

REGULAR MEETING – JANUARY 13, 2009

The regular meeting of the Common Council of the City of Marshall was held on January 13, 2009 in the Professional Development Room of 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, Sanow, Reynolds, Boedigheimer and Ritter. Absent: Doom. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Shane Waterman, Assistant City Engineer; Thomas M. Meulebroeck, Finance Director/City Clerk; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

Mayor Byrnes thanked the Marshall Public School District for allowing the City to use their facility for the City Council Meetings.

APPROVAL OF THE AGENDA:

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

APPROVAL OF MINUTES:

Reynolds moved, Sanow seconded, that the minutes of the regular meeting held on December 15, 2008 be approved as presented and that the reading of the same be waived. All voted in favor of the motion.

CONSENT AGENDA – A. CONSIDERATION OF TEMPORARY ON-SALE LIQUOR LICENSE FOR AMERICAN LEGION TO USE AT SMSU ON JANUARY 24, 2009; B. CONSIDERATION OF TEMPORARY 3.2 PERCENT MALT LIQUOR LICENSE FOR CHURCH OF HOLY REDEEMER TO BE USED AT SMSU R/A FACILITY ON FEBRUARY 22, 2009; C. CONSIDERATION OF TEMPORARY ON-SALE LIQUOR LICENSE FOR HOLY REDEEMER TO USE AT THEIR 503 WEST LYON ON FEBRUARY 14, 2009; D. CONSIDERATION OF TEMPORARY ON-SALE LIQUOR LICENSE FOR MARSHALL AREA CHAMBER OF COMMERCE TO USE AT TONY DOOM SUPPLY, 1301 CANOGA PARK DRIVE ON JANUARY 26, 2009; E. CONSIDERATION OF TEMPORARY ON-SALE LIQUOR LICENSE FOR LYON COUNTY PHEASANTS FOREVER TO USE AT SMSU ON MARCH 14, 2009; F. CONSIDERATION OF LG220 APPLICATION EXEMPT PERMIT FOR LYON COUNTY PHEASANTS FOREVER FOR A RAFFLE AT SMSU ON MARCH 14, 2009; G. CONSIDERATION OF LG200R LAWFUL GAMBLING LICENSE RENEWAL FOR MARSHALL BASEBALL ASSOCIATION TO BE USED AT SAM’S PLACE, 236 WEST MAIN STREET, GAMBLER, 303 WEST MAIN STREET AND VARSITY PUB, 128 WEST MAIN STREET; H. CONSIDERATION OF RESOLUTION APPOINTING OFFICIAL DEPOSITORIES FOR CITY FUNDS FOR 2009; I. CONSIDERATION OF RESOLUTION DESIGNATING THE MARSHALL, MINNESOTA “INDEPENDENT” AS THE OFFICIAL NEWSPAPER FOR THE CITY OF MARSHALL; J. RESOLUTION FOR DONATION FOR THE FIRE DEPARTMENT; K. RESOLUTION FOR DONATION FOR THE POLICE DEPARTMENT; L. CONSIDERATION OF APPROVAL OF SEPTEMBER 8, 2009 CITY COUNCIL MEETING TO BE HELD IN THE COUNCIL CHAMBERS AT CITY HALL; M. CONSIDERATION OF APPROVAL BILLS/PROJECT PAYMENTS:

Reynolds moved, Sanow seconded, that the following consent agenda items be approved:

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The approval of a Temporary On-Sale Liquor License for the American Legion Post 113 Bar and Lounge to be used at Southwest Minnesota State University, 1501 State Street on January 24, 2009. The fee for this license is \$30.00.

The approval of a Temporary 3.2 Percent Malt Liquor License for Holy Redeemer to be used at Southwest Minnesota State University, 1501 State Street on February 22, 2009. The fee for this license is \$30.00.

The approval of a Temporary On-Sale Liquor License for Holy Redeemer Church to be used at Holy Redeemer Church, 503 West Lyon Street on February 14, 2009. The fee for this license is \$30.00.

The approval of a Temporary On-Sale Liquor License for the Marshall Area Chamber of Commerce to be used at Tony Doom Supply, 1301 Canoga Park Drive on January 26, 2009. The fee for this license is \$30.00.

The approval of a Temporary On-Sale Liquor License for Lyon County Pheasant's Forever to be used at Southwest Minnesota State University, 1501 State Street on March 14, 2009. The fee for this license is \$30.00.

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 – LG220 for the Lyon County Pheasants Forever for a raffle to be held at Southwest Minnesota State University, 1501 State Street, Marshall, Minnesota on March 14, 2009 and that the 30 day waiting period be waived.

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 Lawful Gambling License Renewal Application – LG200R for the Marshall Baseball Association to be used at Sams Place Restaurant, 236 West Main Street, Marshall, Minnesota; the Gambler, 303 West Main Street, Marshall, Minnesota and at the Varsity Pub, 128 West Main Street, Marshall, Minnesota.

The adoption of RESOLUTION NUMBER 3188, SECOND SERIES, and that the reading of the same be waived. Resolution Number 3188, Second Series is a resolution Appointing the Official Depositories for the City of Marshall City Funds for the year 2009.

The adoption of RESOLUTION NUMBER 3189, SECOND SERIES and that the reading of the same be waived. Resolution Number 3189 Second Series is a resolution Designating the Marshall Minnesota "Independent" as the Official Newspaper for the City of Marshall.

The adoption of RESOLUTION NUMBER 3190 SECOND SERIES and that the reading of the same be waived. Resolution Number 3190, Second Series is a resolution Accepting the Donation of Personal Property from Roger and Joyce Evert by the City of Marshall, Minnesota. This resolution accepts the donation of wall cabinets valued in the amount of \$1,065.00. These wall cabinets will be used for the Marshall Volunteer Fire Department for their storage of trophies and other memorabilia.

The adoption of RESOLUTION NUMBER 3191, SECOND SERIES and that the reading of the same be waived. Resolution Number 319, Second Series is a resolution Accepting the

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Donation of Personal Property from Target Corporation by the City of Marshall, Minnesota. This resolution accepts the donation of two (2) laptop computers for the Marshall Police Department.

That the City Council meeting scheduled for September 8, 2009 be moved to the City Council Chambers, instead of the Professional Development Room at the Marshall Middle School.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 63468 through 63782.

All voted in favor of the motion.

CALL FOR A PUBLIC HEARING TO BE HELD ON JANUARY 27, 2009 FOR A NEW LIQUOR LICENSE FOR LYON STREET GRILL AND BAR LOCATED AT LOT 1, BLOCK 1, O.K. FIRST ADDITION:

Thomas M. Meulebroeck, Finance Director/City Clerk, briefly reviewed the request for a new On-Sale Liquor License for the Lyon Street Grill and Bar effective June 1, 2009 at the pro-rated fee of \$2,450.00. Boedigheimer moved, Sanow seconded, that a public hearing be held at 5:30 P.M. on Tuesday, January 27, 2009 to consider a new On-Sale Liquor License for the Lyon Street Grill and Bar effective June 1, 2009 at the pro-rated fee of \$2,450.00. All voted in favor of the motion.

CONSIDERATION OF RENEWAL OF WORKERS COMPENSATION INSURANCE EFFECTIVE JANUARY 1, 2009:

Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that the Insurance Advisory Committee met on December 30, 2008 to consider the renewal of the City's Work Comp Insurance effective January 1, 2009 with the League of Minnesota Cities Insurance Trust with a \$5,000 medical deductible and with a 2% managed care credit. The estimated annual premium is \$181,611. Council Member Boedigheimer asked why the Work Comp Insurance is not considered at the same time as the other insurances. Tom indicated that they need to submit the wage information before the renewal can be completed. Council Member Boedigheimer was also concerned if we have coverage effective January 1, 2009 since this has not yet been approved. Tom indicated that he contacted the League of Minnesota Cities Insurance Trust and indicated that the work comp insurance would be effective January 1, 2009. Sanow moved, Boedigheimer seconded, the approval of the Work Comp Insurance effective January 1, 2009 with the League of Minnesota Cities Insurance Trust with a \$5,000 medical deductible and with a 2% managed care credit. The estimated annual premium is \$181,611. All voted in favor of the motion.

**AUTHORIZATION TO CONTACT ENGINEERING CONSULTANTS FOR DESIGN AND CONSTRUCTION INSPECTION OF ECONOMIC STIMULUS PROJECT:
A. T.H. 23 PEDESTRIAN UNDERPASS; B. MADRID STREET BRIDGE:**

Glenn Olson, Director of Public Works/City Engineer, is requesting authorization to contact engineering firms for a proposal to provide engineering services for design and construction inspection of potential economic stimulus projects for a T.H. 23 Pedestrian Underpass and the Madrid Street Bridge. He indicated that they have been in contact with various agencies including MN/DOT, FAA, MN/DOT Aeronautics, and Federal Legislators concerning the possibilities of economic stimulus projects that may be funded by the Federal or State governments within the next 90 to 180 days. One of the requirements of the proposals is

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that the project would be able to be constructed quickly allowing the money made available to provide a quick stimulus to the local area, state, and country. In order to be able to utilize these funds the local agency must have the plans and specifications complete and ready to bid for construction in a short period of time. The T.H. 23 Pedestrian Underpass and the Madrid Street Bridge have been identified as priority items either by the Chamber Transportation Committee through their transportation study of T.H. 23 or the Airport Commission through their Airport Layout Plan and Capital Improvement Program. Both projects are important infrastructure items for the City of Marshall, and this work needs to be done in any event. Mr. Olson indicated that it is his intent to contact the engineering firms associated with the design and construction of the North 7th Street Bridge, the development of the Transportation Plan for the Chamber, and the airport consultants for their availability and ability to perform the necessary work to comply with potential stimulus projects. Costs for the engineering would be a local cost, but may provide opportunity for grant funding for the entire project costs of construction. In any event, under normal project participation, the City would have project participation of more than the engineering costs.

Boedigheimer moved, Ritter seconded, that the proper City personnel be authorized to contact engineering firms for a proposal to provide engineering services for design and construction inspection of potential economic stimulus projects for a T.H. 23 Pedestrian Underpass and the Madrid Street Bridge. All voted in favor of the motion.

CONSIDER APPOINTMENTS TO BOARDS AND COMMISSIONS:

Per the recommendation of Mayor Byrnes, Reynolds moved, Ritter seconded, and was unanimously approved that the following appointments be made to the various boards and commissions and to advertise for a position on the Cable Commission and the Senior Citizen Center Commission:

- Hospital Board – Paul Peutz for an unexpired term to expire on May 31, 2011
- Library Board – Suzanne DeBrule for a term to expire on December 31, 2011
- Community Services Advisory Board – Katie Jendro for an unexpired term to expire on February 28, 2009

CONSIDER APPROVAL OF PAY EQUITY IMPLEMENTATION REPORT TO MN DEPARTMENT OF EMPLOYEE RELATIONS (DOER):

Ben Martig, City Administrator, reviewed the Pay Equity Implementation Report with those in attendance at the meeting. Mr. Martig indicated that the last report was submitted by the City of Marshall in 2005, in which the City's underpayment ratio for the statistical analysis test was 195.9. In order for the City of Marshall to be in compliance for this report, this number needed to be at least 80.0. The City's test result does in fact exceed the minimum underpayment ratio required to be in compliance for this report. Reynolds moved, Sanow seconded, the approval of the Pay Equity Implementation Report to MN Department of Employee Relations (DOER). All voted in favor of the motion.

COUNCIL MEMBER COMMISSION / BOARD LIAISON REPORTS:

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

Byrnes EDA met earlier today and discussed the loan to Midwest Aviation

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Boedigheimer Airport Commission meeting that was scheduled for January 12th was postponed because of the weather; Lyon County Enterprise Development – the director is leaving and they have hired an interim; M.E.R.I.T. Center meets on Thursday.

Hulsizer Library Board meeting that was scheduled for January 12th was postponed because of the weather

Reynolds No report.

Ritter Housing Commission met.

Sanow Cable Commission visited the new location for Studio One

STAFF REPORTS:

Ben Martig, City Administrator indicated that there is a closed meeting on Wednesday, January 14, 2009 with Avera and there will be a public informational meeting on Thursday, January 15, 2009. Both of these meetings will be held at the Avera Marshall Regional Medical Center. There is also a special meeting scheduled for Tuesday, January 20, 2009. The 2009 Budget books will be printed and distributed soon. Ben would like to schedule a Work Plan for 2009 the first week of February to prioritize projects and review policies. An amendment needs to be done for the Deed Grant for the Junior High to be used for infrastructure costs. He briefly talked about bonding \$300,000 for technical equipment for the M.E.R.I.T. Center. Ben indicated that there will be a reduction in the amount of LGA the City receives; therefore the staff needs to start looking at reductions within the city budget. The union contracts for 2009 have not been settled. The Employee Appreciation and Recognition Banquet is on Friday, January 16, 2009; the city offices will be closed on Monday, January 19, 2009 for Martin Luther King Day; and Ben's radio program has been moved to Wednesdays at 2:00 P.M. Ben requested a list of which Boards provide annual reports. Ben briefly reviewed and asked for comments on the new process for Council agenda and the new location. Discussions are taking place on the North Memorial Ambulance facility expansion that is scheduled for 2009. Schwan's has had another round of lay-offs.

REVIEW OF PENDING AGENDA ITEMS:

Dennis Simpson is working with Marshall Municipal Utilities on the Maple Street Alley issue.

BUILDING PERMITS – INFORMATION ONLY:

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

	Applicant	Location Address	Description of Work	Valuation
1.	Sid's Signs on Broadway	207 West Main Street	Sign	\$1,500
2.	Susan M. Broman	202 East Redwood Street	Utility Shed	\$1,000
3.	Linda Rye	102 George Street	Kitchen remodel	\$5,000
4.	Avera Marshall Regional Medical Center	300 South Bruce Street	First Floor / Radiology Lab Remodel	\$11,000
5.	Avera Marshall Regional Medical Center	300 South Bruce Street	Ground Floor Clinic / Office Remodel	\$149,000
6.	Salonek Concrete and Construction	1420 East College Drive	Space 800A/2nd Floor Remodel	\$111,500

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7.	James Lozinski Construction	802	Colt	Street	Replace Door	\$1,800
8.	Norma Klein	504	Baseline	Road	Reside	\$2,400
9.	William & Jessica Bradley	600	Genesis	Avenue	Finish Basement	\$8,000
10.	Vlaminck Construction	705	Nuese	Lane	Utility room	\$5,000

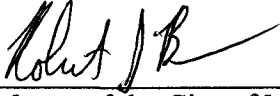
DETERMINATION BY CITY COUNCIL TO GO INTO CLOSED SESSION PURSUANT TO MINNESOTA STATUE 13D.05 SUBD. 3(B) TO DISCUSS PENDING LITIGATION RELATED TO MPCA VIOLATIONS:

Boedigheimer moved, Ritter seconded, to go into closed session at 6:35 P.M. pursuant to Minnesota Statute 13D.05, Subd.3(b) to discuss pending litigation related to MPCA violations.

The council came out of closed session at 6:43 P.M.

The snow removal process and the need for additional trucks for snow removal was discussed.

Upon motion by Reynolds, seconded by Sanow, the meeting was adjourned. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk