

REGULAR MEETING – FEBRUARY 14, 2012

The regular meeting of the Common Council of the City of Marshall was held on February 14, 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 and Ritter. Absent: DeCramer and Boedigheimer. 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; Marc Klaith, Fire Chief; 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:

Doom moved, Sanow seconded, that the minutes of the regular meeting held on January 24, 2012 and the minutes of the special meeting held on January 30, 2012 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

PUBLIC HEARING – CARR ESTATES FOURTH ADDITION – A. PUBLIC HEARING ON PRELIMINARY PLAT AND APPROVAL OF PRELIMINARY PLAT; B. CONSIDER RESOLUTION APPROVING THE FINAL PLAT; C. ADOPTION OF ORDINANCE TO REZONE FROM A-AGRICULTURAL TO R-2 ONE TO FOUR FAMILY RESIDENCE DISTRICT:

This was the date and time set for a public hearing on the preliminary plat for Carr Estates Fourth Addition. Glenn Olson, Director of Public Works/City Engineer, indicated that Carr Estates Fourth Addition has not been platted and that the property needs to be subdivided prior to the subdivision and sale of a portion of the property. This property is an extension of Scott Circle and is an area completely surrounded by other platted subdivisions. The property will consist of six additional residential lots immediately adjacent to Carr Estates Second Addition and Carr Estates Third Addition. The subdivision includes utility easements around the perimeter of the exterior of the proposed subdivision, as well as along the frontage of Scott Circle for new utility installations. Sanow moved, Ritter seconded, the public hearing be closed. All voted in favor of the motion.

Ritter moved, Sanow seconded, approval of the Preliminary Plat for Carr Estates Fourth Addition. All voted in favor of the motion.

Ritter moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3695, SECOND SERIES and that the reading of the same be waived. Resolution Number 3695, Second Series is a resolution Approving the Final Plat of Carr Estates Fourth Addition. All voted in favor of the motion.

Sanow moved, Doom seconded, the adoption of ORDINANCE NUMBER 648, SECOND SERIES and that the reading of the same be waived. Ordinance Number 648, Second Series is an ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance provides for Carr Estates Fourth Addition to be removed from A (Agricultural District) and placed into R-2 (One to Four Family Residence District). All voted in favor of the motion.

AWARD OF BIDS – AUTHORIZE REPLACEMENT OF LIFE GUARD CHAIRS FOR THE MARSHALL AQUATIC CENTER:

Glenn Olson, Director of Public Works/City Engineer, indicated that the life guard chairs at the Marshall Aquatic Center have been inspected by the MMUA Safety Coordinator and found to be unsafe because of the inability to rotate 360°. Three accidents have occurred in the past two years. Replacement of these chairs will allow the proper safe operation of the chairs bringing the chairs into compliance with OSHA regulations. Three proposals were received for the replacement of the five life guard chairs. The proposals received were from:

Recreonics, Inc.	Lincoln Equipment, Inc.	Recreation Supply Company
Louisville, KY	Concord, CA	Bismark, ND
\$14,953.32	\$16,475.00	\$18,890.16

The 2012 Aquatic Center budget included \$17,500 for the replacement of these chairs. However, \$8,000 was included as an offsetting revenue from a potential grant (Account #101-33475). This grant was not approved resulting in the need to include the elimination of the grant income from the 2012 budget. The purchase of these replacement life guard chairs will be from Account #101-70176-5530 (General Fund-Aquatic Center-Improvements other than Buildings). This unplanned additional expense would be funded from capital equipment reserves.

Ritter moved, Doom seconded, that the proposal for the replacement of the five life guard chairs at the Marshall Aquatic Center be awarded to Recreonics, Inc., Louisville, Kentucky in the amount of \$14,953.32. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA – A. LG220 APPLICATION FOR EXEMPT PERMIT FOR AVERA MARSHALL FOUNDATION FOR A RAFFLE ON MAY 7, 2012; B. TEMPORARY ON-SALE LIQUOR LICENSE FOR MARSHALL AREA CHAMBER OF COMMERCE TO USE AT TRUE VALUE, 500 NORTH HWY 59 ON MARCH 19, 2012; C. TEMPORARY ON-SALE LIQUOR LICENSE FOR LYND ALL SCHOOL REUNION TO USE AT SMSU ON JUNE 30, 2012; D. TEMPORARY ON-SALE LIQUOR LICENSE FOR HOLY REDEEMER CHURCH TO USE AT 503 WEST LYON STREET ON APRIL 27, 2012; E. MARSHALL AREA YMCA FACILITY RENTAL AGREEMENT FOR THE PRIMARY AND GENERAL ELECTIONS; F. REQUEST TO CHANGE THE DATE OF A LAWFUL GAMBLING EXEMPT PERMIT FOR SMSU FOUNDATION FROM FEBRUARY 4, 2012 TO MARCH 16, 2012. THIS WAS PREVIOUSLY APPROVED BY THE COUNCIL ON OCTOBER 25, 2011; G. RESOLUTION ACCEPTING THE DONATION OF PERSONAL PROPERTY FOR THE MARSHALL FIRE DEPARTMENT FROM DALE R. AND DEBORAH L. BISBEE; H. LONG-TERM CARE ADMINISTRATIVE AGREEMENT; I. CONSIDER RESOLUTION AMENDING RESOLUTION NUMBER 3618, SECOND SERIES REGARDING USER RATES FOR WASTEWATER SERVICE; J. CONSIDER OUT-OF-STATE TRAVEL REQUEST FOR ADULT COMMUNITY CENTER COORDINATOR; K. LG220 APPLICATION FOR EXEMPT PERMIT FOR MARSHALL AREA FINE ARTS COUNCIL FOR A RAFFLE ON MAY 8, 2012; L. APPROVAL BILLS/PROJECT PAYMENTS:

Doom requested that agenda item G, which is considering a resolution accepting the donation of personal property for the Marshall Fire Department from Dale R. and Deborah L. Bisbee, be removed from the consent agenda.

Doom moved, Ritter 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 Avera Marshall Foundation for a raffle to be held at 300 South Bruce Street, Marshall, Minnesota on May 7, 2012 and that the 30 day waiting period be waived.

The approval of a Temporary On-Sale Liquor License for the Marshall Area Chamber of Commerce to use on March 19, 2012 at True Value, 500 North Highway 59. The fee for this license is \$30.00.

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The approval of a Temporary On-Sale Liquor License for the Lynd All School Reunion to use on June 30, 2012 at Southwest Minnesota State University, 1501 State Street. The fee for this license is \$30.00.

The approval of a Temporary On-Sale Liquor License for Holy Redeemer Church to use on April 27, 2012 at Holy Redeemer Church Carlin Hall, 503 West Lyon Street. The fee for this license is \$30.00.

The proper city personnel be authorized to enter into an agreement with the Marshall Area YMCA Facility for the use of the Multipurpose room for the August 14, 2012 and November 6, 2012 elections.

Approval of the request to change the date for the Lawful Gambling Exempt Permit for Southwest Minnesota State University Foundation. On October 25, 2011 the City Council authorized city staff to advise the State of Minnesota Charitable Gambling Control Board that they have approved the application for Exempt Permit - LG220 for Southwest Minnesota State University Foundation to hold a raffle on February 4, 2012 at 1501 State Street, Marshall, Minnesota. Per the request from Southwest Minnesota State University Foundation they are requesting that the date be changed to March 16, 2012. According to the Minnesota Gambling Control Board the City of Marshall needs to provide written approval of the change.

The proper city personnel be authorized to enter into the Long Term Care Administrative Agreement with National Insurance Company of Wisconsin, Inc. National Insurance Services provides Long Term Disability Coverage for the City of Marshall employees. National Insurance Services has a provision that they can offer a Long Term Care Insurance Policy to employees who meet their eligibility requirement upon retirement. There is no cost to the City for this program.

The adoption of RESOLUTION NUMBER 3696, SECOND SERIES and that the reading of the same be waived. Resolution Number 3696, Second Series is a resolution Amending Resolution Number 3618, Second Series Regarding the User Rates for Wastewater Service.

Authorization be granted for out of state travel for Barb Lipinski, Adult Community Center Coordinator, to attend the Café Plus Model Training in Evanston, Illinois (Chicago area) on November 6 and 7, 2012. Barb was able to negotiate the cost of the conference down to \$500 and she has family living in Chicago; therefore there would be no additional costs.

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 Marshall Area Fine Arts Council for a raffle to be held at Marshall Middle School, 401 South Saratoga Street, Marshall, Minnesota on May 8, 2012 and that the 30 day waiting period be waived.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 78104 through 78307.

All voted in favor of the motion.

Doom moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3697, SECOND SERIES and that the reading of the same be waived. Resolution Number 3697, Second Series is a resolution Accepting the Donation of Personal Property from Dale R. and Deborah L. Bisbee by the City of Marshall, Minnesota. This resolution accepts a cash donation in the amount of \$750.00 by Dale R. and Deborah L. Bisbee to be used by the Marshall Fire Department to purchase \$500.00 worth of books for the Marshall Lyon County Library and \$250.00 to be used by the Marshall Fire Department to repair the book stand at the Marshall Lyon County Library. The proper City Departments were instructed to send Dale R. and Deborah L. Bisbee a thank you card. All voted in the favor of the motion.

CONSIDERATION OF REPAIRS OF THE MARSHALL FIRE DEPARTMENT LADDER TRUCK:

Marc Klaith, Fire Chief, indicated that the Marshall Fire Department has a 100 foot ladder truck that was purchased in January, 1994 for a cost of \$481,403.55. This truck has been serviced and maintained every year and is in excellent shape. Last fall when the truck was inspected, it was brought to the fire departments attention that there were issues with the truck. The company that did the inspection stated that the repairs need to be made by the next service in order to get it certified. Mr. Klaith indicated that he has contacted the company that does the service for the Marshall Fire Department (Emergency Apparatus Maintenance) and they have submitted an estimate on the needed repairs. Mr. Klaith indicated that the Fire Department has a 25 plus year relationship with this company, and they have done an excellent job of making sure the equipment is certified and compliant to the current regulations.

The repairs that will be done will be with parts from the truck manufacturer and will be certified under the current standards NFPA 1911. The Fire Department uses the NFPA 1911 as a guideline to ensure the safety of the fire personnel and to be proactive on the upkeep of the department's equipment. The cost of repairs needed to pass certification NFPA 1911 is \$72,815.04. Upgrades to lighting, electrical, air compressor, battery charger, backup camera, traffic advisor, air brakes along with inspection of the water tank, radiator and transmission is estimated at \$41,512.50, which will bring the ladder truck up to current NFPA 1911 standards. The Fire Department is asking to upgrade the truck to the current standards and have a complete inspection done on the ladder truck.

The ladder truck is a must to serve the Marshall community and surrounding area, to replace the truck with a new one is estimated over one million dollars. The repairs that the fire department is requesting would extend the life of the ladder truck by 15 years. The fire department is working to adhere to these standards for the safety of the firefighters.

Mr. Klaith indicated that the cost for the repairs and upgrade is estimated at \$114,327.54. The repairs could exceed this estimate on further inspection of the water tank, transmission, and radiator. Emergency Apparatus Maintenance would give us notice on the repairs needed above and beyond the estimate. These repairs were not included in the 2012 budget requests; therefore, this is an unplanned expense. Staff is recommending funding out of the General Fund Capital Equipment Reserve Fund.

Mr. Klaith indicated that the ladder truck will be out of service for approximately 6 weeks and he indicated that they have contacted other communities to provide coverage during this time.

Sanow moved, Doom seconded, approval for the Marshall Fire Department to repair the Ladder Truck and that this be paid from the General Fund Capital Equipment Reserve Fund at an estimated cost of \$114,327.54. All voted in favor of the motion.

CONSIDER PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF MARSHALL (SOUTHWEST MINNESOTA CHEMICAL ASSESSMENT TEAM) AND THE SCHWAN'S GLOBAL SUPPLY CHAIN, INC. RELATED TO HAZARDOUS MATERIAL TRAINING:

Rob Yant, Director of Public Safety, reviewed the request to have the Southwest Chemical Assessment Team (CAT) provide basic Hazmat response for Schwan's within the City of Marshall. This agreement would be for a three-year period, with an annual review. Each party could end the agreement with a 90-day notice in which the Team would continue to provide their services for a period of 90 days while new arrangements are made for Hazardous materials response for Schwan's within the City of Marshall.

Mr. Yant indicated that maintaining a Hazmat team is a fairly expensive proposition requiring monitors that have to be calibrated monthly and other substantial equipment as well as specialized training. Schwan's has maintained a Hazmat team for some time, primarily because in the past the closest state response team was over a two hour drive from Marshall. But with the existence of the state team in Marshall there is much less need for them to have their own. As a state team the CAT would have to respond if any significant hazardous materials release were to occur within Marshall to assess the

situation and if reasonably possible make the situation safe. But that is the extent of what the team would do. Schwan's would like to expand the role of the CAT team to do much of what their current team does; this would allow them to dramatically reduce the size of their team. They value the capabilities of the CAT. Their team would be reduced to a basic maintenance or "wrench" team – that would work with the actual response in an incident, while the CAT would provide all of the support. An agreement like this has been done between St. Paul Fire Department's CAT and 3M in the Twin Cities. This would include air monitoring, rescue in case of an injury of their staff, as well as "deacon" or decontamination of exposed personnel. The CAT would also train and work on integrating their responses so that both the CAT and the wrench teams would work together in the event of any incident. Schwan's will also assist in recruiting their personnel to become a part of the Team as an ongoing effort. Team members now primarily come from the Hazardous Materials Teams from Archer-Daniel-Midland (ADM), and Schwan's.

This Professional Services Agreement has been reviewed by City Attorney Dennis Simpson and Thomas Meulebroeck, Finance Director/City Clerk. Team members and the state CAT Coordinator have also agreed to the team adding these duties. With this change the benefits of these added duties would be increased activity for the team, additional non-grant revenue – which is increasingly important as secondary grants that the team has had in the past are not being replaced, and preparedness to respond in the case of a hazardous emergency with Schwan's within Marshall. It is understood by Schwan's that the primary responsibility of the CAT is for an emergency response in the case of a hazardous materials release within Southwest Minnesota. If something else happened, the team would leave to deal with that – unless a more serious emergency would be what was being dealt with in Marshall. In that case, another team would likely make the response or a part of our team would leave to provide initial regional response until a second CAT arrived. The Team would also abide by the already approved Confidentiality and Non-Disclosure Agreement with Schwan's. Schwan's will pay the City of Marshall \$9,000 per year for this service.

Sanow moved, Doom seconded, that the proper city personnel be authorized to enter into a Professional Services Agreement between the City of Marshall, Southwest Chemical Assessment Team (CAT) and Schwan's Global Supply Chain, Inc. and authorize the Director of Public Safety Rob Yant to administer the agreement for the team. All voted in favor of the motion.

INTRODUCTION OF ORDINANCE TO REZONE PROPOSED TIGER PARK FOURTH ADDITION FROM A AGRICULTURAL TO B-3 GENERAL BUSINESS DISTRICT:

Glenn Olson, Director of Public Safety, reviewed the request from Schwan's Shared Services, LLC to rezone Tiger Park Fourth Addition from A (Agricultural District) and B-3 (General Business District) to B-3 (General Business District). This property is a "replat" of a portion of Tiger Park Second Addition. As the property has been previously platted, no preliminary platting process is required, and no recommendation/review is required by the Planning Commission. The final plat will be placed on the February 28, 2012 City Council agenda to be approved. A revised grading plan will be required prior to recording of the final plat. The City of Marshall 1996 Comprehensive Plan (including 2004 Updates and Amendments) shows this area as commercial area. The request complies with the intent of the Marshall Comprehensive Plan.

Mr. Olson indicated that at the February 8, 2012, Planning Commission meeting, a motion was made by Shover, second by Stewart to recommend approval to City Council as requested by Schwan's to approve the request to rezone the above described property from A (Agricultural District) and B-3 (General Business District) to B-3 (General Business District). A motion was made by Bestge, second by Schroeder to amend the motion to include recommending consideration of rezoning all the property within the remaining portions of the area currently zoned A (Agricultural District) to B-3 (General Business District). MOTION PASSED with 4 to 1 vote with Shover voting against the amended action. A vote was taken on the amended motion. MOTION PASSED with 4 to 1 vote with Shover voting against.

There was a brief discussion on the tax impact for rezoning the entire area at this time. Staff will provide more information at the public hearing.

Doom moved, Ritter seconded, the introduction of an ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance provides for Tiger Park Fourth Addition, Block One, Lots 1-3; and the remaining portions of Tiger Park Second Addition, Block Three, Lot 1; and Tiger Park Second Addition, Block One, Lot 1; and Tiger Park Second Addition, Block Two, Lots 1-2; and Tiger Park Third Addition, Block One, Lot 2; and Tiger Park Addition, Outlot B; all located within the City of Marshall, County of Lyon, State of Minnesota to be rezoned from A Agricultural District and B-3 General Business District to B-3 General Business District. All voted in favor of the motion.

PROJECT Y85 NORTHWEST INDUSTRIAL PARK AREA SANITARY SEWER LIFT STATION AND FORCEMAIN IMPROVEMENT PROJECT – A. CONSIDER CHANGE ORDER NO. 4; B. CONSIDER CHANGE ORDER NO. 5:

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order No. 4 for Northwest Industrial Park Area Sanitary Sewer Lift Station and Forcemain Improvement Project Y85 with Voss Plumbing & Heating of Paynesville, Minnesota resulting in a decrease of \$8,446.00. This change order is the result of adjustments to quantities throughout the contract area.

Doom moved, Sanow seconded, the approval of Change Order No. 4 with Voss Plumbing & Heating, Inc., for a contract decrease of \$8,446.00 for Northwest Industrial Park Area Sanitary Sewer Lift Station and Forcemain Improvement Project Y85. All voted in favor of the motion.

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order No. 5 for Northwest Industrial Park Area Sanitary Sewer Lift Station and Forcemain Improvement Project Y85 with Voss Plumbing & Heating of Paynesville, Minnesota resulting in an increase of \$67,625.50. This change order is the result of additional costs for a delay in acquisition of permanent and temporary construction easements for the installation of the sanitary sewer lift station. Mr. Olson indicated that the City had awarded the construction contract to Voss Plumbing & Heating prior to complete acquisition of easements with the understanding that those easements were readily available and forthcoming. During the negotiation phase of the acquisition, difficulties arose concerning price and availability of the owner to sign the necessary agreements. This delay resulted in additional costs for the contractor. The contractor has claimed \$52,510.00 in additional costs, and City staff acknowledges costs up to \$23,800.00 at this time. The remaining portion will be under review and negotiations with the contractor.

Mr. Olson indicated that the second portion of Change Order No. 5 involves additional costs for the Mn/DOT State Shutdown, which included a State permit for work within Mn/DOT T.H. 59. The contractor was directed to stop work. Mr. Olson indicated that his understanding was that direction was given by the Minnesota State Patrol as a directive by Mn/DOT. Upon review, the City has no dispute of \$43,825.50 of the contractor's claim of \$46,855.05.

The City is in receipt of a letter from the contractor's attorney indicating a request for payment and/or arbitration in accordance with the contract. Mr. Olson indicated the he has requested a written response to the letter of claim dated August 2011 and has verbally received a denial response due to a liability disclaimer in all Mn/DOT permits that Mn/DOT cannot be held accountable for their actions.

Council Member Ritter indicated that he has an issue with the City authorizing the project to begin without all of the proper easements being completed. Council Member Sanow wanted to know if there was enough money in this bond fund to pay for the change order. Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that he has not reviewed this fund.

Sanow moved, Byrnes seconded, the approval of Change Order No. 5 with Voss Plumbing & Heating, Inc., for a contract increase of \$67,625.50 contingent upon their being sufficient funds available in the bond fund. If there are not sufficient funds available in this bond issue the change order needs to come back to the Council for further review. Council Member Hulsizer asked if this item should be tabled. All voted in favor of the motion, except Ritter who voted no.

PROJECT Y81 SONSTEGARD INDUSTRIAL PARK IMPROVEMENT PROJECT PHASE II – CONSIDER CHANGE ORDER NO. 2:

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order No. 2 for Sonstegard Industrial Park Improvement Project Y81 Phase II with Kuechle Underground, Inc., of Kimball, Minnesota resulting in an increase of \$4,222.13. This change order is the result of additional work that was required.

Doom moved, Hulsizer seconded, the approval of Change Order No. 2 with Kuechle Underground, Inc., for a contract increase of \$4,222.13 to increase the contract to \$1,592,718.13 for Sonstegard Industrial Park Improvement Project Y81 Phase II. All voted in favor of the motion.

PROJECT Y89 ELM STREET RECONSTRUCTION PROJECT – CONSIDER CHANGE ORDER NO. 1 (FINAL) AND ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION:

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order No. 1 (Final) for Elm Street Reconstruction Project Y89 with Winter Brothers Underground, Inc., of Sioux Falls, South Dakota resulting in an increase of \$19,754.30. 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 Winter Brothers Underground, Inc., for a contract increase of \$19,754.30 and acknowledgement of the final payment of \$235,899.86 for Elm Street Reconstruction Project Y89. All voted in favor of the motion.

CONSIDER RESOLUTION RECEIVING REPORT AND CALLING FOR HEARING ON IMPROVEMENT – A. KOSSUTH AVENUE RECONSTRUCTION PROJECT Y61; B. WALKER LANE / PARK AVENUE RECONSTRUCTION PROJECT Y80; C. WEST LYON STREET AND NORTH 7TH STREET RECONSTRUCTION PROJECT Z00; D. SOUTH HIGH STREET RECONSTRUCTION PROJECT Z02:

Glenn Olson, Director of Public Works/City Engineer, reviewed the following proposed projects:

Kossuth Avenue Reconstruction Project Y61 - This project involves the replacement of watermain, sanitary sewer and storm sewer utilities, and street reconstruction. The proposed project will reconstruct the street and described utilities on Kossuth Avenue from North 4th Street to North 7th Street. The proposed project will include a change in alignment from North 6th Street to North 7th Street and include the demolition of City buildings.

Walker Lane / Park Avenue Reconstruction Project Y80 - This project involves the replacement of watermain and sanitary sewer utilities and street reconstruction. The proposed project will reconstruct Walker Lane and Park Avenue and described utilities south from East Redwood Street to East Marshall Street.

West Lyon Street / North 7th Street Reconstruction Project Z00 – This project involves the replacement of watermain, sanitary sewer and storm sewer utilities and street reconstruction. The proposed project will reconstruct the street and the described utilities on West Lyon Street from North 6th Street to the Burlington Northern Railroad property and North 7th Street from West Main Street to West Marshall Street and described utilities.

South High Street Reconstruction Project Z02 – This project involves the replacement of watermain, sanitary sewer and storm sewer utilities, and street reconstruction. The proposed project will reconstruct the street and described utilities on South High Street from East College Drive to East Marshall Street.

Mr. Olson indicated that there will be an informational meetings for property owners affected by this projects on Tuesday, February 21, 2012 at 6:30 P.M. at MMU for Walker Lane / Park Avenue Reconstruction Project Y80 and South High Street Reconstruction Project Z02; and on Thursday, February 23, 2012 at 6:30 P.M. at MMU for Kossuth Avenue Reconstruction Project Y61 and West Lyon Street / North 7th Street Reconstruction Project Z00.

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Council Member Sanow indicated that he has received phone calls from concerned residents about the rate increases by MMU. Sanow indicated that these increased affect all of Marshall residents.

Doom moved, Hulsizer seconded, the adoption of RESOLUTION NUMBER 3698, SECOND SERIES and that the reading of the same be waived. Resolution Number 3698, Second Series is a resolution Receiving Feasibility Report and Call for a Hearing on Improvement for Project Y61 Kossuth Avenue Reconstruction Project. The public hearing will be held at 5:30 P.M. on February 28, 2012. All voted in favor of the motion.

Doom moved, Hulsizer seconded, the adoption of RESOLUTION NUMBER 3699 SECOND SERIES and that the reading of the same be waived. Resolution Number 3699, Second Series is a resolution Receiving Feasibility Report and Call for a Hearing on Improvement for Project Y80 Walker Lane / Park Avenue Reconstruction Project. The public hearing will be held at 5:30 P.M. on February 28, 2012. All voted in favor of the motion.

Doom moved, Hulsizer seconded, the adoption of RESOLUTION NUMBER 3700, SECOND SERIES and that the reading of the same be waived. Resolution Number 3700, Second Series is a resolution Receiving Feasibility Report and Call for a Hearing on Improvement for Project Z00 West Lyon Street / North 7th Street Reconstruction Project. The public hearing will be held at 5:30 P.M. on February 28, 2012. All voted in favor of the motion.

Doom moved, Hulsizer seconded, the adoption of RESOLUTION NUMBER 3701, SECOND SERIES and that the reading of the same be waived. Resolution Number 3701, Second Series is a resolution Receiving Feasibility Report and Call for a Hearing on Improvement for Project Z02 South High Street Reconstruction Project. The public hearing will be held at 5:30 P.M. on February 28, 2012. All voted in favor of the motion.

PROJECT Y91 / S.P. 42-607-022 COUNTRY CLUB DRIVE IMPROVEMENT PROJECT – CONSIDER RESOLUTION DECLARING OFFICIAL INTENT REGARDING THE REIMBURSEMENT OF EXPENDITURES WITH THE PROCEEDS OF TAX-EXEMPT BONDS:

Ben Martig, City Administrator, indicated that the Country Club Drive Improvement Project Y91 S.P. 42-607-022 may be financed by the sale of bonds with repayment coming from assessments and/or a debt service levy. Sanow moved, Doom seconded, the adoption of RESOLUTION NUMBER 3702, SECOND SERIES and that the reading of the same be waived. Resolution Number 3702, Second Series is a resolution Declaring the Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for Country Club Drive and CSAH 7 Realignment Project Y91 S.P. 42-607-022. All voted in favor of the motion.

CONSIDER RESOLUTION REQUESTING MUNICIPAL STATE AID STREET FUNDS ADVANCE:

Glenn Olson, Director of Public Works/City Engineer, indicated that the City has completed various construction projects utilizing Municipal State Aid funding. Applications have been submitted for reimbursement for those project costs to State Aid. There are remaining outstanding balances for State Aid reimbursement on previous projects of approximately \$118,000.00. The City is reviewing various options for repayment of project expenses related to the Country Club Drive project. The City's portion of this project includes both County federal funding, and a portion of the project is eligible for MSAS funding. The estimated MSAS eligible project costs for Country Club Drive reconstruction is \$206,685.72. In addition, the reconstruction of Kossuth Avenue is eligible for MSAS funding for the reconstruction of the street portion of the project. MSAS funding is not available for utility reconstruction in the right of way. The estimated MSAS funding for Kossuth Avenue is approximately \$1,500,000.00.

Mr. Olson indicated that the current MSAS account balance as of January 23, 2012 is \$(989,410.28). Including the projects both committed to and proposed, the additional estimated disbursement utilizing MSAS funding would be \$1,824,476.18, bringing a total account balance after these projects are complete of \$(2,813,886.46). The maximum MSAS advance, set by Minnesota Commissioner of Transportation is five (5) times the City annual apportionment. The 2012 City of Marshall annual

apportionment is \$619,533.00, resulting in an available MSAS advance of \$3,097,665.00.

Council Member Sanow indicated that he was not in favor of requesting a five year advance. Sanow indicated that it is not good for the City to continue to spend money they don't have.

Ben Martig, City Administrator, indicated that the advance funds would help prevent additional city tax funds being paid toward the street projects.

Doom moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3703, SECOND SERIES and that the reading of the same be waived. Resolution Number 3703, Second Series is a Municipal State Aid Street Funds Advance Resolution. This resolution would request an advance of Municipal State Aid System (MSAS) funding in the amount of \$2,813,886.46. Voting in favor of the motion were: Byrnes, Doom and Ritter. Voting no were: Sanow and Hulsizer.

CONSIDER AUTHORIZATION FOR IMPROVEMENT TO LEASED PREMISES AT REPAIR AND MAINTENANCE SHOP LOCATED AT 1602 WEST COLLEGE DRIVE AT THE AIRPORT:

Glenn Olson, Director of Public Works/City Engineer, indicated that in accordance with 12.b. "Future Work" of the FBO with Southwest Aviation, Inc. dba Midwest Aviation ("FBO/Tenant"), "Any work . . . by the FBO must have prior written consent of the City . . . in the amount of \$500.00 or more, including remodeling or structural alterations." Midwest Aviation has requested permission to install a prefabricated paint booth at 1602 West College Drive that may require alterations to a window or wall for ventilation

Mr. Olson indicated that all improvements must be in accordance with City Building Code. Midwest Aviation will be the owner of the paint booth. The paint booth and associated improvements will not be considered part of the premises after installation. If the paint booth is removed, the premises must be returned to its condition at the time prior to this improvement.

Mr. Olson indicated that this request has been withdrawn, but is recommending that the City Council consider approval to coincide with the current FBO Agreement that will expire on December 31, 2013.

Sanow moved, Doom seconded, approval for improvement of a prefabricated paint booth at 1602 West College Drive at the airport, subject to approval of all items necessary for the issuance of a Building Permit. All voted in favor of the motion.

RESOLUTION AUTHORIZING TRANSFER AND CLOSURE OF CAPITAL PROJECT FUND 492 TO DEBT SERVICES FUND 363:

Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that the City approved a resolution in 2005 for the issuance of G. O. Various Purpose Bonds for infrastructure projects. The projects included in this bond issue have been completed and paid in full. The balance in the construction fund of \$658,969.16 is being recommended to be transferred to the Debt Service Fund. The balance in this fund is primarily due to State Aid monies received that were not anticipated when the bonds were issued.

Ritter moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3704, SECOND SERIES and that the reading of the same be waived. Resolution Number 3704, Second Series is a resolution Authorizing Transfer and Closure of Capital Project Fund 492 to Debt Service Fund 363. The balance of this fund of approximately \$658,969.16 is being recommended to be transferred to Debt Service Fund 363. 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 met on Monday evening – they discussed the increase in their electric bill. City staff will check on this.

Doom Community Services Advisory Board met last week.

Sanow No report.

Ritter No report.

STAFF REPORTS – CITY ADMINISTRATOR:

Ben Martig, City Administrator, indicated that Request for Proposals for the purchase or lease of the former Marshall-Lyon County Library Building have been posted. These will be presented to the Council at a closed session. It was requested that a review be provided of the operating costs.

Redistricting information will be available soon. City staff will be reviewing this information and providing information to the Charter Commission to review for new Ward boundaries.

Rob Yant Director of Public Works, presented information to the Legislature in regard to the MERIT Center Bonding.

Mr. Martig and Cal Brink, CEO Marshall Area Chamber of Commerce, attended a Public Finance Seminar. Mr. Martig will provide the council with an update from the committee in regard to a new Liquor Store. There will be a Convention and Visitors Bureau meeting and Rob Yant, Director of Public Safety, will contact Council Member Sanow in regard to the status of a Police Chaplin.

STAFF REPORTS – CITY ENGINEER:

Glenn Olson, Director of Public Works/City Engineer, indicated that the Noise Ordinance will be enforced as soon as all of the signs have been posted; there will be a joint meeting with the State Aid Engineer, Lyon County staff and City staff to discuss upcoming projects; staff is working on the Tour Dakota and which projects could potentially affect their route.

STAFF REPORTS – CITY ATTORNEY:

Dennis Simpson, City Attorney, indicated that Trident Development, LLC is progressing towards the purchase of the former junior high property. Buyer has obtained title commitment from title insurance company verifying Housing and Redevelopment Authority ownership. City has granted access to property for surveyor to begin platting process. Mr. Simpson is continuing to work on preparing documents for litigation on the farm lease matter. Pretrial and summary judgment hearings scheduled for February 29, 2012 regarding MarJon Limited Partnership and Doom Trust v. City special assessment appeal matters. Mr. Simpson is continuing to work with City staff and MMU staff regarding easement acquisitions for Lyon-Redwood Street alley project and Walker Lane.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Council Member Sanow asked for an update on the house that was moved to Bruce Street. Ben Martig, City Administrator, indicated that there was no specific time line on when this process was to be completed. Sanow requested a copy of the DVD from the July 26, 2011 Council meeting. Ben Martig, City Administrator and Mayor Byrnes presented at the Marshall Leadership Academy.

REVIEW OF PENDING AGENDA ITEMS:

There were no questions on pending agenda items.

REGULAR MEETING – FEBRUARY 14, 2012

INFORMATION ONLY:

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

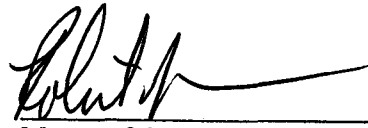
	Applicant	Location Address				Description of Work	Valuation
1.	Babcock Construction	811	North	Bruce	Street	Partial Reside (vinyl)	\$1,000
2.	Babcock Construction	703		Brian	Street	Garage Entry Door & Overhead Garage Door	\$1,100
3.	Babcock Construction	610		Kendall	Street	Partial Reside (vinyl)	\$2,700
4.	Wallace & Becky Bock	207	South	4th	Street	Reroof Garage, Reside Garage, Install Wall in Garage	\$4,500
5.	Kevin Lanoue Construction LLC	501		Kennedy	Street	Replace Doors	\$500
6.	Marshall Residential Prop. LLC	614	West	Lyon	Street	Exterior Stairway	\$600
7.	James Lozinski Construction Inc.	402	North	6th	Street	Reroof (asphalt) 8:12, Reside (vinyl), Windows, Entry Door	\$14,900
8.	James Lozinski Construction Inc.	1113		Horizon	Drive	Reside (vinyl), Entry Door	\$10,500
9.	Sussner Construction, Inc.	503	North	Hwy 59		Partial Reside (metal), 11 Overhead Doors	\$36,700
10.	William Delaney	405	E	Marshall	St	Install Interior Door	\$1,000
11.	Kesteloot Construction, Inc.	601		DeSchepper	St	Partial Reside - Vinyl, New Garage Door	\$3,800
12.	Marshall Commercial Properties, LLC	349	West	Main	Street	Interior Remodel (Install Walls)	\$3,000
13.	Curt & Lori Timmerman	1107		David	Drive	2 Overhead Doors	\$2,000
14.	Layle French Construction Inc.	1302		Cheryl	Avenue	Basement Finish	\$15,000
15.	Astar-Hess Property Management	600	South	1st	Street	Replace 4 windows	\$2,000
16.	Wade Breyfogle	409		Kossuth	Avenue	Reroof (asphalt), Reside (vinyl), Replace Windows, Replace Headers	\$20,000
17.	Kesteloot Construction, Inc.	105	West	Thomas	Avenue	Reroof (asphalt) 5:12, Soffit, Partial Reside (steel), Entry Door	\$11,000
18.	Sussner Construction, Inc.	1600	East	College	Drive	Partial Reside (wood)	\$6,700
19.	True Value	500	N	Highway 59		Reroof - Asphalt 5:12	\$10,000
20.	Kevin Lanoue Construction LLC	102		Gray	Place	Windows Replacement	\$3,200
21.	Daniel & Kandy Stevens	206		Deschepper	Street	Remodel Basement	\$7,000

REGULAR MEETING – FEBRUARY 14, 2012

22.	Shane & Katherine L Weckwerth	108 East Redwood Street	Raising the Ceiling	\$3,900
23.	Joel & Hope Daniels	1123 Sunset Circle	2 Overhead Doors	\$1,300
24.	Sussner Construction, Inc.	1511 Carlson Street	Interior Remodel	\$415,000
25.	CAB Quality Construction LLC	905 Woodfern Drive	Partial Reside (vinyl), 2 entry doors	\$5,900
26.	Geske Home Improvement Co.	204 East Saratoga Street	Partial Reside (Steel)	\$6,500
27.	Geske Home Improvement Co.	802 Oak Street	Partial Reside (steel)	\$8,000
28.	Kenneth Dolan	609 South 1st Street	Overhead Door	\$1,400
29.	CAB Quality Construction LLC	404 North 3rd Street	Reroof (asphalt) 4:12, Reside (vinyl)	\$15,100
30.	Space Development Co. of Marshall	1103 West Main Street	Demolish Office	\$2,500
31.	Richard Louwagie Construction	904 West Main Street	Adding 1/2 bath - door	\$1,000

	Applicant	Location Address	Description of Work	Valuation
1.	Mike's Plumbing	904 West Main Street	Replace Lines	\$1,000.00
2.	E.T. Heating & Cooling	205 South 5th Street	Water Heater	\$400.00
3.	E.T. Heating & Cooling	409 Kossuth Avenue	Remodel 2 baths & Kitchen	\$0.00

Doom moved, Ritter seconded, that the meeting be adjourned at 7:15 P.M. All voted in favor of the motion.


Mayor of the City of Marshall

ATTEST:


Finance Director/City Clerk