Kruse bid both a Taurus Interceptor and Police Utility Interceptor. Ford is re-doing their police package vehicles and these will be 2013 models available in March or April of 2012. Another dealer is now selling Chevrolets through the State bid. They won't provide a bid as such but provide pricing set up through the contract with the state. In the past bids have not been received from the other state bid dealers except the one that had the Chevrolet contract.

In looking at set up costs for each type of vehicle bid, estimates from the company that has installed most of the Department's recent squad cars identified the cost for setting up 2012 Chevrolet Impala as the least expensive. This is primarily due to being able to use so much of the current cars equipment that is specific to the particular model of car being set up, such as the back seat and cage. The cost of the 2012 Impala to be set up is estimated at \$2,471.34, the cost for the 2013 Ford Interceptor to be set up is estimated at \$5,594.81, and the cost for the Dodge Charger to be set up is estimated to be \$6,527.24. We don't have written set up costs for a Tahoe but were told that the approximate price would be about \$6,200.

Council Member John DeCramer had provided an article "A Look at Lifecycle Costs for Law Enforcement Vehicles" that reviewed maintenance costs of several vehicles.

Ritter moved, DeCramer seconded, to purchase two 2012 police package Chevrolet Impalas through the state bid dealer for use as squad cars for the Marshall Police Department at a combined price of \$41,678.00 with an option to offer the sale to the lowest priced local dealer, Lockwood Motors for the same price. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA – A. LG220 APPLICATION FOR EXEMPT PERMIT FOR SMSU FOR APRIL 27, 2012; B. RESOLUTION APPOINTING OFFICIAL NEWSPAPER FOR THE CITY OF MARSHALL; C. RESOLUTION AUTHORIZING DEPOSITORIES FOR THE CITY OF MARSHALL; D. JOINT POWERS AGREEMENT FOR THE COOPERATIVE PURCHASING AGREEMENT WITH THE STATE OF MINNESOTA; E. TEMPORARY ON-SALE LIQUOR LICENSE FOR SMSU FOR FEBRUARY 16, 2012; F. CONSIDER MAYORAL APPOINTMENT FOR COUNCIL MEMBERS TO BOARDS/COMMISSIONS/COMMITTEES; G. APPROVAL BILLS/PROJECT PAYMENTS:

Council Member Boedigheimer requested that item F, which is to consider Mayoral Appointments for Council Members to Boards/Commissions/Committees be removed from the consent agenda.

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

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 April 27, 2012 and that the 30 day waiting period be waived.

The adoption of RESOLUTION NUMBER 3686, SECOND SERIES and that the reading of the same be waived. Resolution Number 3686, Second Series is a resolution Designating the Marshall Minnesota “Independent” as the Official Newspaper for the City of Marshall for 2012.

The adoption of RESOLUTION NUMBER 3687, SECOND SERIES and that the reading of the same be waived. Resolution Number 3687, Second Series is a resolution Appointing Official Depositories for City Funds for 2012.

The proper city personnel be authorized to enter into a Joint Powers Agreement with the State of Minnesota Cooperative Purchasing Agreement.

The approval of a Temporary On-Sale Intoxicating Liquor License for Southwest Minnesota State University to use on February 16, 2012 at SMSU Conference Center – Upper Level, 1501 State Street. The fee for this license is \$30.00

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 77679 through 77894.

All voted in favor of the motion.

Council Member Boedigheimer indicated that the Lyon County Enterprise Development Board can be removed from the list of Council Boards and the spelling of Jennie needs to be corrected. Since there are no changes in the City Council members, Mayor Byrnes was not recommending any change in appointments of Council members to Boards/Commissions/Committees. Boedigheimer moved, Doom seconded, approval of the Mayoral Appointments to the various Boards/Commissions/Committees. All voted in favor of the motion.

BI-ANNUAL REPORT OF THE AVERA MARSHALL REGIONAL MEDICAL CENTER – MARY MAERTENS:

Mary Maertens, CEO for the Avera Regional Medical Center was in attendance at the meeting to present the biannual report for the Avera Regional Medical Center.

CONSIDER PETITION FOR VACATION OF UTILITY EASEMENT WILKE-MILLER-BUESING SECOND ADDITION (GREGORY S. TAYLOR) – RECEIPT OF PETITION AND CALL FOR PUBLIC HEARING:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of Gregory S. Taylor for the vacation of the utility easement between Lot 2 and Lot 3 of Wilke-Miller-Buesing Second Addition for the purpose of the reconfiguration of developable lots. Mr. Olson indicated that there are no existing utilities located within the existing utility easement. Ritter moved, Sanow seconded, the receipt of a petition to vacate a utility easement between Lot 2 and Lot 3 of Wilke-Miller-Buesing Second Addition and call for a public hearing to be held on January 24, 2012. All voted in favor of the motion.

GRANT OF UTILITY EASEMENT IN WILKE-MILLER-BUESING SECOND ADDITION (LOT 3, BLOCK 1):

Glenn Olson, Director of Public Works/City Engineer, indicated that Gregory and Nadine Taylor (“Owner”) have requested a utility easement from the City of Marshall for the purposes of the construction, maintenance, and operation of public utilities for the benefit of the “Owner” and the surrounding property. Doom moved, DeCramer seconded, the approval of a Utility Easement in Wilke-Miller-Buesing Second Addition – Lot 3, Block 1. All voted in favor of the motion.

GRANT OF UTILITY EASEMENT REQUEST FROM ARCHER DANIELS MIDLAND COMPANY FOR A UTILITY EASEMENT CROSSING NORTH 7TH STREET:

Glenn Olson, Director of Public Works/City Engineer, indicated that Archer Daniels Midland Company (ADM) has requested a utility easement from the City of Marshall for the purpose of providing an underground electrical feeder from their main plant to their wastewater treatment plant. The utility easement requested will cross North 7th Street. Sanow moved, Doom seconded, the approval of the request of ADM for a Utility Easement crossing North 7th Street. All voted in favor of the motion.

PROJECT Y74 – NORTH 5TH STREET/WEST LYON STREET/WEST REDWOOD STREET RECONSTRUCTION PROJECT – CONSIDER CHANGE ORDER NO. 4 (FINAL) AND ACKNOWLEDGEMENT OF FINAL PAYMENT:

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order no. 4 (Final) for the North 5th Street/West Lyon Street/West Redwood Street Reconstruction Project Y74 with Quam Construction Company Inc., Willmar, Minnesota resulting in a contract decrease of \$15,536.42. 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. 4 (Final) with Quam Construction Company Inc., Willmar, Minnesota for a contract decrease of \$15,536.42 and the acknowledgement of the final payment in the amount of \$99,299.95 for the North 5th Street/West Lyon Street/West Redwood Street Reconstruction Project Y74. 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:

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| Byrnes | No report. |
| Hulsizer | Library Board met on Monday evening and discussed a contract with the Plum Creek Library. |
| Doom | Community Services Advisory Board met last week and indicated that they did not receive the bike trail grant that was applied for. |
| Sanow | Cable Commission only have two members left on their board. |
| DeCramer | EDA held a tour of model homes; Utilities Commission met on December 27 th , but DeCramer was unable to attend. They did discuss the condition of the Christmas Decorations and it was suggested that the City of Marshall, the Chamber of Commerce and MMU work together on options for Christmas Decorations. |

Boedigheimer Airport Commission minutes have not been included in the agenda packet.

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Ritter Council Equipment Review Committee has met to discuss purchasing of Police Vehicles.

STAFF REPORTS – CITY ADMINISTRATOR:

Ben Martig, City Administrator, indicated that the budget will be printed after the Journal Entries have been completed; The Lyon County Business Summit will be held on April 23, 2012 and the demolition of the house located on “A” Street has been completed. Mr. Martig indicated that the City will be doing Request for Proposals for the old Library; the Administrative Code Update is being worked on and the Mayor and Council Members were provided a copy of the press release for Amateur Sports Facility to be held on Thursday, January 19, 2012.

STAFF REPORTS – CITY ENGINEER:

Glenn Olson, Director of Public Works/City Engineer, indicated that there was not enough money in the 2011 budget for snow removal and there was additional expense due to the July 1st storm; interviews are being held on January 11 & 12, 2012 for the Wastewater Operator. Council Member Sanow indicated that debris at the tree dump is still smoking. Mr. Olson indicated that there is discussion on moving the tree dump to a new location. Council Member Decramer asked if the damage from the July 1st storm has been finalized by the insurance company. Mr. Olson indicated that this has not been resolved yet.

STAFF REPORTS – CITY ATTORNEY:

Dennis Simpson, City Attorney, indicated that the purchase of the old Tiny Sharpening building has been completed and the purchase of the Middleton property should be completed in February.

COUNCIL MEMBER INDIVIDUAL ITEMS:

There were no additional comments from the Mayor or Council Members.

REVIEW OF PENDING AGENDA ITEMS:

There were no questions on the pending agenda items.

INFORMATION ONLY:

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

Applicant		Location Address			Description of Work	Valuation
1.	Northland Roofing	403	Donita	Avenue	Reroof - Asphalt - 5:12	\$8,500
2.	Kesteloot Construction, Inc.	109	East Thomas	Avenue	Partial Reside (steel)	\$1,800
3.	Exterior Solutions MN LLC	1225	Patricia	Court	Partial Reside (vinyl), Gutters, Fascia, Window	\$5,000
4.	Exterior Solutions MN LLC	504	Lawerence	Street	Gutters, Fascia, Reside (vinyl), Window	\$18,000
5.	Exterior Solutions MN LLC	1002	West College	Drive	Reroof (steel), Partial Reside (steel), Fascia, Overhead Door, 2 Window	\$84,000
6.	Geske Home Improvement Co.	609	Mercedes	Drive	Reside (steel), 2 Overhead Doors	\$12,300
7.	Geske Home Improvement Co.	1005	Woodfern	Drive	Partial Reside (steel), Overhead Door	\$5,600

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8.	Geske Home Improvement Co.	714	South	4th	Street	Partial Residing (steel)	\$1,700
9.	James Lozinski Construction Inc.	400	West	College	Drive	Reroof Shelter	\$2,900
10.	Dan Schaefer Construction, Inc	1237		Patricia	Court	Reroof (asphalt) 5:12, Partial Reside (vinyl)	\$16,000
11.	Kerry & Michelle Malmquist	903	South	1st	Street	Partial Reside (vinyl), 2 Overhead Doors	\$4,000
12.	Jay Benedict	307		London	Road	Finish Basement	\$5,000
13.	Gene & Brenda Buss	507		Kendall	Street	Residing (vinyl)	\$10,900
14.	Bladholm Construction, Inc.	1600		Hahn	Road	Reroof (steel) 1:12	\$161,200
15.	David Meier	1242		Patricia	Court	Windows, 2 Overhead Door, Reroof (asphalt) 4:12, Partial Reside (steel)	\$18,000
16.	Anthony Nwakama	900		Clarice	Avenue	Restaurant / Arcade	\$900,000
17.	Ryan & Jennifer Holmberg	1122		Horizon	Circle	Garage Addition, Reroof (cedar shakes) 4:12, Interior Remodel	\$72,000
18.	Richard Louwagie Construction	322	West	College	Drive	Replace Door, Replace Step	\$1,000
19.	Buyse Roofing Systems & Sheet Metal Inc.	1600	East	College	Dr	Single Ply Roof Replacement - flat roof	\$77,900
20.	Kesteloot Construction, Inc.	1100	South	1st	Street	Partial Reside (vinyl)	\$1,500
21.	Brenan & Laura Clark	229		Rainbow	Drive	Replace Garage Door, Garage Addition, Reside (Smartside), Reroof (asphalt)	\$31,000
22.	Melissa Lenz	508		Kendall	Street	Overhead Door	\$500
23.	LanBo Properties LLC	405		Walnut	Street	Reroof (asphalt)	\$6,000
24.	Alan Macht	308	North	Whitney	Street	Window, Bathroom	\$5,000
25.	Duaine M. Breyfogle	1220		Floyd Wild	Drive	Signs	\$1,000

	Applicant	Location Address				Description of Work	Valuation
1.	Jay Benedict	307		London	Road	Finish Basement	
2.	MJ Mechanical, LLC	111	South	"A"	Street	Ambulance Garage Plumbing	
3.	Bisbee Plumbing & Heating	900		Clarice	Avenue	Restaurant	
4.	Devlon A. Werkman	1100	East	Main	Street	Car Wash	

DETERMINATION TO GO INTO CLOSED SESSION PURSUANT TO MINNESOTA STATUTE 13D.05 SUBD. 3(C)(3) REGARDING THE SALE OF PROPERTY OF BLOCK 16 & 19:

Sanow moved, Boedigheimer seconded, that the City Council go into closed session pursuant to Minnesota Statute 13D.05 Subd. 3(c)(3) related to the sale of property of Block 16 and 19 at 6:15 P.M. All voted in favor of the motion.

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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; and Glenn Olson, Director of Public Works/City Engineer. Others in attendance included Cal Brink, EDA Director / CEO Marshall Area Chamber of Commerce.

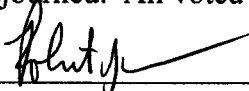
The Council came out of closed session and reconvened.

CONSIDERATION OF SALE OF PROPERTY OF BLOCK 16 & 19:

Mr. Martig indicated that Trident Development, LLC is interested in purchasing City property located at Block 16 & 19 for the development of a senior apartment complex with up to 70 units and up to three stories tall. The complex would also offer amenities for residents, including features like a commons room and fitness center. The proposed selling price is \$475,000 with \$10,000 paid as earnest money. The purchase would also be subject to the approval of a 25-year Tax Increment Financing District for housing on the project. Mr. Martig indicated that a re-plat of the property would be necessary before closing, as there would be three lots remaining from the property after the sale.


Ritter moved, Sanow seconded, that a recommendation be made to the Housing & Redevelopment Authority to consider approval of a purchase agreement for the sale of property to Trident Development, LLC in the amount of \$475,000.00. All voted in favor of the motion.

Upon a motion and second the meeting be adjourned. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Finance Director/City Clerk