

REGULAR MEETING – SEPTEMBER 25, 2012

The regular meeting of the Common Council of the City of Marshall was held on September 25, 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: Dan Ritter, Jennie Hulsizer, Larry Doom, and Mike Boedigheimer. Absent: Charlie Sanow and John DeCramer. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Kim Jergenson, Engineer Technician; Thomas M. Meulebroeck, Finance Director/City Clerk; and Jane DeVries, Deputy City Clerk. Sheila Dubs, Human Resource Coordinator, 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.

CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 11, 2012:

Member (**Dan Ritter**) moved, Member (**Jennie Hulsizer**) seconded to approve the **ORIGINAL** motion 'that the minutes of the regular meeting held on September 11, 2012 be approved as filed with each member and that the reading of the same be waived'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 0. The motion **Carried 5 - 0**

PUBLIC HEARING FOR BUSINESS SUBSIDY AGREEMENT FOR PRIVATE DEVELOPMENT INCLUDING LAND PURCHASE AND BUSINESS SUBSIDY AGREEMENT FOR RALCO NUTRITION, INC:

This was the date and time set for a public hearing on the Business Subsidy Agreement for Private Development including land purchase and Business Subsidy Agreement for Ralco Nutrition, Inc. Ben Martig, City Administrator, indicated that City of Marshall EDA Director Cal Brink has been working with Ralco Corporation to develop sufficient business subsidies in order to facilitate a potential business relocation and development of the Ralco business in Marshall. Mr. Brink has previously presented to HRA and City Council the broad parameters of the business subsidy discussed with Ralco for the initial construction of warehouse facilities with potential for future corporate offices and mixing facility. The business subsidy agreement proposes that a portion of the re-platted Sonstegard Subdivision II would be contributed to Ralco at no cost. That portion of the business subsidy is valued at a \$302,000 land write down. In addition to the land contribution, it has been agreed that any special assessments that might be due or assessed against the property will be waived. The final valuation of that special assessment cost is being calculated presently and will be inserted into the final document. Finally, the MMU Water Area Charge (WAC) is also waived for the contributed land. The WAC value is approximately \$19,000. The business subsidy agreement requires Ralco to construct a 10,000 square foot warehouse facility. In addition, Ralco must retain 6 FTE jobs for a period of five years. If the goals set by HRA and the City for Ralco are not met, then a portion of the subsidy figures must be paid back by Ralco. As indicated previously, the CPD/BSA presently provided for your consideration, is still in the final works. It is anticipated that the document will be finalized shortly. The proposed resolution would allow for minor non-substantive

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modification. The final document will be brought back to Council and the Council will be made aware of any non-substantive modifications that may occur to that document after approval.

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'to close the public hearing'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

2010 SMALL CITIES DEVELOPMENT PROGRAM GRANT - SECOND PUBLIC HEARING:

This was the date and time set for a public hearing on the 2010 Small Cities Development Grant. The MN Department of Employment and Economic Development has a new requirement this year that a second public hearing be held to inform the public of the progress and performance. Michele Clarke, Loan Officer from Southwest Minnesota Housing Partnership, was in attendance at the public hearing. Ms. Clarke indicated that they hope to close out this grant by December 31, 2012.

Member (**Dan Ritter**) moved, Member (**Jennie Hulsizer**) seconded to approve the **ORIGINAL** motion 'to close the public hearing'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

PROJECT Y80: WALKER LANE/PARK AVENUE RECONSTRUCTION PROJECT – PUBLIC HEARING ON ASSESSMENT (WALKER LANE):

This was the date and time set for a public hearing on the Walker Lane/Park Avenue Reconstruction Project Y80. Glenn Olson, Director of Public Works/City Engineer indicated that this project involved the replacement of watermain and sanitary sewer utilities and street reconstruction. The project reconstructed Walker Lane and described utilities. Mr. Olson also reviewed the Special Assessment Policy. Questions and comments included:

- Pat Bauman, 106 Walker Lane, indicated that she shares a driveway and questioned the amount of her assessment. Mr. Olson indicated that she was assessed to the property line and that he would check on the amount.
- Mark Loch, 105 East Redwood Street, indicated that they were not to be assessed for sewer, sidewalk and driveway, but their notice indicated that they are being assessed the sewer, sidewalk and driveway. Mr. Loch was concerned that they were not informed of these projects or given any estimates. Mr. Loch also asked about being assessed for the retaining wall that was replaced. Mr. Loch submitted a written objection.
- Mr. Olson indicated that sidewalks and driveways are the responsibility of the homeowner. The City will pay for the retaining wall.
- Dennis Simpson, City Attorney, reviewed the process on how to reserve their right to appeal the assessment in District Court.

Member (**Larry Doom**) moved, Member (**Dan Ritter**) seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing on assessments for Project Y80: Walker Lane/Park Avenue Reconstruction Project'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

**PROJECT Y80: WALKER LANE/PARK AVENUE RECONSTRUCTION PROJECT –
CONSIDER RESOLUTION ADOPTING ASSESSMENT (WALKER LANE):**

Member (**Larry Doom**) moved, Member (**Jennie Hulsizer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 3799, SECOND SERIES, which is the "Resolution Adopting Assessment" for the project, with any adjustments deemed appropriate'. This resolution Adopts the Assessment for Walker Lane/Park Avenue Reconstruction Project Y80 (Walker Lane), setting the interest rate at 4% and the assessment being paid in equal annual installments extending over a period of 10 years. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

**PROJECT Y80: WALKER LANE/PARK AVENUE RECONSTRUCTION PROJECT –
PUBLIC HEARING ON ASSESSMENT (PARK AVENUE):**

This was the date and time set for a public hearing on the Walker Lane/Park Avenue Reconstruction Project Y80. Glenn Olson, Director of Public Works/City Engineer, indicated that this project involved the replacement of watermain and sanitary sewer utilities and street reconstruction. The project reconstructed Park Avenue and described utilities. A written objection was received from Shirley Hazen, 311 North "A" Street and William Hezlep, 104 East Marshall Street.

Member (**Dan Ritter**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing on assessments for Project Y80: Walker Lane/Park Avenue Reconstruction Project'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

**PROJECT Y80: WALKER LANE/PARK AVENUE RECONSTRUCTION PROJECT –
CONSIDER RESOLUTION ADOPTING ASSESSMENT (PARK AVENUE):**

Member (**Dan Ritter**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 3800, SECOND SERIES, which is the "Resolution Adopting Assessment" for the project, with any adjustments deemed appropriate'. This resolution Adopts the Assessment for Walker Lane/Park Avenue Reconstruction Project Y80 (Park Avenue), setting the interest rate at 4% and the assessment being paid in equal annual installments extending over a period of 10 years. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

**PROJECT Z02: SOUTH HIGH STREET RECONSTRUCTION PROJECT - PUBLIC
HEARING ON ASSESSMENT:**

This was the date and time set for a public hearing on South High Street Reconstruction Project Z02. Glenn Olson, Director of Public Works/City Engineer, indicated that this project involved the replacement of watermain, sanitary sewer and storm sewer utilities, and street reconstruction. The project reconstructed the street and described utilities on South High Street from East College Drive to East Marshall Street. Questions and comments included:

- Mark Schwanebeck, 118 South High Street indicated that he received a notice that his assessment was being reduced by \$425.16. This was adjusted due to being assessed on a previous project.
- Willard Engel, 301 East Marshall Street, indicated that he was previously assessed for Sanitary Sewer on a previous project.

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- Council Member Boedigheimer was concerned that some properties are being assessed over the maximum amount. Mr. Olson indicated this is due to the fact that some are private assessments. Boedigheimer indicated that he received several calls and the biggest complaint was lack of communication. Mr. Olson indicated that there was staff on site everyday and that the property owner could have contacted his office at any time.
- Mr. Olson indicated that the informational meetings were well attended.
- John Rickgarn, 108 South High Street, agreed that there was a lack of communication. He indicated that after the information meeting the equipment was ready to start. He was concerned that Great Plains Natural Gas replaced gas lines at the same time, but did not notify the property owners. He was also concerned with his Sanitary Sewer Assessment. Mr. Olson indicated that he would check on this.
- Nancy Bouman, 107 South High Street, indicated that she was assessed in 2005, but did not receive a credit for this project. Mr. Olson indicated that she was not assessed the maximum; therefore there is no reduction. Ms. Bouman was also concerned about sidewalks. Mr. Olson indicated that sidewalks are assessed at 50%.
- Gloria Sabin, 112 South High Street, indicated that the contractors did a great job. Ms. Sabin was concerned about the Sanitary Sewer not being replaced and that if this is done in future years the cost will be higher. Mr. Olson indicated that they never know what a project will cost in the future.
- There was a concern about the parking on South High Street. Mr. Olson indicated that parking will be on the East Side only and that signs will be installed.
- There were written objections received from: David & Gloria Sabin, 112 South High Street; Nancy Bouman, 107 South High Street; Patrick CM and Linda M. Johnson, 101 South High Street; and John and Heather Rickgarn, 108 South High Street.

Member (**Dan Ritter**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing on assessments for Project Z02: South High Street Reconstruction Project'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

PROJECT Z02: SOUTH HIGH STREET RECONSTRUCTION PROJECT - CONSIDER RESOLUTION ADOPTING ASSESSMENT:

Member (**Dan Ritter**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 3801, SECOND SERIES, which is the "Resolution Adopting Assessment" for the project, with any adjustments deemed appropriate'. This resolution Adopts the Assessment for South High Street Reconstruction Project Z02, setting the interest rate at 4% and the assessment being paid in equal annual installments extending over a period of 10 years. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

PROJECT Y61 / S.A.P. 139-130-001: KOSSUTH AVENUE RECONSTRUCTION PROJECT - PUBLIC HEARING ON ASSESSMENT:

This was the date and time set for a public hearing on the Kossuth Avenue Reconstruction Project Y61 / S.A.P. 139-130-001. Glenn Olson, Director of Public Works/City Engineer indicated that this project involved the replacement of watermain, sanitary sewer and storm sewer utilities, and street reconstruction. The project reconstructed the street and described

utilities on Kossuth Avenue from North 4th Street to North 7th Street and North 5th Street from Mason Street to Hudson Avenue. The project included a change in alignment of Kossuth Avenue from North 4th Street to North 7th Street and included the demolition of the old rendering building and small storage building adjacent to the animal impound center, which were in the way of the proposed street construction. The sidewalk on the North side of Kossuth from 5th Street to Justice Park was eliminated. Questions and comments included:

- Jeffrey Johnson, 413 Kossuth Avenue, indicated that he purchased this home during the assessment process and was concerned about being assessed for both sides of his property. Mr. Olson indicated that the total for both sides would not exceed the maximum of \$5,500. Dennis Simpson, City Attorney, indicated that he should review his purchase agreement in regard to who is responsible for the special assessments. Mr. Johnson indicated that he would like a copy of the breakdown of the assessment.
- Mr. Olson indicated that the removal of the old rendering building and small storage building adjacent to the animal impound center were included in the total construction cost of the street.
- A written objection was received from Jeffrey Johnson, 413 Kossuth Avenue.

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing on assessments for Project Y61 / S.A.P. 139-130-001: Kossuth Avenue Reconstruction Project'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 0. The motion **Carried 5 - 0**

PROJECT Y61 / S.A.P. 139-130-001: KOSSUTH AVENUE RECONSTRUCTION
PROJECT - CONSIDER RESOLUTION ADOPTING ASSESSMENT:

Member (**Mike Boedigheimer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 3802, SECOND SERIES, which is the "Resolution Adopting Assessment" for the project, with any adjustments deemed appropriate'. This resolution Adopts the Assessment for Kossuth Avenue Reconstruction Project Y61 / S.A.P. 139-130-001, setting the interest rate at 4% and the assessment being paid in equal annual installments extending over a period of 10 years. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 0. The motion **Carried 5 - 0**

PROJECT Y81-PHASE I: SONSTEGARD INDUSTRIAL PARK IMPROVEMENT
PROJECT-PHASE I - PUBLIC HEARING ON ASSESSMENT:

This was the date and time set for a public hearing on the Sonstegard Industrial Park Improvement Project Y81 - Phase I. Glenn Olson, Director of Public Works/City Engineer, indicated that this project is one of several projects which all involve improvements that were necessary for the development of the new Sonstegard Industrial Park. The project is substantially complete and the new Sonstegard Industrial Park is "shovel ready".

Member (**Larry Doom**) moved, Member (**Jennie Hulsizer**) seconded to approve the **ORIGINAL** motion 'to close the public hearing'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 0. The motion **Carried 5 - 0**

PROJECT Y81-PHASE I: SONSTEGARD INDUSTRIAL PARK IMPROVEMENT

PROJECT-PHASE I - CONSIDER RESOLUTION ADOPTING ASSESSMENT:

Member (**Larry Doom**) moved, Member (**Dan Ritter**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 3803, SECOND SERIES, which is the "Resolution Adopting Assessment" for the project, with any adjustments deemed appropriate'. This resolution Adopts the Assessment for Sonstegard Industrial Park Improvement Project Y81 - Phase 1, setting the interest rate at 4% and the assessment being paid in equal annual installments extending over a period of 10 years. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 0. The motion **Carried 5 - 0**

PROJECT Y81-PHASE II: SONSTEGARD INDUSTRIAL PARK IMPROVEMENT

PROJECT-PHASE II AND PROJECT Y93 / SP 4210-40 / SAP 139-010-015: T.H. 68/LAKE STREET TURN LANE IMPROVEMENTS - PUBLIC HEARING ON ASSESSMENT:

This was the date and time set for a public hearing on the Sonstegard Industrial Park Improvement Phase II - Project Y81 and T.H. 68/Lake Street Turn Lane Improvement Project Y93 / SP 4210-04 / SAP 139-01-015. Glenn Olson, Director of Public Works/City Engineer, indicated that these projects all involve improvements that were necessary for the development of the new Sonstegard Industrial Park. The Lake Road Intersection Improvement Project involved the development of an acceleration lane on to T.H.68 allowing a safer access for heavy trucks from the Industrial Park to a State Highway. Significant participation was provided by the State for the development of these roadway improvements to promote industrial expansion and job growth. These projects are all substantially complete and the new Sonstegard Industrial Park is "shovel ready".

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing on assessments for Project Y81: Sonstegard Industrial Park-Phase II and Project Y93 / S.A.P. 139-010-015: T.H. 68/Lake Road Intersection'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 0. The motion **Carried 5 - 0**

PROJECT Y81-PHASE II: SONSTEGARD INDUSTRIAL PARK IMPROVEMENT

PROJECT-PHASE II AND PROJECT Y93 / SP 4210-40 / SAP 139-010-015: T.H. 68/LAKE STREET TURN LANE IMPROVEMENTS - CONSIDER RESOLUTION ADOPTING ASSESSMENT:

Member (**Dan Ritter**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 3804, SECOND SERIES, which is the "Resolution Adopting Assessment" for the projects, with any adjustments deemed appropriate'. This resolution Adopts the Assessment for Sonstegard Industrial Park Improvement Project Y81 - Phase II and T.H. 68/Lake Street Turn Lane Improvement Project Y93 / SP 4210-04 / SAP 139-010-015, setting the interest rate at 4% and the assessment being paid in equal annual installments extending over a period of 10 years. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 0. The motion **Carried 5 - 0**

PROJECT Y85: NORTHWEST INDUSTRIAL PARK AREA SANITARY SEWER LIFT STATION AND FORCEMAIN IMPROVEMENT PROJECT - PUBLIC HEARING ON ASSESSMENT:

This was the date and time set for a public hearing on the Northwest Industrial Park Area Sanitary Sewer Lift Station and Forcemain Improvement Project Y85. Glenn Olson, Director of Public Works/City Engineer, indicated that this project is one of several projects which all involve improvements that were necessary for the development of the new Sonstegard Industrial Park. The Lift Station and Sonstegard Industrial Park-Phase I also include improvements to existing industrial areas, eliminating significant wastewater flows to the Main Lift and the elimination of another small lift station in the northwest industrial park area that was ready for reconstruction. Significant participation was provided by the State for the development of these roadway improvements to promote industrial expansion and job growth. These projects are all substantially complete and the new Sonstegard Industrial Park is “shovel ready”.

Member (**Dan Ritter**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing on assessments for Project Y85: Northwest Industrial Park Area Sanitary Sewer Lift Station and Forcemain Improvement Project'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 0. The motion **Carried 5 - 0**

PROJECT Y85: NORTHWEST INDUSTRIAL PARK AREA SANITARY SEWER LIFT STATION AND FORCEMAIN IMPROVEMENT PROJECT - CONSIDER RESOLUTION ADOPTING ASSESSMENT:

Member (**Larry Doom**) moved, Member (**Dan Ritter**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 3805, SECOND SERIES, which is the “Resolution Adopting Assessment” for the project, with any adjustments deemed appropriate'. This resolution Adopts the Assessment for Northwest Industrial Park Area Sanitary Sewer Lift Station and Forcemain Improvement Project Y85, setting the interest rate at 4% and the assessment being paid in equal annual installments extending over a period of 10 years. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 0. The motion **Carried 5 - 0**

PROJECT Y86: NORTHWEST INDUSTRIAL AREA STORMWATER DETENTION AND TREATMENT POND PROJECT - PUBLIC HEARING ON ASSESSMENT:

This was the date and time set for a public hearing on the Northwest Industrial Area Stormwater Detention and Treatment Pond Project Y86. Glenn Olson, Director of Public Works/City Engineer, indicated that this project is one of several projects which all involve improvements that were necessary for the development of the new Sonstegard Industrial Park. The development of the Northwest Industrial Area Stormwater Detention and Treatment Pond Project not only serves the Sonstegard Industrial Park but also the major portion of the Commerce Park area to be developed in the future. These projects are all substantially complete and the new Sonstegard Industrial Park is “shovel ready”.

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing on assessments for Project Y86: Northwest Industrial Area Stormwater Detention and Treatment Pond Project'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 0. The motion **Carried 5 - 0**

PROJECT Y86: NORTHWEST INDUSTRIAL AREA STORMWATER DETENTION AND TREATMENT POND PROJECT - CONSIDER RESOLUTION ADOPTING ASSESSMENT:

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 3806, SECOND SERIES, which is the "Resolution Adopting Assessment" for the project, with any adjustments deemed appropriate'. This resolution Adopts the Assessment for Northwest Industrial Park Area Stormwater Detention and Treatment Pond Project Y86, setting the interest rate at 4% and the assessment being paid in equal annual installments extending over a period of 10 years. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

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

Mayor Byrnes indicated that the following items would be considered after the Tree Removal / Relocation on Flood Protection Dike System – Consider Award of Proposals:

1. Consider contingent land donation agreement with the Schwan Food Company for Tiger Park Second and Third Addition property related to Amateur Sports Facilities
2. Consider LMCIT Property and Casualty/Liability Renewal
3. Consider the request by Mr. Jeff Gladis for a Variance Adjustment Permit to construct a garage in an R-1 One-Family Residence District with the area 800 SF over the City Ordinance limit

TREE REMOVAL/RELOCATION ON FLOOD PROTECTION DIKE SYSTEM -- CONSIDER AWARD OF PROPOSALS:

Glenn Olson, Director of Public Works/City Engineer, indicated that the U.S. Army Corps of Engineers (Corps) has directed the removal of all vegetation except grass from the City's flood protection dike in order to preserve its integrity for flood protection. The City must comply with this directive in order to allow the Corps to continue to certify the adequacy of the dike for flood protection to the Federal Emergency Management Agency (FEMA). All vegetation, other than grass, must be removed from the dike prism and within 15 feet of the toe of the dike within the dike easement area. The easement area has been surveyed, and the trees needing removal have been marked. Any trees greater than approximately 5 inches in diameter will be cut down and removed. Any other trees less than approximately 5 inches in diameter will be relocated at the City's expense. If the property owner wishes to retain the moveable trees on their property, the property owner needs to designate the location where they want them on their property. The location must be accessible with equipment used by the City's contractor. The City or its contractor will not be responsible for the guarantee that the tree will live after relocation, any damages to lawns from the moving equipment, or any incidental items related to the move outside of the established dike easement area. The property owner may contract with his own contractor for the relocation, and the City will reimburse the property owner for the amount the city would have paid its contractor after the property owner has provided the City with the paid invoices for the relocations. Any trees relocated by the property owner's contractor must be relocated by October 1, 2012 or the City will have them removed. The property owners have been advised of these conditions in the area from the area west end of the flood protection system to County Road 7. The quantities shown on the proposals are all of the trees needing removal or relocation. The quantities will be adjusted to reflect actual trees removed and

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relocated. Proposals were received by three contractors for this work. Rogge Excavating, Inc., D&G Excavating, Inc. and Scott's Tree Service. After the proposals were reviewed, Scott's Tree Service withdrew their proposal from consideration. The Request for Proposals indicated, "The City may award the entire proposal to one contractor or separate the award of individual items to more than one contractor." The City will also be meeting with property owners from County Road 7 to the easterly end of the flood protection system (T.H. 23) for additional trees that will need to be removed or relocated. Staff will request additional proposals for this work once the quantities have been established and property owners have been contacted. A meeting with those property owners and the Corps is scheduled for Tuesday, October 2, 2012. All removals and relocations must be completed prior to February 28, 2013 to enable the City to certify by March 31, 2013 to the Corps that the work was completed.

Proposals received were from:

Rogge Excavating Inc.
Ghent, Minnesota
Clearing and Grubbing \$39,875
Relocating – No bid

D & G Excavating Inc.
Marshall, Minnesota
Clearing and Grubbing \$73,375
Relocating \$51,250

Council Member Boedigheimer was not in favor of the property owners only having until October 1st to remove trees. After that the City will have them removed. Mr. Olson indicated that the property owners were sent letters in September informing them of this deadline.

Member (**Dan Ritter**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council award the proposal for the Tree Removal/Relocation on Flood Protection Dike System Project for the removal items (Clearing and Grubbing) to Rogge Excavating, Inc. of Ghent Minnesota, in the amount of \$39,875.00 and for the relocation of trees to D & G Excavating, Inc. of Marshall, Minnesota, in the amount of \$51,250.00'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 0. The motion **Carried 5 - 0**

CONSIDER CONTINGENT LAND DONATION AGREEMENT WITH THE SCHWAN FOOD COMPANY FOR TIGER PARK SECOND AND THIRD ADDITION PROPERTY RELATED TO AMATEUR SPORTS FACILITIES:

Ben Martig, City Administrator, reviewed the agreement with Schwan Food Company for the donation of for the proposed Amateur Sports Facility. This agreement provides for the donation of 12.3 acres for the sports center and 3.9 acres that included a storm water retention pond. This donation agreement is contingent upon the local sales tax vote passing in November.

Roger Madison, co-chairman of the Regional Amateur Sports Commission, spoke in favor of this agreement.

Member (**Dan Ritter**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'to approve contingent land donation agreement'. This agreement is with Schwan Food Company for the Tiger Park Second and Third Addition property related to Amateur Sports Facilities. Upon a roll call vote being taken, the vote was: Aye: 4 Nay: 1. The motion **Carried 4 – 1** with Jennie Hulsizer voting no.

CONSIDER LMCIT PROPERTY AND CASUALTY/LIABILITY RENEWAL:

Sheldon Kimpling from Bremer Insurance was in attendance at the meeting to review the City's Property, General Liability, Auto, Liquor Liability, Excess Liability, Airport and Boiler Insurance effective October 1, 2012. The major changes addressed were:

1. Property Coverage – rate increased by 9% and the property values increased by 3.2%, mobile property values increased by 8.5%.
2. The General Liability Coverage – no rate change, exposures decreased from last year, 9.4% improvement in experience modifier.
3. Auto Coverage – Auto Physical Damage & Liability rates are down, but the City is incurring 6 more vehicles than last year.
4. Liquor Liability – no rate change.
5. Excess Liability Coverage – same as general liability.
6. Airport Liability Coverage – slight rate decrease. Mr. Kimpling indicated that he received 3 other airport liability quotes, but none were as competitive as ACE-USA.
7. Boiler Coverage – no rate change but premium was adjusted to reflect higher property values.

Member (**Dan Ritter**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'to approve the LMCIT property and casualty/liability renewal'. The Property, General Liability, Auto Excess Liability and Liquor Liability were renewed with the League of Minnesota Cities at a cost of \$339,281; the Airport Liability was renewed with ACE-USA in the amount of \$2500; and the Boiler Coverage was renewed with Hartford Steam Boiler in the amount of \$41,221 for a total premium of \$383,002. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

**CONSIDER THE REQUEST BY MR. JEFF GLADIS FOR A VARIANCE
ADJUSTMENT PERMIT TO CONSTRUCT A GARAGE IN AN R-1 ONE FAMILY
RESIDENCE DISTRICT WITH THE AREA 800 SF OVER THE CITY ORDINANCE
LIMIT:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of Mr. Jeff Gladis for a Variance Adjustment Permit to construct a garage in an R-1 One Family Residence District with the area 800 SF over the City Ordinance limit. Mr. Gladis has just purchased the property which currently has a two story house with a footprint of about 1,000 SF and an old garage. He plans to demo an old garage and build a new one that he may be using for his business. The City Ordinance limits the size of the accessory building to 1,000 SF but Mr. Gladis wants to construct a 1,800 SF garage. If this request is denied, he may be able to construct two separate garages with the total area over 1,000 SF. The variance regulations and procedures can be found in Section 86-29 and accessory building requirements are located in Section 86-163. At the September 12, 2012, Planning Commission meeting, a motion was made by Bestge, second by Schroeder to recommend approval to City Council for a Variance Adjustment Permit with the following conditions: 1. All other City Ordinance requirements are complied with; 2. No outside storage of any materials or equipment is allowed; 3. New garage shall have the same exterior finishes as the house; 4. Old garage is removed and driveway leading to it is seeded; 5. New concrete driveway is installed within the right of way. The City Staff recommendation was to install concrete driveway all the way to the new garage rather than within right of way only.

Member (**Larry Doom**) moved, Member (**Dan Ritter**) seconded to approve the **ORIGINAL** motion 'that the Council approve the variance request with the following conditions: 1. All other City Ordinance requirements are complied with; 2. No outside storage of any materials or equipment is allowed; 3. New garage shall have the same exterior finishes as the house; 4. Old garage is removed and driveway leading to it is seeded; 5. New concrete driveway is installed within the right of way'. This Variance Adjustment Permit will allow Jeff Gladis to construct a garage in an R-1 One-Family Residence District with the area 800 SF over the City Ordinance limit. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

**PROJECT Z03: NORTH 5TH STREET PEDESTRIAN WALK BRIDGE
REPLACEMENT PROJECT - CONSIDER RESOLUTION DECLARING OFFICIAL
INTENT REGARDING THE REIMBURSEMENT OF EXPENDITURES WITH THE
PROCEEDS OF TAX-EXEMPT BONDS:**

Glenn Olson, Director of Public Works/City Engineer, indicated that the 2012 budget includes the replacement of one pedestrian walk bridge. The project consists of the installation of two abutments for the bridge and a separate contract for the supply and delivery of the bridge at North 5th Street. It has been determined that the abutments were not eligible for funding with proceeds from tax-exempt bonds, but the walk bridge structures themselves are eligible. In order to allow the bridge to be funded by these tax-exempt bonds, this resolution is necessary prior to the award of the proposal for the walk bridge. Proposals were received for the construction and delivery of the pedestrian walk bridge for this site. Two proposals were received from

Wheeler Lumber, LLC
Bloomington, Minnesota
\$48,100.00

Contech Bridge Solutions, Inc.
Alexandria, Minnesota
\$49,200.00

Glenn indicated that the City must provide the construction of the abutments and the crane costs for unloading and placement of the bridge after delivery. This will be done under separate contract.

Member (**Dan Ritter**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 3807, SECOND SERIES, which is the Resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for the project'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

**PROJECT Z03: NORTH 5TH STREET PEDESTRIAN WALK BRIDGE
REPLACEMENT PROJECT - CONSIDER AWARD OF PROPOSAL:**

Member (**Dan Ritter**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the Council award the proposal for the pedestrian walk bridge to Wheeler Lumber, LLC of Bloomington, Minnesota in the amount of \$48,100 for the North 5th Street Pedestrian Walk Bridge Replacement Project'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

(REMOVE FROM TABLE) MARSHALL AIRPARK EAST - PHASE 2: APRON AND TAXIWAY CONSTRUCTION – CONSIDER RESOLUTION DECLARING OFFICIAL INTENT REGARDING THE REIMBURSEMENT OF EXPENDITURES WITH THE PROCEEDS OF TAX-EXEMPT BONDS:

Member **(Mike Boedigheimer)** moved, Member **(Dan Ritter)** seconded to approve the **ORIGINAL** motion 'that the Council remove the item from the table regarding the adoption of a Resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for Marshall Airpark East-Phase 2: Apron and Taxiway Construction (Schedule 1)'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

MARSHALL AIRPARK EAST - PHASE 2: APRON AND TAXIWAY CONSTRUCTION – CONSIDER RESOLUTION DECLARING OFFICIAL INTENT REGARDING THE REIMBURSEMENT OF EXPENDITURES WITH THE PROCEEDS OF TAX-EXEMPT BONDS:

Glenn Olson, Director of Public Works/City Engineer, indicated that the City Council and Airport Commission have previously committed to the development of the Marshall Airpark East including the Madrid Street Bridge, roadway and utility improvements, and the development of aprons and taxiway to connect to the existing runways. This project is the last phase of the surface work necessary for aircraft usage in the airpark east development area. Water and sanitary sewer mains are still necessary to be constructed under separate contract in the future in order to enable the area to be “shovel ready”. At the City Council meeting of May 8, 2012, the City Council received a State FY2013 Funding Offer for “Ramp Area and Signage to Marshall Airpark East”. The offer for the Ramp Area and Signage to Marshall Airpark East is included in State FY2013, which begins July 1, 2012. The project priority list by MN/DOT-Aeronautics has included this project for funding. According to the current Airport Capital Improvement Program (CIP), it was the intent of the City to fund this project in City FY2013. However, in order to accept the grant offer the City must commit to the project funding earlier than anticipated. As authorized by the Council at the May 8, 2012 meeting, the City submitted a letter of intent for a grant request for the apron and taxiway extension. On August 13, 2012, the City Council approved the plans and specifications and ordered the advertisement for bids for Project Y67: Marshall Airpark East – Phase 2. The project was bid in two schedules in accordance with the attached plan. The total bid for the construction of Schedule 1 is \$2,048,693.91. The total bid for the construction of Schedule 2 is \$564,419.40. The total bid for both schedules is \$2,613,113.31. The additional amount for engineering design and construction inspection is \$232,300.00 for a total project cost of \$2,845,413.31. The City had requested 70% of the total project cost from MN/DOT-Aeronautics. In its 2013 budget request, City staff has included local participation costs for Ramp Area (\$450,000) and Business Site Development (\$750,000), in accordance with the Airport CIP approved by the City Council at the June 12, 2012, for a total of \$1,200,000. At the September 11, 2012 City Council meeting, action on this item was tabled until the September 25, 2012 meeting due to the lack of available funding at the time. The motion passed unanimously.

Member **(Mike Boedigheimer)** moved, Member **(Dan Ritter)** seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 3808, SECOND SERIES, which is the Resolution Declaring Official Intent Regarding the Reimbursement of

Expenditures with the Proceeds of Tax-Exempt Bonds Marshall Airpark East-Phase 2: Apron and Taxiway Construction (Schedule 1)'. Upon a roll call vote being taken, the vote was: Aye: 4 Nay: 1. The motion **Carried 4 – 1** with Hulsizer voting no.

**MARSHALL AIRPARK EAST - PHASE 2: APRON AND TAXIWAY CONSTRUCTION
– CONSIDER RESOLUTION AUTHORIZING EXECUTION OF MN/DOT GRANT
AGREEMENT NO. 02149/S.P. A4201-86 FOR AIRPORT IMPROVEMENT
EXCLUDING LAND ACQUISITION:**

Glenn Olson, Director of Public Works/City Engineer, indicated that on September 19, 2012, City staff received notification that MN/DOT-Aeronautics had reviewed the Statewide budget for State funded projects and had further discussion about the Marshall Airpark East Ramp Project. MN/DOT-Aeronautics Director Chris Roy confirmed that MN/DOT can commit to fund Schedule 1 of the project, for a total cost of approximately \$2,283,000, resulting in a State 70% share of approximately \$1,598,000.00 and local share of approximately \$685,000.

Member (**Dan Ritter**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 3809, SECOND SERIES, which is the Resolution Authorizing Execution of MN/DOT Grant Agreement No. 02149/S.P. A4201-86 for Airport Improvement Excluding Land Acquisition for Marshall Airpark East-Phase 2: Apron and Taxiway Construction (Schedule 1)'. Upon a roll call vote being taken, the vote was: Aye: 4 Nay: 1. The motion **Carried 4 – 1** with Jennie Hulsizer voting no.

**(REMOVE FROM TABLE) MARSHALL AIRPARK EAST - PHASE 2: APRON AND
TAXIWAY CONSTRUCTION – CONSIDER RESOLUTION ACCEPTING BID
(AWARD CONTRACT):**

Member (**Dan Ritter**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council remove the item from the table regarding the adoption of a Resolution Accepting Bid (Awarding Contract) authorizing entering into an agreement with R & G Construction Co. of Marshall, Minnesota in the amount of \$2,048,693.91, subject to receipt of a grant agreement from MN/DOT-Aeronautics Marshall Airpark East-Phase 2: Apron and Taxiway Construction (Schedule 1)'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 0. The motion **Carried 5 - 0**

**MARSHALL AIRPARK EAST - PHASE 2: APRON AND TAXIWAY CONSTRUCTION
– CONSIDER RESOLUTION ACCEPTING BID (AWARD CONTRACT):**

Bids were received, opened and read for Schedule 1 of Marshall Airpark East – Phase 2. The bids, received opened and read were from:

R & G Construction Co.
Marshall, Minnesota
\$2,048,693.91

McLaughlin & Schulz Inc.
Minnesota, Minnesota
\$2,118,298.05

Midwest Contracting LLC
Marshall, Minnesota
\$2,174,341.25

Duininck Inc.
Prinsburg, Minnesota
\$2,239,007.45

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Member (**Mike Boedigheimer**) moved, Member (**Dan Ritter**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 3810, SECOND SERIES which is the Resolution Accepting Bid (Awarding Contract) authorizing entering into an agreement with R & G Construction Co. of Marshall, Minnesota in the amount of \$2,048,693.91, subject to receipt of a grant agreement from MN/DOT-Aeronautics Marshall Airpark East-Phase 2: Apron and Taxiway Construction (Schedule 1)'. Upon a roll call vote being taken, the vote was: Aye: 4 Nay: 1. The motion **Carries 4 – 1** with Jennie Hulsizer voting no.

CONSIDER APPROVAL OF CONSENT AGENDA:

Member (**Dan Ritter**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the council approve all consent agenda items as presented'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 0. The motion **Carried 5 - 0**

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 LG220 Application for Exempt Permit for Southwest Minnesota State University Foundation to hold a raffle on December 5, 2012 at Southwest Minnesota State University, 1501 State Street and that the 30 day waiting period be waived.

That the council approve the request of Norma Raske for a five-year renewal of a Conditional Use Permit for Home Occupation for a beauty shop business in an R-1 One-Family Residence District at 1105 Washington Avenue with the conditions: 1. That the regulations, standards and requirements as set forth in the City Code and as pertains to the Class of District which such premises are located therein shall be conformed with; 2. That the City reserves the right to revoke the Conditional Use Permit in the event that the owner has breached the conditions contained in this permit provided first, however, that the City serve the owner with written notice specifying items of any such default and thereafter allow the owner a reasonable time in which to cure any such default; 3. That the owner maintain the property to conform with the Housing Code, Zoning Ordinance, Building Code, and not cause or create negative impact on existing or future properties adjacent thereto; 4. The hours of business shall be between 6:00 a.m. and 10:00 p.m. only; 5. The permit expires five years after approval.

The introduction of an ordinance amending Chapter 86 of the Marshall City Code of Ordinances to rezone 901 North 7th Street, 703 North 7th Street and 702 North highway 59 from A (Agricultural district) and I-1 (Limited Industrial district) to I-2 (General Industrial district) and that a public hearing be held on October 9, 2012.

The introduction of an ordinance amending Chapter 86 of the Marshall City Code of Ordinances to rezone 906 East Southview Drive from B-4 (Shopping Center Business district) to B-3 (General Business district) and that a public hearing be held on October 9, 2012.

The approval of a Temporary On-Sale Liquor License for Southwest Minnesota State Foundation to use on October 5 & 6, 2012 at the SMSU Recreational Facility, 400 Mustang Trail, Marshall, for the University Gala and Homecoming.

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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 LG230 Application to Conduct Off-Site Gambling for the Marshall Amateur Hockey Association to hold a raffle on March 2, 2013 at the Lockwood Motors Ice Arena, 512 Fairgrounds Road, Marshall, Minnesota

The Council authorizes acceptance of a \$10,000 Minnesota Board of Firefighter Training and Education grant for the Southwest Chemical Assessment Team. This is for MBFTE approved training conducted between June 1, 2012 and June 30, 2013.

The Council approve Change Order No. 1 with Duininck Bros. Inc. of Prinsburg, Minnesota, resulting in a contract decrease in the amount of \$360.63. This change order is a result of repairs to the field office for damages sustained during the July 1, 2011 storm.

The proper city personnel be authorized to enter into an amendment to Marshall Municipal Utilities Association agreement for the City of Marshall Safety Management Program. This amendment will cover the timeframe from January 1, 2013 through December 31, 2013 to coincide with the annual calendar period of the existing contract. The proposed annual contract for this time period is \$15,625.00.

The adoption of RESOLUTION NUMBER 3811, SECOND SERIES, which is the Resolution Authorizing Execution of Grant of Utility Easement to MMU to acquire easements over the existing underground facilities on City-owned property along a portion of North 7th Street.

The adoption of RESOLUTION NUMBER 3812, SECOND SERIES, which is the Resolution Authorizing Execution of Grant of Utility Easement allowing MMU to relocate utility facilities for an electrical project in the Country Club Drive area in Westwood Acres.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 81023 through 81206.

CONSIDER APPROVAL OF AMENDED MERIT CENTER LEASE WITH MNWEST COMMUNITY & TECHNICAL COLLEGE:

Ben Martig, City Administrator, indicated that the Council had previously approved a new 3-year lease with Minnesota West Community and Technical College (MnWest) on June 26, 2012. Upon review of the proposed agreement, MnWest has suggested some amendments as follows: A. change lease amount from \$9645 for 7-2013 to 6-2014 to \$10,000; and B. change lease amount from \$9790 for 7-2014 to 6-2013 to \$10,500; and C. Remove utility expense cost share as proposed in 7.10; and D. Pay a maximum reimbursement of cleaning expenses of \$150.00 per month (no max previous); and E. Lessee responsible for full cost of the network services for the MERIT Center. City staff feels that in consideration of the added network services and amended increase in base rent it is a reasonable agreement for both the City and MnWest. The financial benefit of the network services is also summarized in the fiscal impact section.

Member (**Mike Boedigheimer**) moved, Member (**Jennie Hulsizer**) seconded to approve the amended MERIT Center Lease with MnWest Community and Technical College for July 1,

2012 through June 30, 2015. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

CONSIDER RESOLUTION OF SUPPORT FOR A BIKE TRAIL PROJECT FROM MARSHALL TO CAMDEN STATE PARK:

Ben Martig, City Administrator, indicated that City staff are assisting Lyon County with the submission of a grant application to the Minnesota Department of Natural Resources (DNR) for Trail Legacy funding for a project titled, Camden Regional Trail; a bike trail from Wayside Park in Marshall to Camden State Park. City staff assisted Lyon County with a submission for this project in 2011; however, the project was not selected for funding at that time. For this solicitation (FY2013), there is approximately \$7,493,850 in funding available through a competitive application process. Lyon County is the "sponsor" for this application. We are requesting approximately \$1.9 million in funding to complete 7.8 miles paved bicycle/pedestrian trail. The proposed trail will be 10 feet wide bituminous with 2 foot graveled shoulders on each side, located off-road, signed and constructed to accommodate ADA accessibility guidelines. This trail from Camden State Park to the City of Marshall has been identified as a priority in Marshall's Pedestrian and Bikeway Comprehensive Plan, by the Southwest Regional Development Commission's Region Trail Plan, and most recently, it was identified by the MyMarshall group as a priority project within their action plan. The MyMarshall group embraced the project following community surveying and special focus group discussions. Lyon County is taking the lead on the project in the design, application, and construction document phases. The City of Marshall would be participating through assisting on grant applications, providing feedback on design options, and partnering with in-kind funding of the construction as has been previously authorized by the Council. The City of Lynd is supporting the project with a \$10,000 cash match and utilization of right-of-way. The request for Legacy funding would complete four of the seven total trail segments. Trail Legacy funds would be utilized for the following trail segments: River Road Extension, River Road, Savannah Oaks, and Lynd segments. The trail connection and park improvements at Wayside Park would be made by the City of Marshall. The remaining two segments, Restoration Trail and Restoration Trail Extension, will be funded and constructed by the City of Marshall and Lyon County. Lyon County and the City of Marshall already have agreements in place to begin the Restoration Trail improvements this fall (2012). The City of Lynd and Lyon County Commissions have approved similar resolutions of support for this project, which will be submitted with the grant application. If awarded funding, the project must be completed by June 30, 2015.

Member (**Larry Doom**) moved, Member (**Dan Ritter**) seconded to approve the **ORIGINAL** motion 'Staff recommends approval RESOLUTION NUMBER 3813, SECOND SERIES, which supports funding opportunities for a bike trail project from Marshall to Camden State Park'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

CONSIDERATION OF AMENDMENT TO RESOLUTION OF FEES SCHEDULE:

Member (**Mike Boedigheimer**) moved, Member (**Dan Ritter**) seconded to approve the **ORIGINAL** motion 'to adopt RESOLUTION NUMBER 3814, SECOND SERIES, which is a resolution amending the fee schedule'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

APPROVAL OF AUDIT SERVICES AGREEMENT:

Ben Martig, City Administrator, indicated that the original proposal from Abdo Eick and Meyers, LLP's for the auditing services was for a four year (2007-2010) time frame with the potential of an additional four years. The four years were completed and one additional year (2011) was granted to Abdo Eick & Meyers, LLP since there was some consideration of trying to package the audits for MMU, Public Housing and the Fire Relief Association along with the City all under one Auditor. The package concept has not materialized; therefore the recommendation is to grant the agreement to Abdo Eick & Meyers LLP for the 2012-2014 auditing services. The Ways and Means Committee reviewed.

Member (**Mike Boedigheimer**) moved, Member (**Jennie Hulsizer**) seconded to approve the **ORIGINAL** motion 'approve the agreement from Abdo Eick & Meyers LLP to perform the auditing services for the City of Marshall for 2012-2014 with the understanding that the City will be considering proposals after this 3-year period of time'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 0. The motion **Carried 5 - 0**

SOUTHWEST MINNESOTA HOUSING PARTNERSHIP GRANT DEVELOPMENT AGREEMENT:

Ben Martig, City Administrator, indicated that staff contacted two different entities that could perform services for the City of Marshall relating to the Small Cities Development Program Grant Application. Pettipiece and Associates provided an estimate not-to-exceed \$15,200. Southwest Minnesota Housing Partnership (SWMHP) also provided a contract of services totaling \$6,000. The City shall pay an initial retainer of \$1,500 to SWMHP for expenses incurred in the administration of the pre-application. Should the pre-application yield a successful result, and the application proceed, the City shall pay the SWMHP the remaining \$4,500.00. The fee will be billed and paid prior to the generation of the grant application. If the City decides to withdraw from the project prior to the final grant application submission, the SWMHP will deduct from said fee an estimated percentage of project completion cost. The City will be applying for the maximum of \$1.4M with the following breakouts: -Housing: \$600,000 - Commercial: \$600,000 -Demolition: \$200,000. It is required that the City hold an informational meeting for the Small Cities Grant. The informational meeting is scheduled for Thursday, October 4th at the Adult Community Center: 5:30pm for Commercial; 6:30pm for Single Family Owner Occupied; and 7:30pm for Rental. Due to the multiple agreements, documents, and policies the EDA reviews and follows for the Small Cities grant, staff is requesting the City Council give the Marshall EDA authority to approve the Small Cities Development Program Grant documents, policies, etc going forward.

Member (**Dan Ritter**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the Council approves the Southwest Minnesota Housing Partnership Grant Development Agreement for the Small Cities Development Program'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 0. The motion **Carried 5 - 0**

CONSIDER APPROVAL OF 2012 SMALL CITIES COMMUNITY NEEDS RESOLUTION:

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 3815, SECOND SERIES,

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which provides for identification of community development priority and authorizing a Small Cities Development Program grant application'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 0. The motion **Carried 5 - 0**

COUNCILMEMBER 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 Convention and Visitors Bureau met last Thursday and discussed the Governor's Pheasant Opener.

Doom Planning Commission items were acted on earlier in the meeting.

Boedigheimer No report.

Ritter No report.

COUNCILMEMBER INDIVIDUAL ITEMS:

There were no additional items brought forth by the Mayor and Council Members.

STAFF REPORTS

Glenn Olson, Director of Public Works/City Engineer, indicated that Heritage Point Partners LLC have started construction on the old Jr. High property.

Dennis Simpson, City Attorney, indicated that they closed on the sale of property to Trident Development

REVIEW OF PENDING ITEMS:

There were no questions on the pending agenda items.

INFORMATION ONLY:

There were no questions on the information items.

CONSIDER ADJOURNMENT TO CLOSED MEETING:

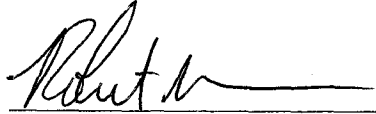
Member (**Dan Ritter**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'to close the meeting for the purposes of discussing attorney client privilege'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 0. The motion **Carried. 5 – 0**

The Council went into closed session at 8:08 P.M. Those present at the closed session included, Byrnes, Hulsizer, Doom, Boedigheimer and Ritter. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Sheila Dubs, Human Resources Coordinator; and Thomas M. Meulebroeck, Finance Director/City Clerk.

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The Council came out of closed session at 8:36 P.M.

The meeting was declared adjourned at 8:37 P.M.



Mayor of the City of Marshall

ATTEST:



Finance Director/City Clerk