

REGULAR MEETING – MARCH 13, 2012

The regular meeting of the Common Council of the City of Marshall was held on March 13, 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 and Boedigheimer. Absent: Ritter. 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; Harry Weilage, Director of Community Services; Marc Klaith, Fire Chief; Sheila Dubs, Human Resource Coordinator; Ilya Gutman, Building Official; Preston Stensrud, Parks Supervisor; Thomas M. Meulebroeck, Finance Director/City Clerk; and Jane DeVries, Deputy City Clerk.

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 with the addition of item 7H, which is to consider a LG220 Application for Exempt Permit for the Shades of the Past and that item 7A, which is consideration to declare vehicles as surplus property be removed from the agenda.

APPROVAL OF MINUTES:

Sanow moved, DeCramer seconded, that the minutes of the regular meeting held on February 28, 2012 be approved as corrected and that the minutes of the special work session held on February 28, 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 - PROJECT Y87 WEST MAIN STREET SANITARY SEWER IMPROVEMENT 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 Y87 West Main Street Sanitary Sewer Improvement Project. Glenn Olson, Director of Public Works/City Engineer, indicated that 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.

A public informational meeting was held on March 6, 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 scope of the project. There were questions concerning potential costs to the property owners and, as this is a project involving residential, commercial, and industrial properties, the method of assessment is fairly complicated as there is different participation by the City for each type of property. An explanation was given for the methods of assessments for each, and the assessment notices will address the current Special Assessment Policy of the City. Mn/DOT will also be participating in a portion of the construction costs involving the costs of the mill and overlay of the street section from T.H. 59 to the Diversion Channel Bridge. There will be a need at certain times for a detour. The detour location will be from West Main Street (T.H. 68) on the east side of the project, north on T.H. 59 and westerly on Channel Parkway back to T.H. 68. Local traffic will be allowed to the businesses within the detour outside of the street area needing to be closed for construction. The closed area will essentially be on West Main Street from the T.H. 59 intersection to just west of South 10th Street with a short interruption for the replacement of the 54-inch corrugated metal pipe under T.H. 68 at the South 11th Street intersection. Deliveries, business and residential access, sanitation services and postal services during the construction period was also discussed.

Bill Ziegenhagen, owner of Marshall Small Engine, 705 West Main Street, was concerned with business signage and detour signs. Mr. Olson indicated that this would be included in project costs. Sanow moved, DeCramer seconded, that the public hearing be closed. All voted in favor of the motion.

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Sanow moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3714, SECOND SERIES and that the reading of the same be waived. Resolution Number 3714, Second Series is a resolution Ordering Improvement and Preparation of Plans. This resolution provides for the improvements for Project Y87 West Main Sanitary Sewer Improvement Project. All voted in favor of the motion.

PUBLIC HEARING – PROJECT Y97 SOUTH 1ST STREET OVERFLOW LIFT STATION / GRIMES 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 Y97 South 1st Street Overflow Lift Station / Grimes 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. 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 2nd Street to Williams Street and South 1st Street from DeSchepper Street to George Street.

Mr. Olson indicated that a public informational meeting was held on March 6, 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 replacement of the existing sanitary sewer lift station and forcemain located on the west side of South 1st Street. This lift station will be replaced leaving the existing lift in place until the new lift is operational. The forcemain from the lift to George Street will be installed by boring, resulting in the elimination of total street replacement and only excavated areas in the street at the lift station location and at George Street. The Grimes Street improvements include replacement of watermain, water services, and sanitary sewer main and sanitary sewer services to the property lines because of the deteriorated nature of the mains. The portion of the project of the lift station and the forcemain will be funded in its entirety by the Wastewater Fund. The costs for the Grimes Street improvements will be in accordance with the current Special Assessment Policy with MMU funding the costs of watermain, water services up to and including the curb stop, and associated street costs, and the Wastewater Fund funding the sanitary sewer main and associated street costs. The residential property owners will be responsible for the costs of sanitary sewer services and 50% of the remaining street replacement costs. If in fact, there are commercial properties adjacent to the project, the assessment costs will be similar. However, commercial properties are responsible for 100% of the remaining street replacement costs. Any driveway replacement costs are the responsibility of the adjacent property owner.

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

DeCramer moved, Doom seconded, the adoption of RESOLUTION NUMBER 3715, SECOND SERIES and that the reading of the same be waived. Resolution Number 3715, Second Series is a resolution Ordering the Improvement and Preparation of Plans. This resolution provides for the improvements for Project Y97 South 1st Street Overflow Lift Station / Grimes Street Reconstruction Project. All voted in favor of the motion.

PUBLIC HEARING - PROJECT Z01 WEST REDWOOD STREET / NORTH 3RD STREET / WEST MARSHALL 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 Z01 West Redwood Street / North 3rd Street / West Marshall 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 West Marshall Street from East College Drive to North 3rd Street, North 3rd Street from West Marshall Street to West Redwood Street, and West Redwood Street from North 3rd Street to East College Drive.

Mr. Olson indicated that a public informational meeting was held on March 6, 2012 at 6:30 p.m. at Marshall Municipal Utilities. Information and handouts were provided to all those in attendance. Discussion was

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held concerning the replacement of utilities, driveways, and street reconstruction in these areas, including potential access issues, impacts to East College Drive and adjacent businesses, as well as impacts to churches immediately adjacent to and around the project area. The Special Assessment Policy was reviewed relating to residential and commercial properties as the process is different for each of them. Property owners asked about new street grades or elevation conflicts with existing driveways or alley entrances, as well as their responsibilities for any improvements off of the public right-of-way. Any improvements off the public right of way are the responsibility of the property owner (driveways, water services, sanitary sewer services to the homes or businesses).

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

Doom moved, DeCramer seconded, the adoption of RESOLUTION NUMBER 3716, SECOND SERIES and that the reading of the same be waived. Resolution Number 3716, Second Series is a resolution Ordering the Improvement and Preparation of Plans. This resolution provides for the improvements for Z01 West Redwood Street / North 3rd Street / West Marshall Street Reconstruction. All voted in favor of the motion, except Sanow who voted no.

AWARD OF BIDS – AUTHORIZATION TO PURCHASE TWO SQUAD CARS:

Rob Yant, Director of Public Safety, indicated that he met with the Vehicle Equipment Committee on February 16th who approved the specifications for the squads, which are the same as those squads just purchased from the 2011 budget. These specifications and state pricings were published in the paper and were also provided to the local Ford and Chevrolet/Dodge dealer who did not provide a bid.

Mr. Yant indicated that the State Bid sale price doesn't offer the option of trade-ins and so the old cars must be sold. The State Bid received for the 2012 Police Package Sedan included:

2012 Chevy Impala	2012 Dodge Charger V-8	2012 Dodge Charger V-6
HD Mud Guards	HD Mud Guards	HD Mud Guards
HD Floor Mats	HD Floor Mats	HD Floor Mats
\$20,839.20	\$22,564.00	\$25,207.61

2013 Ford Interceptor, All Wheel Drive
HD Mud Guards
HD Floor Mats
\$25,207.61
Reverse Sensing \$248.00
Transp. Cage \$899.00
Elect. Tray in Trunk \$202.00
Adjusted Bid \$23,858.61

Doom moved, Sanow seconded, that the Police Department be authorized to purchase two 2012 Police Package Chevrolet Impalas from Thane Hawkins Polar Chevrolet, Inc., White Bear Lake, Minnesota for a total price of \$41,678.00. All voted in favor of the motion.

AWARD OF BIDS FOR PLAYGROUND EQUIPMENT AT WINDSTAR PARK:

Proposals were received, opened and read on February 22, 2012 for Playground Equipment at Windstar Park. The proposals received, opened and read were from:

Firm	BASE PROPOSAL AMOUNT \$50,000 MAXIMUM	ALTERNATE PROPOSAL AMOUNT \$20,000 MAXIMUM	TOTAL Including Tax	COMMENTS
C&C Custom Interiors/Amish Crafted Furniture 117 N. 3 rd St. Marshall, MN 56258 507-929-7460 (Dennis Wilson)	\$49,564.95	\$19,824.17	\$69,508.81	
St. Croix Recreation Nature Play Attn: Paul Hokeness 225 N. Second Street Stillwater, MN 55082 651-430-1247 FAX: 651-430-9231 hokenesspaul@gmail.com	\$50,000.00	\$18,713.00	\$70,000.00	
Clearwater Recreation Attn: Bill Livingston 329 E. Lake Street Waconia, MN 55387 952-442-1820/FAX: 952-442-4439 clearwaterrec@msn.com	\$50,000.00	20,000.00	\$70,000.00	Taxes included in base proposal
Minnesota/Wisconsin Playground Attn: Dan Lanes 5101 Hwy 55, Suite 6000 Golden Valley, MN 55422 800-622-5425 FAX: 763-546-5050 info@mnwiplay.com	\$45,709.29	\$19,934.45	\$70,000.00	
Midwest Playscapes, Inc. 500 N Pine St. Suite 104 Chaska, MN 55318-1964 952-361-3504 FAX : 952-341-3549 www.midwestplayscapes.com	\$50,000.00	\$18,713.00	\$70,000.00	
Flagship Recreation 5607 Cedar Lake Road S. St. Louis Park, MN 55416	\$49,282.00	\$7,491.00	\$60,676.14	
Flanagan Sales Inc. 2475 Maplewood Drive, Suite 114 St. Paul, MN 55109 651-633-0123 FAX 651-633-1515 wecanhelp@flanagansales.com	\$49,989.77 Option 1 \$49,937.14 Option 2	\$19,942.90 \$19,896.00	\$69,932.67 \$69,833.14	Taxes included in the Proposal.
National Playground Compliance Group Attn: Christopher Meleshko 205 South Garfield PO Box Z Carlisle, IA 500471 515-471-1890 chris@playgroundcompliance.com	\$46,100.00	\$18,793.00	\$69,020.94	

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Preston Stensrud, Parks Supervisor, indicated that he worked with the Public Works and Marshall Community Services to review the proposals and looked for a theme structure to enhance the park experience in the new residential development. Mr. Stensrud indicated that he made a presentation to the Marshall Community Services Board and after discussion a recommendation was made by the Community Services board to the City Council for the selection of the proposal submitted by St. Croix Recreation Nature Play in the amount of \$50,000. Mr. Stensrud indicated that there is an option for an additional expanded playground apparatus in the amount of \$20,000. Staff will make contacts to see if individuals or organizations would be interested in donating additional funds to purchase the added options.

Doom moved, DeCramer seconded, that the proposal for the Playground Structure be awarded to St. Croix Recreation Nature Play for the City Park just south of Windstar Street in the amount of \$50,000 and that staff make contacts to see if individuals or organizations would be interested in donating additional funds to purchase additional Playground Structures up to \$20,000. The \$50,000 will be funded from the Park Development Reserve Fund, which includes revenues collected from new City Development Areas. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA – A. DECLARE VEHICLES AS SURPLUS PROPERTY FOR THE POLICE DEPARTMENT; B. FLINT HILLS RESOURCES ADDITION -- CONSIDER RESOLUTION AMENDING RESOLUTION NUMBER 3130, SECOND SERIES, "RESOLUTION APPROVING THE FINAL PLAT OF FLINT HILLS RESOURCES ADDITION"; C. CONSIDER AUTHORIZATION TO ADVERTISE FOR BIDS FOR AIRPORT PROJECTS: APRON CONCRETE REPAIR PROJECT, TREE REMOVAL PROJECT, AND RUNWAY SLURRY SEAL PROJECT; D. REFUSE HAULERS LICENSE RENEWAL FOR SOUTHWEST SANITATION INC. AND WASTE MANAGEMENT; E. CONSUMPTION AND DISPLAY LICENSE RENEWAL FOR PRAIRIE EVENT CENTER AND SMSU; F. APPROVAL OF ELECTRONIC PAPERLESS AGREEMENT WITH INTERCOM NETWORK AND CITY OF MARSHALL; G. APPROVAL BILLS/PROJECT PAYMENTS:

Sanow moved, DeCramer seconded, that the following consent agenda items be approved with the addition of item 7H, which is to consider a LG220 Application for Exempt Permit for the Shades of the Past and that item 7A, which is consideration to declare vehicles as surplus property be removed from the agenda.

The adoption of RESOLUTION NUMBER 3717, SECOND SERIES and that the reading of the same be waived. Resolution Number 3717, Second Series is a resolution Amending Resolution Number 3130, Second Series Resolution Approving the Final Plat of Flint Hills Resources Addition. The Final Plat of Flint Hills Resources Addition was presented to the Common Council on August 4, 2008. Resolution Number 3130, Second Series was adopted on August 4, 2008. Resolution Number 3130, Second Series and the Final Plat of Flint Hills Resources Addition were not filed for record within 90 days of adoption of said resolution due to ownership issues and incomplete real estate transactions, therefore the resolution became void. The ownership issues are resolved, real estate transactions are complete, and now the Final Plat of Flint Hills Resources Addition is ready for recording.

The proper city personnel be authorized to advertise for bids for the following projects at the Airport: Apron Concrete Repairs Project, Tree Removal Project and Runway Slurry Seal Project.

The annual renewal of Refuse Haulers Licenses for the period April 1, 2012 through March 31, 2013 at a fee of \$160.00 for Southwest Sanitation Inc. and Waste Management.

The annual renewal of the Consumption and Display Licenses for the period April 1, 2012 through March 31, 2013 at a fee of \$130.00 for the Prairie Event Center, and Southwest Minnesota State University.

The proper city personnel be authorized to enter into the InterCom Network Software Site License, Support and Maintenance Annual Agreement with InterCom Network for the paperless meeting

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software for the City Council meetings.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 78519 through 78637.

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 the Shades of the Past for a raffle to be held at Running's Farm & Fleet Parking Lot, 1101 East Main Street, Marshall, Minnesota on June 2, 2012 and that the 30 day waiting period be waived.

All voted in favor of the motion.

CONSIDER REQUEST OF WILLIAM MAERTENS TO REZONE 1104 AND 1106 WEST MAIN STREET FROM B-3 GENERAL BUSINESS DISTRICT TO I-1 LIMITED INDUSTRIAL DISTRICT – INTRODUCTION OF ORDINANCE:

Glenn Olson, Director of Public Works/City Engineer, indicated that Bill Maertens has requested to rezone his property at 1104 and 1106 West Main Street from B-3 (General Business District) to I-1 (Limited Industrial District). He owns a metal fabrication shop at that location and wants to build an addition to his building. However, metal fabrication shops are not listed as a permitted use in a B-3 (General Business District) making an existing building a non-conforming use. Therefore, a variance permit or rezoning action is required for the owner to be able to proceed.

Mr. Olson indicated that after careful consideration, staff is recommending a rezoning of Mr. Maertens' property and some adjacent parcels as well. That decision was arrived at in conjunction with taking into account adjacent lots uses and desired zoning for the whole area. To the northwest, the adjacent properties contain an auto body shop and an electrical contractor's shop in a B-3 (General Business District). Next to the northwest is an I-1 (Limited Industrial District) zoned parcel with a mechanical contractor shop. Further to the northwest along Main Street are two parcels zoned B-3 (General Business District) containing an auto repair shop and a self-storage warehouse. The last parcel on Main Street before Channel Parkway is also zoned I-1 (Limited Industrial District). Mechanical and electrical contractor's shops are allowed in both B-3 (General Business District) and I-1 (Limited Industrial District), self-storage warehouse is an allowed use in an I-1 (Limited Industrial District) and a conditional use in a B-3 district, and auto repair shops are not allowed in an I-1 (Limited Industrial District).

Mr. Olson indicated that it is the staff's opinion that a metal fabrication shop belongs to an I-1 (Limited Industrial District) rather than a B-3 (General Business District). In addition, it is also reasonable to allow auto repair shops in an I-1 district as well continue to permit them in a B-3 (General Business District). Therefore, the staff recommends that 5 additional parcels, along with the two requested parcels, be rezoned from B-3 (General Business District) to I-1 (Limited Industrial District).

Mr. Olson indicated that along with the process of rezoning, the staff has initiated a procedure of revising the City of Marshall Zoning Ordinance to add auto repair shops to permitted uses in an I-1 (Limited Industrial District). Otherwise, two auto repair shops in the rezoned area will become non-conforming use. Originally, the whole block was zoned I-1 (Limited Industrial District). In the 1980's and 1990's several parcels along Main Street were rezoned to B-3 (General Business District) to accommodate various business uses. The City of Marshall 1996 Comprehensive Plan (including 2004 Updates and Amendments) shows this area as commercial area development, not industrial. However, based on the Ordinance allowed uses, Limited Industrial District uses seem to be very close to, and can be classified as, Commercial for all practical purposes.

Mr. Olson indicated that this request is simultaneously submitted to the Planning Commission for review. The Public Hearing will take place during the Planning Commission meeting on March 14, 2012. To expedite the process, this request is presented to the City Council for ordinance introduction prior to the Planning Commission meeting.

Council Member Boedigheimer was concerned with rezoning the whole area when some of the businesses do not need to be in an I-1 Limited Industrial District. Council Member Doom indicated he is in favor of rezoning the entire area. Council Member Sanow is not in favor of spot zoning.

Doom moved, DeCramer seconded, the introduction of an ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance would provide for 1210, 1206, 1200, 1110, 1104 and 1106 all along West Main Street to be removed from B-3 General Business District and placed into an I-1 Limited Industrial District. All voted in favor of the motion.

REVISIONS TO SEC. 86-106, I-1 LIMITED INDUSTRIAL DISTRICT, OF THE CITY OF MARSHALL CODE OF ORDINANCES – INTRODUCTION OF ORDINANCE:

Glenn Olson, Director of Public Works/City Engineer, indicated that in light of the rezoning request for the properties at 1102 and 1104 West Main Street, it was noted that Auto Repair Shops are a permitted use in B-3 (General Business District) and I-2 (General Industrial District) but not in an I-1 (Limited Industrial District). Considering that Limited Industrial District is intended as somewhat of a buffer area between B-3 (General Business District) and I-2 (General Industrial District), it is reasonable to permit Auto Repair Shop use in this district.

Mr. Olson indicated that the Planning Commission will be reviewing the proposed revisions to the ordinance at their regular meeting on March 14, 2012.

DeCramer moved, Doom seconded, the introduction of an ordinance Amending Marshall City Code of Ordinances - Chapter 86 Relating to Zoning. This ordinance would provide for automobile garages and repair shops, with no outside storage of vehicles or equipment and other construction related trades to be added as a permitted use in an I-1 Limited Industrial District. All voted in favor of the motion.

CONSIDER APPROVAL OF AMENDMENTS TO THE PERSONNEL POLICY MANUAL:

Sheila Dubs, Human Resources Coordinator, indicated that there are two draft policy additions for consideration. These policies provide the framework around the compensation of City employees who also hold positions on the Marshall Fire Department. Through consultation with the League of MN Cities HR and legal departments, and a legal opinion from an attorney at Flaherty and Hood, staff realizes that when a City employee works in two or more positions for the City of Marshall, the City is legally required to combine all their working hours for overtime compensation purposes. There are currently 3 full-time employees that are impacted by this policy. Staff has reviewed the policy drafts with them and their union agent.

The policy drafts were reviewed by the Personnel Committee and they are recommending the policy. When developing the policies, staff tried to find a balance between providing fair and legal compensation to the 3 impacted employees and limiting the overall overtime exposure costs and negative morale issues within the Fire Department. City Staff and the Personnel Committee are recommending:

- That no future non-exempt City employees be eligible for appointment to the fire department.
- Those employees who are exempt from overtime would be eligible for appointment.
- It will be up to the supervisor to make the decisions about fire duty responses during the normal work day.
- The Employees will have the option of utilizing certain leave accruals to substitute for fire duty time taken during regular working hours.
- Employees who are on vacation or holiday leave are still allowed to respond to a fire call.
- The employees will be required to choose an overtime compensation method. The policy language details how each of the methods will pay the overtime. Option 1 is the default method--- if the employee doesn't make a choice—that is the method by which the City has to pay the

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overtime in accordance with the Fair Labor Standards Act. Option 2 is the method preferred from an Administrative standpoint because it's easier to administer and calculate the overtime compensation.

- Overtime for fire duty hours will accrue after the employee has reached a combined 40 hours worked in both positions on a weekly basis. The employee may still accrue overtime on a daily basis in their regular full-time positions when working outside of their normally scheduled shift.

Ms. Dubs and Marc Klaith, Fire Chief, indicated that this policy issue has been very challenging and has taken a fair amount of time to develop. Staff has worked closely on this and believes they have developed a fair policy for the employees and one that can be supported by the Fire Department.

Council Member Boedigheimer questioned whether the City should allow its exempt employees to serve on the Marshall Fire Department as proposed. Marc Klaith, Fire Chief, indicated that in emergencies it is very helpful for a firefighter to be a City employee which allows for easier access to equipment and supplies. Ben Martig, City Administrator, indicated that this will be presented to the Personnel Committee to review. Boedigheimer requested prompt review of this policy.

DeCramer moved, Doom seconded, the approval of the following amendments to the Personnel Policy Manual:

1. Addition of a "Paid-On-Call Employee" classification with definition to Section 4.0, the Employee Classification System and Performance Reviews section of the Policy Manual.
2. Addition of a "Fire Duty / Hazmat Response" policy to Section 5.0, the compensation section of the Policy Manual.

All voted in favor of the motion, except Boedigheimer who voted no.

CONSIDER APPROVAL OF THE GRANT AWARD CONTRACT FOR THE MRS. WHITNEY STATUE PROJECT:

Harry Weilage, Director of Community Services, indicated that the Marshall Community Services with its partners the Marshall Area Fine Arts Council and the Lyon County Historical Society, have been working on the Mrs. Whitney Statue project to signify the entrance to downtown Marshall both Historically and Artistically in conjunction to creating the Arts and Entertainment district for the City of Marshall. This grant award acknowledges this process and builds upon the Murals and Memorial Park. This specific project also completes the Liberty Park Centennial project supported by the local Rotary Clubs. It is the intent to move forward with the artists of Jim Dahl, Jim Swartz and John Sterner on developing this project over the next year and hopefully install the statue in time for the 2013 Sounds of Summer depending on foundry schedules (subject to change). The goal of the Arts and Entertainment district is to support businesses and develop unique amenities to the downtown in support of the regional venues of SMSU, Amateur Sports Center and the Merit Center. Boedigheimer commended the merit of this project.

Doom moved, Boedigheimer seconded, approval of the Art Legacy Grant from the Southwest Minnesota Arts and Humanities Council for the Mrs. Whitney Statue project in the amount of \$17,498.00. In addition to the Grant, the funding for this project will be provided by:

\$10,000	Mildred Madden Account
\$ 6,250	Funds from private brick donations
\$ 5,000	Carryover Whitney project funds from past budget designation
\$ 5,000	Park Shelter Account funds
\$17,498	SMAHC Grant

All voted in favor of the motion.

INTRODUCTION OF AN ORDINANCE REDEFINING WARD BOUNDARIES AND ELECTION PRECINCT BOUNDARIES WITHIN THE CITY OF MARSHALL:

Ben Martig, City Administrator, indicated that City governments must redistrict or reestablish all precincts after state redistricting. The deadline for the City Council to adopt an ordinance reestablishing the precinct boundaries is April 3, 2012. Reestablishing precincts is a routine process of verifying that existing precinct boundaries meet legal requirements and then reconfirming those boundaries. Redistricting precincts is required when it is determined that existing precincts do not meet the requirements in law, particularly if new legislative or congressional districts have split existing precincts.

Mr. Martig indicated that cities may also find this to be a good time to realign precincts to eliminate precincts split by school districts, adjust or add additional precincts to accommodate growth, or to change polling places. Cities with wards must redistrict ward boundaries to ensure compliance with ward population equality and other legal requirements. The population from one ward to the next must be within 10% variance, or in the case of Marshall there may not be a variance exceeding 456 population from one ward to the next. The proposed ordinance requires a change in ward boundaries for all three Wards to be in compliance. If Marshall fails to redistrict their wards within 60 days after the state legislature has been redistricted, the Mayor and City Council members will not get paid until redistricting is completed.

The City Council reviewed five options at the February 28, 2012 Council workshop. The Council agreed that Option 4 was the best solution. This option follows E. Southview and Saratoga and also creates more consistency in an area of Ward 1 that was not following major roadways. The area between East Marshall Street and Charles Street to the South of East College Drive will remain in Ward III which is an existing boundary so consistency is still retained with those who reside there.

Sanow moved, Doom seconded, the introduction of an ordinance redefining ward boundaries and election precinct boundaries within the City of Marshall, Minnesota. All voted in favor of the motion.

CONSIDER AUTHORIZATION TO ENTER INTO PROFESSIONAL SERVICES AGREEMENT WITH BOLTON & MENK, INC. FOR EAST AREA STORM WATER STUDY AND DESIGN:

Glenn Olson, Director of Public Works/City Engineer, indicated that this project consists of the development of storm water management design concepts for the area in the northwest and northeast quadrants of the intersection of Minnesota T.H. 23 and Minnesota T.H. 19/68 (East College Drive). This project is being initiated by the proposed development of the several subdivisions in the Tiger Park complex in the area south and west of the high school. A storm water management pond is planned in the northwest quadrant of the T.H. 23/East College Drive intersection. Landscaping amenities are planned in the area immediately surrounding the pond to create an attractive gateway for Southwest Minnesota State University (SMSU) and the City. The area north of the proposed pond will continue to be utilized as a practice area for the SMSU marching band. An area west of the proposed pond and adjacent to O'Connell Street will be reserved for future development. An additional pond will be necessary on the northeast quadrant of the T.H. 23/East College Drive intersection supplying the remainder of the storm water detention and treatment requirements for the newly developing areas between T.H. 23 and the east city limits north of T.H. 19. Costs for the development of these ponds will be assessed to the benefitting properties.

Mr. Olson indicated that Bolton & Menk has been the City's surface water consultant since the development of the Ditch 62 storm water treatment and detention facility. They have also been involved in most of the remainder of the storm water design and review of residential and industrial pond developments. They are not only extremely competent in the storm water design area but have an inherent knowledge of the specifics of the issues of Marshall and its runoff and drainage.

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DeCramer moved, Doom seconded, that the proper city personnel be authorized to enter into a Professional Services Agreement with Bolton & Menk, Inc., for the East Area Storm Water Study and Design for Basic Services for a not-to-exceed amount of \$41,200, subject to City Attorney review and approval. All voted in favor of the motion.

RESOLUTION AMENDING BUDGET AMOUNTS FOR FISCAL YEAR ENDING DECEMBER 31, 2011:

Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that the year-to-date 2011 revenues and expenditures have been compared to the original 2011 budget. Mr. Meulebroeck reviewed the budget adjustments for the 2011 budget. These adjustments will reduce the variances between budgets to actual. Doom moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3718, SECOND SERIES and that the reading of the same be waived. Resolution Number 3718, Second Series is a resolution Reallocating Budget Amounts for Fiscal Year Ended December 31, 2011. All voted in favor of the motion

Mayor Byrnes called for a 5-minute recess at 7:06 P.M.

RESOLUTION DELETING DEFERRED SPECIAL ASSESSMENT #3468 AND #3469 - MARJON LIMITED PARTNERSHIP:

Ben Martig, City Administrator, indicated that the City of Marshall adopted resolutions concerning deferred special assessments for the improvements of utilities and roadways on Windstar Street and Clarice Avenue adjacent to some properties located outside of the city limits. Two property owners filed protest and perfected their protest for these deferred assessments during the assessment process. Upon review and court direction the deferred assessments for properties that have had their assessments protest perfected, it is recommended that these deferred assessments be deleted. If, in the future, these properties are annexed into the city limits and receive benefit by connection to either the streets or utilities, the City will proceed with the assessment process for these improvements to the benefiting properties.

Mr. Simpson indicated that the City of Marshall believed that there was no current obligation owed and that the special assessment was not a lien against the property. However, the property owner believed that the original special assessment, although deferred, still represented a lien against the property. There remains a procedure under Minn. Stat. §429.051, to levy a special assessment against that property at some future time. The City is not out any future authority to levy special assessments by releasing the special and deferred assessments at this time.

Doom moved, DeCramer seconded, that a Resolution be adopted Deleting Adopted and Deferred Special Assessments for property owned by MarJon Limited Partnership, Parcel No. 09-015001-0 in the amount of \$198,459.96 and \$67,940.91 and for property owned by Marie P. Doom Trust, Parcel No. 09-010004-1 in the amount of \$304,845.31. Voting in favor of the motion were Byrnes, Doom and DeCramer. Voting no were Boedigheimer, Sanow and Hulsizer. The motion failed.

CONSIDER APPOINTMENTS TO VARIOUS BOARDS & COMMISSIONS:

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

Community Services Advisory Board – Kari Loft be appointed to an unexpired term to expire on February 28, 2014

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 on Thursday.

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Hulsizer Library Board met on Monday, but Hulsizer was unable to attend.
Doom No report.

Sanow No report.

DeCramer Utilities Commission held a special meeting.

Boedigheimer Airport Commission met and it was indicated that the Federal funding is being changed from 95%/5% to 90%/10%.

STAFF REPORTS - CITY ADMINISTRATOR:

Ben Martig, City Administrator, indicated that they were provided a training schedule for the Paperless Board Meetings; the Charter Commission is meeting on Thursday, they need to re-appoint members; Mr. Martig indicated that he will be attending the LMC Legislative Conference for Cities, Counties, Schools and Townships; staff is continuing to work on the Administrative Code; the Capital Improvement 5 year plan; and Bonding. The City will be submitting an application to the League of Minnesota Cities for an Award of Excellence for Memorial Park.

STAFF REPORTS – CITY ENGINEER:

Glenn Olson, Director of Public Works/City Engineer, did not have a report.

STAFF REPORTS – CITY ATTORNEY:

Dennis Simpson, City Attorney, did not have a report.

COUNCIL MEMBER INDIVIDUAL ITEMS:

There were no additional Council Member comments.

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.	Prairie Pride Coop	1100 E Main St	Sign	\$3,600
2.	Eric Soupier	615 Cadillac Road	Partial Basement Finish	\$5,000
3.	James Lozinski Construction Inc.	410 North 6th Street	Reroof (asphalt) 8:12, Reside (vinyl)	\$17,900
4.	James Lozinski Construction Inc.	1102 Horizon Drive	Reroof (asphalt) 6:12, Reside (vinyl)	\$29,000
5.	James Lozinski Construction Inc.	413 North 5th Street	Reroof (asphalt) 6:12, Reside (vinyl)	\$26,900
6.	Daniels Peterson Construction, INC	1123 Sunset Circle	Partial Reside (steel), 2 Entry Doors, Gutters	\$6,200
7.	Richard Louwagie Construction	904 West Main Street	Bathroom	\$3,000
8.	Kenneth & Helen Marotzke	204 F Street	Reroof (asphalt)	\$8,700

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9.	James Lozinski Construction Inc.	101	South	High	Street	Reroof (shakes) 8:12	\$16,900
10.	T L M OF MARSHALL, INC	1425	East	College	Drive	Entry door, Sheetrock	\$5,000
11.	Dennis Lozinski Construction	205	South	6th	Street	Reroof (asphalt) 10:12, Reside (vinyl)	\$8,000
12.	Dennis Lozinski Construction	313	North	Whitney	Street	Reroof (asphalt) 4:12	\$6,000
13.	Nathan Bourne Wilfred & Marlene Hoffmann	1114		Horizon	Drive	Partial Reside (steel)	\$4,000
14.		621		Camden	Drive	Reroof (asphalt)	\$6,500
15.	High Point Exteriors LLC	909		Woodfern	Drive	Remodel Garage	\$18,000
16.	Prairie Winds Construction LLC	314	South	5th	Street	Reroof (tin) 6:12, Reside Garage (vinyl)	\$8,000
17.	James Lozinski Construction Inc.	106		Elaine	Avenue	Partial Reside (vinyl)	\$1,500
18.	Steven Otto Construction	226		Rainbow	Drive	3 Window, Patio door, Reside (vinyl), Reroof (asphalt) 4:12	\$23,000
19.	Erik Sueker	103	East	Thomas	Avenue	Partial Reside (vinyl)	\$4,000
20.	Marshall Lumber Company	500	North	Highway 59		Partial Reroof (steel), Partial Reside (steel) 2 Buildings	\$7,800
21.	Derek Hayes	601		Genesis	Avenue	Finish Basement	\$8,000
22.	Bornhoft Concrete of Marshall	708	West	College	Drive	Communications Tower Modification	\$10,000
23.	Steven Mohwinkel	310	West	Redwood	Street	Reroof (asphalt), Landing	\$6,000
24.	Geihl Construction, Inc.	813		Viking	Drive	2 Overhead	\$3,000
25.	Wallace & Becky Bock	801	South	1st	Street	Reside (vinyl)	\$4,000
26.	Sussner Construction, Inc.	1500		Hahn	Road	Partial Reroof (metal) 4:12	\$7,100
27.	Gary Vlaminc Construction	424		Legion Field	Road	Reroof (asphalt) 10:12	\$8,500
28.	Gary Vlaminc Construction	500	South	Saratoga	Street	Reroof (asphalt) 5:12	\$26,500
29.	Lawrence & Faye Haugen	410	South	1st	Street	Reroof (asphalt) 4:12, Repair Deck, Replace Doors	\$6,200
30.	Lozinski Rentals	705	East	Main	Street	Partial Reside (vinyl), Entry Door, Window	\$3,200
31.	Gary Vlaminc Construction	401	North	4th	Street	Reroof (asphalt)	\$9,400

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32.	Emil Goossens, Louise Goossens & Bertha Laleman	403 North Bruce Street	Overhead Door	\$900
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	Applicant	Location Address	Description of Work	Valuation
1.	Eric Soupir	615 Cadillac Road	Partial Basement Finish	
2.	Neil D. Kroger	302 West Redwood Street	Replacing Drain Lines	\$600.00
3.	Ricky J. Myhre	1119 Sunset Circle	Bathroom Remodel, Closet	
4.	T L M OF MARSHALL, INC	1425 East College Drive	Bath Remodel	\$2,500.00
5.	Cottonwood Coop Oil Company	108 Walker Lane	Furnace	\$1,200.00
6.	Alan & Julie Macht	308 North Whitney Street	Basement Bathroom	\$1,400.00
7.	GarAnimal Contractors	506 Harriett Drive	Bathroom Remodel	

DETERMINATION TO GO INTO CLOSED SESSION PURSUANT TO MINNESOTA STATUTE 13D.05 SUBD. 3(C)(3) RELATED TO SALE OF REAL PROPERTY (FORMER MARSHALL-LYON COUNTY LIBRARY):

Sanow moved, Doom seconded, that the City Council go into closed session at 7:33 P.M. pursuant to Minnesota Statute 13D.05 Subd. 3(c)(3) related to the sale of real property (former Marshall-Lyon County Library. All voted in favor of the motion.

Those present at the closed session included: Byrnes, Hulsizer, Doom, Sanow, DeCramer and Boedigheimer. Staff present included: Ben Martig, City Administrator, Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; and Thomas M. Meulebroeck, Financial Director/City Clerk. Others in attendance included: Cal Brink, EDA Director / CEO Marshall Area Chamber of Commerce; Mark Goodenow and Rick Anderson, Lyon County Commissioners; and Loren Stomberg, Lyon County Administrator.

The Council came out of closed session at 8:30 P.M.

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

Sanow moved, Hulsizer seconded, that the City Council go into closed session at 8:31 P.M. pursuant to Minnesota Statute 13D.03 related to Union Contracts. All voted in favor of the motion.

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

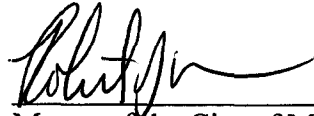
The Council came out of closed session at 9:00 P.M. and reconvened.

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CONSIDER APPROVAL OF UNION EMPLOYMENT CONTRACTS:

Sanow moved, Boedigheimer seconded, that the proper city personnel be authorized to execute the Labor Agreement between the City of Marshall and American Federation of State, County and Municipal Employees, Council No. 65 (AFSCME). This agreement is effective January 1, 2011 through December 31, 2013. All voted in favor of the motion.

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



Mayor of the City of Marshall

ATTEST:



Finance Director/City Clerk