

## REGULAR MEETING – FEBRUARY 28, 2012

The regular meeting of the Common Council of the City of Marshall was held on February 28, 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 Sanow. Absent: none. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Lorna Sandvik, City Assessor; Bob VanMoer, Wastewater Superintendent; Cathy Lee, Executive Assistant; Thomas M. Meulebroeck, Finance Director/City Clerk; and Jane DeVries, Deputy City Clerk. Glenn Olson, Director of Public Works/City Engineer, arrived late.

The Pledge of Allegiance was recited at this time.

### **APPROVAL OF AGENDA:**

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

### **APPROVAL OF MINUTES**

Sanow moved, Ritter seconded, that the minutes of the regular meeting held on February 14, 2012 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

Due to Glenn's late arrival the order of consideration of the items on the approved agenda was modified.

### **AWARD OF BIDS - CONSIDER APPROVAL OF PURCHASING TWO VESTS FOR EMERGENCY RESPONSE UNIT MEMBERS:**

Ben Martig, City Administrator, indicated that the BLR – ERU is a special unit of officers from the four counties for the BLF drug task force. This is a tactical or SWAT type of team. Whenever the ERU team is called out, it means all other options have been used up and assistance is needed because the situation is beyond the conventional capabilities of the local law enforcement department to deal with safely. The ERU team has the specialized training and equipment to provide a tactical response that the individual member agencies could not afford to provide, despite the need. It is fielded through the cooperation and coordination of the seven member departments. The team is headed up by Marshall Detective, Jody Gladis. A vest is not provided for Detective Gladis, who as the team commander does not make tactical entries.

These vests are essential, life saving equipment for the team members and are able to withstand all handgun rounds and most rifle rounds. There is a hard plate that is inserted in the front of the vest to help protect the tactical officers from direct impact of rifle rounds. These vests are much more protective than the average vest worn by patrol officers on the street. But like the vests worn by our officers on the street, the warranty period of the vests is five years and they must be replaced every five years. But there isn't any state or federal funding to pay for them like there is for the vests for the street officers and so funding is the responsibility of the employing agency.

The team has reviewed different tactical armor options and is recommending they be purchased from Keepers in the amount of \$5,951.00 plus tax. This was the lowest quote and selected by the team for its usefulness and comfort. The Police Department applied for a grant last year but the grant was not approved and so it will be the responsibility of the employing jurisdiction to provide these vests for each of the officers on the team. Therefore, these vests will be funded through the Department's forfeiture fund account. This is an eligible expenditure for this account and there are enough uncommitted funds in this account to cover this expense.

Sanow moved, DeCramer seconded, approval to purchase two sets of tactical body armor for two members of the Marshall Police Department who are on the BLR – ERU from Keepers in the amount of \$5,951.00 plus tax. All voted in favor of the motion.



**AWARD OF BIDS - CONSIDER APPROVAL OF PURCHASING ELECTRONIC MEETING SOFTWARE:**

Ben Martig, City Administrator, indicated that per the direction of the Council, staff has researched and contacted companies that specialize in electronic meeting software. In review, electronic meeting software will reduce agenda preparation time, save money on printing costs, binders, delivery of packets, and time at the council meetings. Electronic meeting software will provide a tool that allows staff to efficiently produce and publish Council meeting packets, agendas, minutes, notices and offers a searchable electronic archive as well. It will also help the council meeting to run more efficiently. Provided here is a summary of the seven companies that provided quotes to the City:

Company	Software License Cost	Annual Maintenance Cost	Training	Total Cost (5 years)	Non-hosted Solution*
Destiny Software Inc.	\$14,950	\$3,500	\$2,500	\$31,450	Yes
Novusolutions	\$23,700	\$3,800	\$2,450	\$41,350	Yes
InterCom Network	\$23,120	\$3,600	\$4,200	\$41,720	Yes
IQM2	\$10,260 (\$855/month)	\$10,260		\$51,300	No
Board Doc's Pro	\$9,000	\$9,000	\$1,000	\$46,000	No
Granicus	\$24,200	\$13,560		\$78,440	No
SIRE Marketing	\$48,738	\$7,797	\$10,800	\$90,726	Yes

\*A hosted solution is one where the system or application resides outside the company and is managed by an external vendor or service provider. The system runs on hardware that is owned by the vendor and is maintained by the external vendor. On the other hand, a nonhosted solution is a system or application that resides in-house, inside the company. The system runs on hardware that is owned by the company itself and is maintained by the company itself.

Mr. Martig indicated that following the receipt and review of the quotes and capabilities of each of the above software capabilities, and after consultation with the Marshall School District IT Professional, Todd Pickthorn, staff is recommending InterCom Network. The Marshall School District has utilized this program during the past 5+ years. District staff recommended this company's technology and service, and the School Board indicates satisfaction with the software. District staff is complimentary on the program's ease of use and indicate there have been very few issues in the last five years with the software. A hard copy of the packet can be available, if requested. If there is just a page that needs to be printed that can easily be done with this program. Also, notes that are privileged only to you to view can be done at anytime once an email is received notifying you that the packet is ready to be viewed.

Mr. Martig indicated although the Destiny Software Inc. and Novusolutions software came in with the lowest price quote, their software provides for agenda set-up only. They provide no further software program for the meeting content. Therefore these companies were excluded from further consideration. InterCom Network came in with the third lowest price quote. In consultation with Todd, he recommended the City only consider software that is non-hosted; that is, the system would reside on the City's server rather than on an external vendor server. The reasons for this are that the City would control the server, information would be stored internally, and the City would always have the history/archive of information readily accessible. InterCom Network meets this criterion. By contrast, there are concerns related to information stored on a hosted site if a contract is not renewed with that company. Selection of InterCom Network would provide for the ability to share resources with the School District, the District IT staff would be able to address minor issues that arise due to their 5+ years of experience with the



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software, and District Staff have indicated a willingness to assist with City Staff training, thereby possibly lowering the overall training cost.

As each of the software options were reviewed, it was important to City Staff that the program was based on workflow, rather than on forms. Staff wanted to ensure that Council meetings are easy to follow for both Council members as well as the general public. It was also important that the program enabled Council to search the archives and utilize the system as needed, not simply to progress with an agenda at a Council meeting. This program can be accessed from an individual PC (i.e., at a Council member's home) and/or from a laptop anywhere there is internet access. The InterCom Network software met each of these important criterions.

Staff proposes purchasing of the InterCom Network software license as soon as possible and begin staff training. In partnership with the School District and IT Staff, City Staff would bring back to the Council an estimated cost to upgrading the server and the purchase of upgraded laptops to share between the School Board and City Council. Potential partnerships on these costs would occur during the District's next budget year (after July 1).

Council Member DeCramer asked what the start-up date was for the City. Cathy Lee, Executive Assistant, indicated that the City would start during the 2<sup>nd</sup> quarter of 2012.

DeCramer moved, Boedigheimer seconded, that the proper city personnel be authorized to enter into a professional services agreement with InterCom Network in an amount not to exceed \$27,320 for the purchase of the software license, hardware and training for an Electronic Council Meeting Software. All voted in favor of the motion, except Hulsizer who voted no.

### **PUBLIC HEARING –PROJECT Y61 / S.A.P. 139-130-001: KOSSUTH AVENUE RECONSTRUCTION PROJECT -- PUBLIC HEARING ON IMPROVEMENT AND CONSIDER RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS:**

This was the date and time set for a public hearing on the Project Y61 / S.A.P. 139-130-01 Kossuth Avenue Reconstruction Project. Glenn Olson, Director of Public Works/City Engineer, indicated that 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 4<sup>th</sup> Street to North 7<sup>th</sup> Street. The proposed project will include a change in alignment from North 6<sup>th</sup> Street to North 7<sup>th</sup> Street and include the demolition of City buildings.

Mr. Olson indicated that a public informational meeting was held on February 23, 2012 at 6:30 p.m. at Marshall Municipal Utilities. Information and handouts were provided to all those in attendance. Discussion was held concerning proposed layout of the roadway, which in at least one case involved a significant number of trees to be removed from one of the resident's boulevard. After discussion, the property owner agreed they would need to be removed and the City would work with them on some replacements. Sidewalks will be designed for both sides of the street leading up to and connecting to the park and existing bike path. One resident expressed her concern about cost and maintenance of the sidewalks and would have a difficult time either maintaining it herself or hiring that work to be done. It was explained that sidewalks provide a valuable transportation corridor for pedestrians and would be included in the recommended project. Another owner indicated adamant support for sidewalks as he knows of several handicapped or partially disabled individuals in the area that needed to have sidewalks to safely get to the downtown, park, or bike path for exercise.

Water and sewer replacements were discussed, including watermain looping on North 5<sup>th</sup> Street from Mason Street to Kossuth Avenue. The existing fire hydrant at the intersection of Mason Street and North 5<sup>th</sup> Street is significantly undersized (approximately 200 gpm flow) and needs to be replaced. Three water service lines are tapped on to the fire hydrant lead and would be a significant problem if the fire hydrant would have to be utilized. The replacement watermain would allow individual connections to the watermain (not on the fire hydrant lead).



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A discussion was held concerning street grades at the intersection of North 5<sup>th</sup> Street and Kossuth Avenue. These street grades will be changed to allow proper drainage from this intersection. Sanitary sewer on Kossuth Avenue from North 5<sup>th</sup> Street to North 4<sup>th</sup> Street will be replaced and regraded to reverse the flow from a west to east direction to a east to west direction, eliminating a significant portion of sanitary sewer main on the east end of Kossuth Avenue. The existing driveway from Kossuth Avenue into the City Street Department yard will be relocated away from the North 6<sup>th</sup> Street intersection to just west of the water tower. This will provide a safer intersection at North 6<sup>th</sup> Street. This Street Department access is required to be removed anyway for the utility replacement north of Kossuth Avenue.

Construction timing and access to residences including the Marshall Area Transit Bus System was discussed. After award of the project, there will be neighborhood meetings established indicating where the contractor is working for the next couple of weeks. This information will also be placed on line if residents can't attend the weekly meetings, and the City will address any questions during the project from direct contact, e-mails, or notices from MMU or the City.

Mr. Olson indicated that he is in receipt of a petition from the residents opposing the installation of sidewalks being installed.

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

DeCramer moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3705, SECOND SERIES and that the reading of the same be waived. Resolution Number 3705, Second Series is a resolution Ordering Improvement and Preparation of Plans for Project Y61 / S.A.P. 139-130-001 Kossuth Avenue Reconstruction Project. All voted in favor of the motion, except Sanow and Ritter who voted no.

### **PUBLIC HEARING - PROJECT Y80: WALKER LANE/PARK AVENUE RECONSTRUCTION PROJECT – PUBLIC HEARING ON IMPROVEMENT AND CONSIDER RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS:**

This was the date and time set for a public hearing on Project Y80 Walker Lane / Park Avenue Reconstruction Project. Glenn Olson, Director of Public Works/City Engineer, indicated that 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.

Mr. Olson indicated that a public informational meeting was held on February 21, 2012 at 6:30 p.m. at Marshall Municipal Utilities. Information and handouts were provided to all those in attendance. Discussion was held concerning the proposed reconstruction of Walker Lane and Park Avenue, replacement of watermain, water services, sanitary sewer mains, sanitary sewer services, and storm sewer installation. The City will require the development of a plat for the Walker Lane portion of the project with all property owners agreeing to the property ownership. This process will also include the necessity of a Quiet Title action verifying no outstanding claims to the properties involved. The plat will include property lines and new lot dimensions, public roadway and utility easements, and other items necessary for the platting procedure. This platting will be required prior to award of a construction contract. The City will continue to maintain the street and utilities during this legal process. The street width is limited to 16 feet as that is the maximum width of the proposed street (alley). No parking will be allowed on Walker Lane. Improvements to the Park Avenue portion of the project include a street width of 32 feet, with parking allowed only on the east side of Park Avenue up to the beginning of the cul de sac on the south end of the project. Sanow moved, Ritter seconded, that the public hearing be closed. All voted in favor of the motion.

Ritter moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3706, SECOND SERIES and that the reading of the same be waived. Resolution Number 3706, Second Series is a resolution Ordering Improvement and Preparation of Plans for Project Y80 Walker Lane / Park Avenue Reconstruction Project. All voted in favor of the motion.



**PUBLIC HEARING - PROJECT Z00: WEST LYON STREET AND NORTH 7<sup>TH</sup> STREET RECONSTRUCTION PROJECT -- PUBLIC HEARING ON IMPROVEMENT AND CONSIDER RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS:**

This was the date and time set for a public hearing on Project Z00 West Lyon Street and North 7<sup>th</sup> Street Project. Glenn Olson, Director of Public Works/City Engineer, indicated that 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 6<sup>th</sup> Street to the Burlington Northern Railroad property and North 7<sup>th</sup> Street from West Main Street to West Marshall Street and described utilities.

Mr. Olson indicated that a public informational meeting was held on February 23, 2012 at 6:30 p.m. at Marshall Municipal Utilities. Information and handouts were provided to all those in attendance. Discussion was held concerning proposed street widths from 36 ft. to 40 ft., current and possible future use of properties west of North 7<sup>th</sup> Street, existing conditions of watermain, sanitary sewer main, and storm sewer issues in the area. Of significant concern is the alley between West Lyon Street and Redwood Street from North 6<sup>th</sup> Street to North 7<sup>th</sup> Street, including easements, alley elevation, and drainage. Coordination will be necessary between MMU's underground electrical project and the City's reconstruction project on North 7<sup>th</sup> Street concerning the issues with alley grades and drainage. After discussion, it was recommended that the street widths be approximately 36-40 ft. wide to accommodate parking on one side or both sides of the street. Even though this is not a designated truck route, because of the current use of North 7<sup>th</sup> Street from West Main Street to West Lyon Street being a truck route access to the railroad loading facility, the roadway section will be designed to 10-ton standards so as to protect the future integrity of the street. Storm sewer issues will be addressed along North 7<sup>th</sup> Street, including potential runoff or storm sewer connections to the alley indicated above.

Discussion was held concerning fairly recent reconstruction or improvement projects that had impacted properties that will potentially be assessed again under this project. It was indicated that the City has an assessment policy that provides some assessment relief for multiple project assessments within the assessment period of previously constructed projects. Those assessment reliefs will be indicated on the preliminary assessment roll at a future date, and assessment hearing notices will be sent to each property owner for review.

Robert Sinave, 618 West Redwood Street, asked if any utilities would be buried in the alley. Mr. Olson indicated that there are several projects scheduled for this year and the plan is to only have to dig up the street once. The City and MMU will coordinate any work for this area. Mr. Sinave was also concerned about his driveway and his sidewalk being low.

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

Doom moved, DeCramer seconded, the adoption of RESOLUTION NUMBER 3707, SECOND SERIES and that the reading of the same be waived. Resolution Number 3707, Second Series is a resolution Ordering Improvement and Preparation of Plans for Project Z00 West Lyon Street and North 7<sup>th</sup> Street Reconstruction Project. All voted in favor of the motion, except Sanow who voted no.

**PUBLIC HEARING - PROJECT Z02: SOUTH HIGH STREET RECONSTRUCTION PROJECT -- PUBLIC HEARING ON IMPROVEMENT AND CONSIDER RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS:**

This was the date and time set for a public hearing Project Z02 South High Street Reconstruction Project. Glenn Olson, Director of Public Works/City Engineer, indicated that 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.



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Mr. Olson indicated that a public informational meeting was held on February 21, 2012 at 6:30 p.m. at Marshall Municipal Utilities. Information and handouts were provided to all those in attendance. Discussion was held concerning the potential of widening the street to the standard 40 feet width. After discussion, it was recommended that the street be kept to a maximum of 32 feet with parking on the east side only of South High Street to preserve trees and to provide a safer driving environment. Discussion was also held on the watermain and water service locations for the properties on the west side of South High Street. Those properties are currently served by an old cast iron watermain located in the alley west of the properties. Marshall Municipal Utilities recommends that new services be put in from the new watermain on South High Street and extended up to and including a curb stop located near the west right of way line of South High Street. This would allow property owners to acquire water service from the newly constructed watermain on South High Street and avoid significant issues with potential water service line leaks or watermain breaks in the alley in the future.

John Rickgarn, 108 South High Street, asked if there are grants to help pay for the project. Mr. Olson indicated that there are no grants for the residents.

Kathy Bartz, 114 South High Street, asked about making High Street a one-way street. She also indicated that she was assessed for Marshall Street improvements and did not feel there was a benefit to move the water from the back to the front curb stop.

George Seldat, 116 South High Street, requested a breakdown of the costs and indicated his support for a one-way street.

Mr. Olson indicated that the Public Improvement and Transportation Committee would need to discuss changing High Street to a one-way street.

Gloria Sabin, 112 South High Street, indicated that several residents were in favor of a one-way street.

David Sabin, 112 South High Street, indicated that his truck has been struck twice in the last year while it was parked on the street. He asked if the speed limit could be reduced.

Mr. Olson indicated that residential speed limits are set by the State Legislature.

Jeff Bump, 106 South High Street, indicated that he is in favor of a one-way street and requested a clarification on the costs of the project.

Mr. Olson briefly reviewed the process of assessing projects and that MMU and the Wastewater Fund provide funding based on the project.

Dan Ritter, 109 South High Street, indicated that he has had issues with the sanitary sewer system in his basement.

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

Doom moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3708, SECOND SERIES and that the reading of the same be waived. Resolution Number 3708, Second Series is a resolution Ordering Improvement and Preparation of Plans for Z02 South High Street Reconstruction Project. This motion also included the Public Improvement and Transportation Committee review the request to change High Street to a one-way street and a review of the speed limit. Mr. Olson indicated that the request is changing High Street to a one-way street with parking on both sides. All voted in favor of the motion, except Sanow and Hulsizer who voted no.

Mayor Byrnes called for a 5-minute recess at 7:00 P.M.



**AWARD OF BIDS - MARSHALL HOTEL HAZARDOUS BUILDING ABATEMENT PROCESS  
- CONSIDER AUTHORIZATION TO ENTER INTO PROFESSIONAL SERVICES  
AGREEMENT FOR STRUCTURAL AND INVESTIGATIVE ENGINEERING SERVICES:**

Glenn Olson, Director of Public Works/City Engineer, indicated that the City of Marshall is in the process of consideration of the lack of structural integrity and potential hazardous building abatement process for the Marshall Hotel in downtown Marshall. In order to proceed with that evaluation, it is necessary to contract with a professional engineer for the purposes of investigating the structural integrity of the Marshall Hotel and adjacent common walls. The services required include structural inspection, any testing services directly related to the inspection, a formal report, and professional services testifying as a structural witness.

Two proposals were received for Structural and Investigative Engineering Services of the Marshall Hotel Building. One proposal was received from Structural Design Associates, Inc., offices in Champlin and Brainerd, Minnesota. The cost of the Structural Design Associates, Inc. proposal as proposed would probably be less than \$5,000. The other proposal was received from Paulsen Architects of Mankato, Minnesota. The cost of the Paulsen Architects proposal from investigation through reporting is approximately \$14,200. After reviewing the proposals, Paulsen Architects is much more thorough and is probably the direction the City would want to go if, in fact, the City will be pursuing demolition of the property and potential legal action.

The Structural Design Associates, Inc. proposal is very basic and does not look into any items that are not obvious to the eye. The Paulsen Architects proposal seems to include a significant amount of investigative information.

The cost of the Paulsen Architects proposal from investigation through reporting is approximately \$14,200. The City would be required to provide the soils and materials testing separately from this contract. An estimate of those services would be \$1,500. These costs do not include any future legal testimony or depositions.

Council Member Boedigheimer, indicated that several of the services offered were simply checking parts of the structure to see if they met code. Boedigheimer indicated that they do not meet code.

Mr. Olson indicated that it would be necessary to analyze what would need to be done to bring the building up to code. City Attorney Simpson indicated that it would be a good idea for the City to build up documentation on the buildings condition.

Ben Martig, City Administrator, indicated that the cost of the structural analysis would be an eligible use of Tax Increment Financing funds.

Doom moved, Ritter seconded, that the proper city personnel be authorized to enter into a Professional Services Agreement with Paulsen Architects of Mankato, Minnesota for Structural and Investigative Engineering Services for the Marshall Hotel Hazardous Abatement Process for a not-to-exceed amount of \$14,200, subject to the City Attorney review and approval. All voted in favor of the motion, except Boedigheimer who voted no.

**APPROVAL OF CONSENT AGENDA – A. CHANGE IN HOURS FOR MARSHALL AREA  
TRANSIT; B. AUTHORIZE CALL FOR BIDS/QUOTES ON EQUIPMENT FOR PUBLIC WORKS  
DEPARTMENT; C. RURAL SERVICE DISTRICT RESOLUTION – CARR ESTATES 4<sup>TH</sup>  
EDITION; D. CONSIDER REQUEST FOR ST. PATRICK'S DAY PARADE ON MARCH 17, 2012;  
E. CONSIDER OUT-OF-STATE TRAVEL REQUEST FOR TRAINING FOR STREET  
DEPARTMENT; F. APPROVAL OF FARM LEASE; G. APPROVAL BILLS/PROJECT  
PAYMENTS:**

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

Acknowledge that Marshall Area Transit (MAT) held a public hearing to modify the hours of operation and that the change was approved by MAT.



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The proper city personnel be authorized to advertise for bids/proposals for the replacement of equipment for Public Works Department for: Wastewater mower; Engineering pick-up; Airport compact tractor; Airport 6x6 UTV; Airport mower; Parks mower; Parks compact tractor; Parks pick-up and Street heavy duty loader.

Approval for the Wastewater Treatment Facility to purchase a used semi tractor, new stainless tank and pump to replace the existing Wastewater water truck. A quote was received for a new 3,000 gallon tank from Hills Stainless Steel of Luverne, Minnesota in the amount of \$20,605.50. Staff has requested the local dealers and several dealers in the Midwest to locate a vehicle that meets specs.

The adoption of RESOLUTION NUMBER 3709, SECOND SERIES and that the reading of the same be waived. Resolution Number 3709, Second Series is a resolution amending the Rural Service District. The parcel number affected by this resolution is 27-616001-2 is owned by Robert L. Carr in Carr Estates 4<sup>th</sup> Addition.

Approval for street closure for the annual St. Patrick's Day Parade on Saturday, March 17, 2012 at 3:17 P.M. Parade Route 3a will be utilized as prepared by MN/DOT. The parade will start at South 1<sup>st</sup> Street (Casey's corner) and proceed down Main Street to the North 5<sup>th</sup> Street (Wooden Nickel corner), lasting no more than one (1) hour with traffic detoured at "C" Street along Saratoga Street to North 6<sup>th</sup> Street from 2:30 P.M. to 4:30 P.M. This request will be forwarded to MN/DOT for their approval.

Authorization be granted for out of state travel for Dean Coudron and Al Dale, Street Department, to attend the University of Minnesota American Traffic Safety Services Association (ATSSA) "How To" Training and Education Workshop in Fargo, North Dakota on March 13 – 14, 2012.

The proper city personnel be authorized to enter into a Farm Lease with Richard Carrow for the small three acre parcel that is not part of the Parcel 14 lease to Bossuyt Family Farms for January 1, 2012 through December 31, 2014. The rent for this lease will be \$210.00 per acre per year.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 78308 through 78518.

All voted in favor of the motion.

### **CONSIDER AUTHORIZATION FOR YELLOW RIBBON COMMUNITY RECOGNITION SIGNS AT CITY ENTRANCES:**

Jess Mellenthin, representative from the Yellow Ribbon Community Board, was in attendance at the meeting to provide the City Council with an update on their activities and the request for the installation of city entrance signs referencing the city designation. There will be seven (7) signs installed at the entrances to the City of Marshall. The VFW Club and American Legion will help pay for the installation and the City will install the signs. Doom moved, Sanow seconded, the proper city personnel be authorized to install signs at the City entrances recognizing the City of Marshall as a Yellow Ribbon Community. All voted in favor of the motion.

### **TIGER PARK FOURTH ADDITION – A. CONSIDER RESOLUTION APPROVING THE FINAL PLAT; B. ADOPTION OF ORDINANCE TO REZONE FROM A-AGRICULTURAL TO B-3 GENERAL BUSINESS DISTRICT:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the request by Schwan's Shared Services, LLC for approval of the final plat of Tiger Park Fourth Addition. 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 was required by the Planning Commission.



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Doom moved, DeCramer seconded, the adoption of RESOLUTION NUMBER 3710, SECOND SERIES and that the reading of the same be waived. Resolution Number 3710, Second Series is a resolution Approving the Final Plat of Tiger Park Fourth Addition contingent upon the following:

1. The City Attorney review and approve the First Development contract and execution of said Contract.
2. The City Attorney review and approval the abstract of title and title opinion.
3. Payment of all fees by the Developer according to the First Development Contract according to the current Resolution Approving Specific Fees to be Charged by the City of Marshall.

All voted in favor of the motion.

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 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.

Zoning Administrator Olson has contacted the applicant to make them aware of the revised recommendation. The owner has accepted this change provided it causes no tax increase. Lorna Sandvik, City Assessor, provided the Council with a memo confirming that taxes will not be dependent on zoning in this case.

Ritter moved, DeCramer seconded, the adoption of ORDINANCE NUMBER 649, SECOND SERIES and that the reading of the same be waived. Ordinance Number 649, Second Series is 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 removed from A-Agricultural District and B-3 General Business District and placed into a B-3 General Business District. All voted in favor of the motion.

### **PRESENTATION OF 2011 EDA ANNUAL REPORT:**

Cal Brink, CEO Marshall Area Chamber of Commerce, reviewed the 2011 EDA Annual Report. Mr. Brink provided information on:

- Business Retention & Expansion Program
- First Annual Lyon County Business Summit
- Business Expansion for Titan Machinery, Ralco Nutrition and Schwan's
- Land / Building Acquisitions for Hauge Egg at 103 West Lyon Street; John Middleton at 107 and 109 South First Street
- Lyon County Unemployment Rates
- Airpark East
- Parkway Housing
- Small Cities Development Grant – Housing



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Discover Southwest Minnesota Partnership  
Website Maintenance and Analytics  
Referrals  
Marshall Municipal Liquor relocation  
Shovel Ready Property  
New business – Menards

Mr. Brink also, provided a review of the Consolidated Balance Sheet and Statement of Revenues and Expenditures as of December 31, 2011.

**CONSIDER RESOLUTION RECEIVING REPORT AND CALLING FOR HEARING ON IMPROVEMENT – A. PROJECT Y87: WEST MAIN SANITARY SEWER IMPROVEMENT PROJECT; B. PROJECT Y97: SOUTH 1<sup>ST</sup> STREET OVERFLOW LIFT STATION / GRIMES STREET RECONSTRUCTION PROJECT; C. PROJECT Z01: WEST REDWOOD STREET / NORTH 3<sup>RD</sup> STREET / WEST MARSHALL STREET RECONSTRUCTION PROJECT:**

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

West Main Sanitary Sewer Improvement Project Y87 – This project involves the replacement of sanitary sewer and storm sewer utilities, partial street reconstruction, and partial resurfacing. The proposed project will impact West Main Street from North T.H. 59 to the bridge over the Redwood River Diversion Channel. This proposed project will be coordinated with MN/DOT and includes their proposed improvements to the surfacing.

South 1<sup>st</sup> Street Overflow Lift Station / Grimes Street Reconstruction Project Y97 – This project involves the replacement of watermain, sanitary sewer and storm sewer utilities, and street reconstruction. This project also includes the replacement of a sanitary sewer lift station and forcemain. The proposed project will reconstruct the street and described utilities on Grimes Street from South 2<sup>nd</sup> Street to Williams Street and South 1<sup>st</sup> Street from DeSchepper Street to George Street.

West Redwood Street / North 3<sup>rd</sup> Street / West Marshall Street Reconstruction Project Z01 – 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 West Marshall Street from East College Drive to North 3<sup>rd</sup> Street, North 3<sup>rd</sup> Street from West Marshall Street to West Redwood Street and West Redwood Street from North 3<sup>rd</sup> Street to East College Drive.

Ritter moved, DeCramer seconded, the adoption of RESOLUTION NUMBER 3711, SECOND SERIES and that the reading of the same be waived. Resolution Number 3711, Second Series is a resolution Receiving the Feasibility Report and Call for a Hearing on Improvement for Project Y87 West Main Sanitary Sewer Improvement Project. The public hearing will be held at 5:30 P.M. on March 13, 2012. All voted in favor of the motion.

Doom moved, Hulsizer seconded, the adoption of RESOLUTION NUMBER 3712, SECOND SERIES and that the reading of the same be waived. Resolution Number 3712, Second Series is a resolution Receiving the Feasibility Report and Call for a Hearing on Improvement for Project Y97 South 1<sup>st</sup> Street Overflow Lift Station / Grimes Street Reconstruction Project. The public hearing will be held at 5:30 P.M. on March 13, 2012. All voted in favor of the motion.

Doom moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3713, SECOND SERIES and that the reading of the same be waived. Resolution Number 3713, Second Series is a resolution Receiving the Feasibility Report and Call for a Hearing on Improvement for Project Z01 West Redwood Street / North 3<sup>rd</sup> Street / West Marshall Street Reconstruction Project. The public hearing will be held at 5:30 P.M. on March 13, 2012. All voted in favor of the motion, except Sanow who voted no.



## REGULAR MEETING – FEBRUARY 28, 2012

### CONSIDER APPOINTMENTS TO VARIOUS BOARDS & COMMISSIONS:

Per the recommendation of Mayor Byrnes, Sanow moved, Doom seconded, and it was unanimously approved that the following appointments be made:

Community Services Advisory Board – Kristie Andres be appointed to an unexpired term to expire on February 28, 2015

Senior Citizen Center Commission – David Patterson be appointed to an unexpired term to expire on May 31, 2013

### COUNCILMEMBER COMMISSION/BOARD LIAISON REPORTS:

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

Byrnes            Regional Development Commission met; Regional Radio Board met.

Hulsizer        Convention and Visitors Bureau – minutes were included in the agenda packet.

Doom            No report.

Sanow           Marshall Area Transit – item was acted on earlier in the meeting and minutes were included in the agenda packet.

DeCramer       EDA – annual report was presented earlier in the meeting; Utilities Commission minutes are included in the agenda packet.

Boedigheimer No report.

Ritter           No report.

### STAFF REPORTS – CITY ADMINISTRATOR:

Ben Martig, City Administrator, indicated that RFP's for the old Library building are due on March 5, 2012; Cal Brink, CEO Marshall Area Chamber of Commerce, will be testifying at the state Capital on behalf of Marshall's proposed regional amateur sports complex; staff is working on finalizing the sale of property to Trident Developers; staff is working on moving up the City borrowing time line for bonding; the Administrative Code is being finalized; LES mediation will be presented to the Council. Mr. Martig provided a handout on the Marshall Lyon County Library utilities. Mr. Martig also addressed the development of the Administrative Code and status of the compensation study which is due April 1, 2012.

### STAFF REPORTS – CITY ENGINEER:

Glenn Olson, Director of Public Works/City Engineer, indicated that staff will be receiving quotes on portable restrooms and septic tank pumping; the Adult Community Center will be receiving proposals on replacing siding and windows due the storm damage; staff received multiple proposals for playground equipment for Windstar Park.

### STAFF REPORTS – CITY ATTORNEY:

Dennis Simpson, City Attorney, indicated that the purchase of the Middleton Office building has been finalized.

### COUNCIL MEMBER INDIVIDUAL ITEMS:

There were not additional Council Member comments.

### REVIEW OF PENDING AGENDA ITEMS:

There were no questions on pending agenda items.



REGULAR MEETING – FEBRUARY 28, 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.	Ladwalk, Inc.	102	South	High Street	Reroof (asphalt) 6:12, Reside (vinyl)	\$27,500
2.	Bladholm Construction, Inc.	448	West	Main Street	Exterior Wall, Interior Finishes	\$29,400
3.	James Lozinski Construction Inc.	508		Lynd Street	Reroof (asphalt) 6:12	\$6,900
4.	James Lozinski Construction Inc.	1005	North	4th Street	(office) Reroof (asphalt) 4:12, Reside (vinyl)	\$11,900
5.	James Lozinski Construction Inc.	1003	North	4th Street	Reroof (asphalt) 4:12	\$7,900
6.	Kelly & Bonnie Wasberg	905		Elaine Avenue	Partial Reside (vinyl), Chimney Cap, Add Window, Entry Door	\$6,100
7.	Curtis & Carmen Deubbeldee	702	East	Main Street	Reroof	\$4,000
8.	Troy's Electric Company	1100	North	Highway 59	Sign	\$2,300
9.	True Value Home Center	809		DeSchepper Street	Partial Reside (vinyl), Overhead Doors	\$6,000
10.	Shane Weckwerth	108	East	Redwood Street	Raise Ceiling	\$2,900
11.	Ronald Halgerson	114		Park Avenue	Window	\$1,000
12.	J F Taylor & Sons, Inc.	1102		Hackberry Drive	Partial Reside (Hard Board)	\$300
13.	J F Taylor & Sons, Inc.	1108		Hackberry Drive	Partial Reside Garage (Hard Board)	\$600
14.	Dennis Lozinski Construction	411		Elm Street	Reroof (asphalt) 5:12	\$6,000
15.	Dennis Lozinski Construction	100		E Street	Reroof (asphalt) 6:12	\$4,600
16.	Karl Campbell Construction	700	South	Saratoga Street	Partial Reside (vinyl)	\$2,600
17.	Karl Campbell Construction	603	South	1st Street	Partial Reside (vinyl)	\$1,600
18.	Christopher Ellingson	203	North	A Street	Entry Doors	\$600
19.	Geske Home Improvement Co.	106	South	5th Street	Partial Reside (steel)	\$9,500



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20.	Scott VanOverbeke Construction LLC	219	Oslo	Avenue	Reside (vinyl), Reroof (asphalt) 5:12	\$20,000
21.	Scott VanOverbeke Construction LLC	1107	David	Drive	Partial Reside (vinyl), Reroof (asphalt) 6:12	\$12,000
22.	Robert L. Carr Company	1113	East	College Drive	Interior Remodel	\$7,500
23.	Knights of Columbus	114	North	3rd Street	Interior Remodel	\$20,000
24.	Kenneth Versaevel	819	Cullen	Circle	Replace Overhead Garage Doors	\$2,500
25.	Kenneth & Janice Noyes	1119	Sunset	Circle	Bathroom Remodel, Closet	\$2,000
26.	David & Dayna Wingert	134	E	Street	Basement Bedroom, Window	\$3,000
27.	Emmet & Karen Bakke Trust	614	Kathryn	Avenue	Entry Door, Remove Closet	\$1,500
28.	Jordon Reaves	217	Athens	Avenue	Overhead Door	\$900

Applicant		Location Address			Description of Work	Valuation
1.	Heartland Mechanical, Inc.	1511	Carlson	Street	Interior Remodel	
2.	Kenneth E. Holm	603	Cougar	Court	Dwelling	
3.	Gary A. Smidt	207	Stephen	Avenue	Apartment	
4.	Ricky J. Myhre	1302	Cheryl	Avenue	Basement Baths	\$1,000.00
5.	Minnwest Plumbing & Heating, Inc.	622	South	4th Street	Bathroom Remodel	

Doom moved, Sanow seconded, that the meeting be adjourned at 8:00 P.M. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk