

REGULAR MEETING – AUGUST 25, 2009

The regular meeting of the Common Council of the City of Marshall was held on August 25, 2009 in the Professional Development Room at 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 Council Members were present: Doom, Sanow, DeCramer, Boedigheimer and Ritter. Absent: Hulsizer. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Sheila Dubs, Assistant to City Administrator; Mark Hanson, EDA Director; Thomas M. Meulebroeck, Finance Director/City Clerk; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

It was the general consensus of the Council that the agenda be approved with item number 7, which is a presentation by the Southwest Marketing Advisory Center on Studio 1 operations and item number 8, which is a presentation of the Internship Related to Cable Commission being the first item after the approval of the minutes and that item 5c, which is to consider approval of Transient Merchants Licenses for Aspen Exteriors, Inc., Precision Contracting, and Westurn Cedar Supply, Inc., being removed from the consent agenda and be considered along with Transient Merchants Licenses for A-Men Inc., and Einstein Builders after the Consent Agenda.

APPROVAL OF THE MINUTES:

Sanow moved, Doom seconded, that the minutes of the regular meeting held on August 11, 2009 and the minutes of the special meeting held on August 18, 2009 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

PRESENTATION BY THE SOUTHWEST MARKETING ADVISORY CENTER ON CABLE:

The City of Marshall Cable Commission commissioned a study to determine the Marshall residents' perceptions, attitudes, habits, and characteristics in relation to communications and television. This study was completed by the Southwest Marketing Advisory Center (SMAC). Michael Rich, Executive Director of SMAC, and Danielle Towner, Project Director, were in attendance at the meeting to provide the City Council with the results of this study. This study will assist the Cable Commission in repositioning the public access channels in such a way that it increases viewership and establishes loyalty to the public access channels within the City of Marshall. Ms. Towner indicated that the majority of the respondents were between the ages of 46 to 55 and 65 and older, and have a slightly higher education level than the average within the State of Minnesota. Through secondary and primary research it has been established that the level of communications via Internet, specifically Wi-Fi connection, is perceived as sufficient and does not need improvement. In regard to public access television, over half of the respondents view at least one of three stations. However, the viewing is limited with over 80 percent watching less than ten percent of their television viewing time. Statistical analysis seems to indicate that the majority of respondents are destination viewers. A vast majority of respondents tend to watch specific programs at specific times, most commonly during prime time. Through an extensive preference analysis of Studio 1 viewers, the data appears to indicate a higher interest in additional programming. The most common types of local content that are preferred by viewers of Studio 1 are high school sports, theater productions, and human interest stories. Studio 1 viewers also hold the offering of appropriate language and content and local programming higher than those who do not view Studio 1.

PRESENTATION OF INTERNSHIP RELATED TO CABLE COMMISSION:

Leah Wood was an intern in the Economic Development Department from May 11, 2009 to August 7, 2009. As part of her internship she was required to study public access stations throughout the state and the nation. Ms. Wood indicated that she gathered information on the internet for public access stations in Minnesota and nation wide. Ms. Wood did three on-site visits to Austin, Willmar and Blaine. From these on-site visits Ms. Wood indicated that the most important part of public access stations is new programming, a website, a recording studio and staffing both paid and volunteers. Ms. Wood indicated that it would be beneficial if a schedule was established (i.e. all church services on Monday). She also indicated that they could use volunteers to tape different events to be broadcasted on Studio 1.

PUBLIC HEARING ON REQUEST TO MOVE-IN DWELLING AT 601 HERITAGE CIRCLE:

This was the date and time set for a public hearing to consider the request of Ron Schilling, Alluvus, LLC, to move a dwelling into the City from 3666 225th Avenue, Marshall, Minnesota to 601 Heritage Circle, Marshall, Minnesota. At the August 18, 2008 meeting the City Council denied the request until the three most recent homes were completed. This request was heard again on October 20, 2008, and was denied. A new application was filed on June 23, 2009, and a public hearing held on July 14, 2009. At that meeting, a motion was made to allow Mr. Schilling to move the dwelling into 601 Heritage Circle with certain conditions. The motion failed. No other motions came forward so the request was denied. At the council meeting of July 28, 2009, Mr. Schilling provided a power point presentation concerning improvements made to the existing homes within the subdivision area. Mr. Schilling requested reconsideration of the motion to approve the move-in permit. After discussion, it was determined Mr. Schilling should initiate a new request to be brought forward at the next meeting. This one story, three bedroom dwelling with attached garage is estimated to have been constructed in 1961. There is 1288 S.F. on the first floor. The dwelling has been examined by the Building Official and found to be in reasonable condition to move and in reasonable compliance with the MN State Building Code.

Council Member Sanow indicated that he was embarrassed by the way this was handled at the last council meeting, but his opinion has not changed and he is not in favor of this request. Sanow indicated that Mr. Schilling has a rental property in his neighborhood and he is not happy with how Mr. Schilling handles concerns.

Mr. Schilling indicated that he understands these concerns and that he should be called with any concerns. Mr. Schilling indicated that he needs to work within the law and indicated that the police should be called if there is an issue. Mr. Schilling indicated that if the police are called it is a violation of the lease and this provides him with the option of terminating the lease.

John Thooft, 414 North 7th Street, was concerned with a rock being placed on the property line and about the location of the mail boxes.

Ron Schilling, indicated that he has a problem with the property markers being removed; therefore he places a large rock as a property marker because it cannot be easily moved. Mr. Schilling indicated that the rock was not on Mr. Thooft's property.

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

Boedigheimer moved, Ritter seconded, that Mr. Schilling be allowed to move a dwelling into 601 Heritage Circle from 3666 225th Avenue, Marshall, Minnesota with the following conditions:

- 1 The owner shall obtain all necessary permits including a Moving Permit from the Director of Public Works, a Building Permit, and Electrical Permit from the Minnesota Department of Labor and Industry.
- 2 Complete all on site construction and required revision to the dwelling in conformance with City Code and obtain a Certificate of Occupancy within 180 days of approval.

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

PUBLIC HEARING ON AMENDING CHAPTER 86 RELATING TO ZONING:

This was the date and time set for a public hearing to consider Amending Chapter 86 Relating to Zoning. Mark Hanson, EDA Director, indicated that currently animal hospitals are a permitted use in I-1 and I-2; and a conditional use in B-3. The proposal is to add Veterinary clinics and hospitals for small animals as a “permitted” use in B-2 central business district, B-3 general business district and B-4 shopping center business district. Sanow moved, DeCramer seconded, that the public hearing be closed. All voted in favor of the motion.

Sanow moved, Boedigheimer seconded, the adoption of ORDINANCE NUMBER 613, SECOND SERIES and that the reading of the same be waived. Ordinance Number 613, Second Series is an ordinance Amending Chapter 86 of the Marshall City Code of Ordinances Relating to Zoning. This ordinance adds Veterinary clinics and hospitals for small animals as a “permitted” use in B-2 central business district, B-3 general business district and B-4 shopping center business district. All voted in favor of the motion.

AWARD OF BIDS – PROJECT Y52 T.H. 59 AND ONTARIO ROAD IMPROVEMENT PROJECT – A. RESOLUTION DECLARING COST TO BE ASSESSED, AND ORDERING PREPARATION OF PROPOSED ASSESSMENT; B. RESOLUTION CALLING FOR HEARING ON PROPOSED ASSESSMENT; C. RESOLUTION DECLARING OFFICIAL INTENT REGARDING THE REIMBURSEMENT OF EXPENDITURES WITH THE PROCEEDS OF TAX-EXEMPT BONDS; D. RESOLUTION ACCEPTING BID (AWARDING CONTRACT):

Glenn Olson, Director of Public Works/City Engineer, reviewed Project Y52 T.H. 59 and Ontario Road Improvement Project. He indicated that this project involves the replacement of sanitary sewer, watermain, minor storm sewer work and pavement reconstruction. The proposed project will reconstruct Ontario Road and described utilities from T.H. 59 North to vacated Hahn Road. Marshall Municipal Utilities (MMU) is also requesting the replacement of the watermain utility along vacated and existing Hahn Road right-of-way from Ontario Road to C.S.A.H. 33. MMU will finance this portion of the project.

Sanow moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3283, SECOND SERIES and that the reading of the same be waived. Resolution Number 3283, Second Series is a resolution Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment for the T. H. 59 and Ontario Road Improvement Project Y52. This resolution provides for the assessment to be paid over a 10 year period at an interest rate of 5.8%. All voted in favor of the motion.

Doom moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3284, SECOND SERIES and that the reading of the same be waived. Resolution Number 3284,

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Second Series is a resolution Calling for a Hearing on the Proposed Assessment for the T. H. 59 and Ontario Road Improvement Project Y52. This public hearing will be held at 5:30 P.M. on September 22, 2009. All voted in favor of the motion.

DeCramer moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3285 SECOND SERIES and that the reading of the same be waived. Resolution Number 3285, Second Series is a resolution Declaring the Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for the T. H. 59 and Ontario Road Improvement Project Y52. All voted in favor of the motion.

Bids were received, opened and read on August 18, 2009 for the T. H. 59 and Ontario Road Improvement Project Y52. The bids received, opened and read were from:

GM Contracting, Inc.
Lake Crystal, Minnesota
\$1,358,267.87

Duininck Bros., Inc
Prinsburg, Minnesota
\$1,571,542.81

Chad Monson Excavating, LLC
Willmar, Minnesota
\$1,642,585.00

Carstensen Contracting LLC
Pipestone, Minnesota
\$1,812,322.75

Ritter moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3286 SECOND SERIES and that reading of the same be waived. Resolution Number 3286, Second Series is a resolution Accepting Bid (Award Contract) for the T. H. 59 and Ontario Road Improvement Project Y52. This contract was awarded to GM Contracting, Lake Crystal in the amount of \$1,358,267.87. All voted in favor of the motion.

CONSENT AGENDA – A. TEMPORARY ON-SALE LIQUOR LICENSE FOR THE MARSHALL AREA CHAMBER OF COMMERCE TO USE AT BIG STONE THERAPIES, 1420 EAST COLLEGE DRIVE; B. CONSIDER ADDENDUM TO AGREEMENT WITH TYLER TECHNOLOGIES, INC.; C. TRANSIENT MERCHANT LICENSE FOR ASPEN EXTERIORS, INC., PRECISION CONTRACTING AND WESTURN CEDAR SUPPLY, INC.; D. CONSIDER THE REQUEST OF SUSAN BROMEN 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 LOCATED AT 202 EAST REDWOOD STREET; E. CONSIDER REVOCATION OF CONDITIONAL USE PERMIT NO. 504 – 700 WEST MARSHALL STREET; F. APPROVAL OF THE WAGE SCHEDULE AMENDMENT; G. APPROVAL OF BILLS/PROJECT PAYMENTS:

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

Approval of a Temporary On-Sale Liquor License for the Marshall Area Chamber of Commerce to use at Big Stone Therapies, 1420 East College Drive on September 10, 2009.

The proper city personnel be authorized to enter into an Addendum to Agreement with Tyler Technologies, Inc., to remove the GASB module from the agreement and to add INCODE Printing and Reporting Solutions and Tyler Output Processor Software Application.

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The approval of the request of the Susan Broman-Martin for a five-year renewal of a Conditional Use Permit for a home beauty shop business at 202 East Redwood Street with the following conditions in addition to the usual conditions:

1. This permit expires five years from its date of adoption.
2. Business hours shall be between 6:00 a.m. and 10:00 p.m. only.

The adoption of RESOLUTION NUMBER 3287, SECOND SERIES and that the reading of the same be waived. Resolution Number 3287, Second Series is a resolution Revoking a Conditional Use Permit at 700 West Marshall, Street. This resolution provides for the Conditional Use Permit (Planning Commission File No. 504) adopted on September 17, 1990 classifying an existing nonconforming two family dwelling use as a conforming use at 700 West Marshall Street in an R-1 One Family Residence District, and recorded in the Office of the Lyon County Recorder Book 78 of Miscellaneous, Page 299, on October 3, 1990, to be revoked.

The approval of the amended 2009 Wage Schedule for Temporary/Seasonal Employees.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 66289 through 66473.

All voted in favor of the motion.

CONSIDER APPROVAL OF TRANSIENT MERCHANTS LICENSES FOR ASPEN EXTERIORS, INC., PRECISION CONTRACTING, AND WESTURN CEDAR SUPPLY, INC., ALONG WITH TRANSIENT MERCHANTS LICENSES FOR A-MEN INC., AND EINSTEIN BUILDERS:

Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that as a result of the recent storms in Marshall there have been several companies requesting a Transient Merchant License to provide construction services to repair roofs, siding, windows, gutters and etc. Tom indicated that the applications for Aspen Exteriors, Inc., Precision Contracting and Westurn Cedar Supply Inc., have been reviewed and meet the requirements of the Transient Merchant Ordinance; the application for A-Men has been reviewed, but still needs to provide a correct bond. The application from Einstein Builders was also received but due the misunderstanding it was not received in time to meet the requirements, therefore this will be addressed separately. They will be going door to door, advertising in the local paper and by flyers.

Mr. Meulebroeck indicated that following a discussion between city officials and some of these contractors it was believed that a license was not needed because the contractors had established a place of business in town. But when contractors began and continued to go door to door to solicit jobs it was determined that the contractors needed a transient merchant license. Because of this some of the contractors were recently notified by the City that they need to apply for a transient merchant license and provide the necessary bonding and other requirements to get this license.

Glenn Olson, Director of Public Works/City Engineer, indicated that there is an ordinance preventing advertising signs on lawns in the residential area.

Council Member Sanow was concerned with what recourse the city would have if these licenses were approved and at some point when there were complaints?

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City Attorney Dennis Simpson indicated that the property owners don't have to invite these contractors into their home and don't have to sign any contracts.

Council Member Boedigheimer asked why these contractors continue to go door to door if they did not have a license. Mr. Meulebroeck indicated that these contractors were only recently informed that they needed the license. City Administrator Ben Martig also indicated that the Police Department thought they were legal if they had a location in Marshall.

Sanow moved, Boedigheimer seconded, the approval of Transient Merchant License for Aspen Exteriors, Inc., Precision Contracting and Westurn Cedar Supply Inc., and for A-Men LLC contingent upon receipt of their corrected bond. Council Member Doom requested that they not receive their license until all of the advertising signs are removed from the lawns. John Mathews, A-Men LLC, and Billy Minnehan, Einstein Builders, indicated that the signs help to keep other salespeople from stopping. Council Member Boedigheimer indicated that this makes sense. All voted in favor of the motion.

DeCramer moved, Doom seconded, the approval of the Transient Merchant License for Einstein Builders contingent upon receipt of bond, the background report being completed and the removal of signs. All voted in favor of the motion.

It was indicated that a violation of the Transient Merchant License would be a reason to revoke the license.

CONSIDERATION OF APPROVAL OF THE PERSONNEL POLICY:

Sheila Dubs, Assistant to the City Administrator, indicated that the Personnel Policy Manual was provided for review, discussion, and consideration on August 11, 2009. The Personnel Committee, City Attorney, and the Employee Advisory Committee have reviewed this document. Ms. Dubs indicated that she would address any questions the Council may have. Ritter moved, Doom seconded, the adoption of RESOLUTION NUMBER 3288, SECOND SERIES and that the reading of the same be waived. Resolution Number 3288, Second Series is a resolution Approving the City of Marshall Personnel Policy Manual. All voted in favor of the motion.

M.A.T. BUS GARAGE EXPANSION PROJECT – CONSIDER APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZE ADVERTISEMENT FOR BIDS:

Glenn Olson, Director of Public Works/City Engineer, indicated that Western Community Action recently constructed the Marshall Area Transit Bus and Dispatch Facility on land owned by the City in the Street Department area. At that time funds were limited and the facility was built with funds available. Since that time additional funds became available and approval was granted by Mn/DOT to fund additional bus storage space just across the gravel access road from this dispatch facility. The total cost of the additional garage is limited to \$240,000 including design and inspection costs.

The City is the contractual agent for Western Community Action. Western Community Action indicated that they have reviewed and are recommending approval of the plans and specifications and for the City to authorize the advertisement for bids. Construction is expected to begin this fall with final completion in early 2010.

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Sanow moved, Ritter seconded, the approval of the plans and specifications and authorize advertisement for bids for the M.A.T. Bus Garage Expansion. These bids will be received on Thursday, September 17, 2009. All voted in favor of the motion.

WESTERN COMMUNITY ACTION SMALL CITIES UPDATE:

Mark Hanson, EDA Director, indicated that Western Community Action had prior contracts with the City of Marshall to administer our small cities grants. Currently they are orchestrating \$110,000 to administer small city grants, which has recently been extended to include an additional \$40,000. Mark provided an update on the program and projects completed with the most recent small cities commercial projects.

Mayor Byrnes called for a five-minute recess at 7:05 P.M.

CONSIDERATION OF SUB-LEASE OF 1632 WEST COLLEGE DRIVE:

Ben Martig, indicated that Schwan's Aerial Marketing, LLC is requesting consent to sublease the premises located at 1632 West College Drive in Marshall, Minnesota, commonly known as the former Red Baron Museum building. Mr. Martig indicated that Hydroswing is a hydraulic door company based in Cottonwood, Minnesota. The new location will serve as Hydroswing's Sales, Marketing, Customer Support and Design Headquarters.

Economic Development Director Mark Hanson has been working on this project for some time and has finally come to fruition. The project is a positive expansion of the company both in Marshall as well as Cottonwood. Mr. Martig indicated that Mr. Parker has an interesting story to tell related to his original purchase of the company and testimonials to the potential for further economic development that could be supported at this airport.

City Attorney Simpson has conducted a preliminary review of the proposal and will be providing a final review summary next week. Additionally, the Airport Commission met on Monday at noon to review the proposal and provide a recommendation to the City Council.

Council Member Boedigheimer indicated that the Airport Commission is recommending the approval of the sub-lease and are in favor of the replacement of the overhead door subject to current building codes.

Ritter moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3289, SECOND SERIES and that the reading of the same be waived. Resolution Number 3289, Second Series is a resolution to Approve Sublease of Commercial Lease for the Red Baron Hangar. This resolution provides for the commercial lease dated September 1, 2004 by and between the City of Marshall (landlord) and Schwan's Aerial Marketing, LLC, (tenant) to sublease said commercial least to Hydroswing, Inc. All voted in favor of the motion.

Boedigheimer moved, Ritter seconded, that Hydroswing be authorized to replace the overhead door at 1632 West College Drive. All voted in favor of the motion.

CONSIDER THE REQUEST OF WESTERN MENTAL HEALTH CENTER, INC., FOR A CONDITIONAL USE PERMIT FOR A BOARDINGHOUSE IN A B-1 LIMITED BUSINESS DISTRICT AT 104 CARROW STREET:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request from Western Mental Health Center, for a Conditional Use Permit for a boardinghouse, in a B-1 Limited Business District at 104 Carrow Street. This property was rezoned in 2007 from R-2

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One to Four Family Residence District to B-1 Limited Business District. The intent of the owner was to use the property for professional office building. Sara Ackerman, Western Mental Health Center, provided a summary of the project.

Council Member Sanow indicated that according to the Planning Commission minutes of December 13, 2006, when this property was rezoned from an R-2 One to Four Family Residence District to B-1 Limited Business District that there would be no more than four or five residents at a time and there would be no overnight residents. They wanted to protect the neighborhood, this would be an office and clinic only and would close at 8:00 P.M. Sanow indicated that they went from no overnight residents to now they want to have overnight residents.

Sara Ackerman, representative from Western Mental Health Center Inc., indicated that the currently the facility is used for a Partial Hospitalization Program which serves between five to eight patients. Ms. Ackerman indicated that they have moved this program to 1212 East College Drive. Ms. Ackerman indicated that they are now requesting to use 104 Carrow Street as a Board and Lodge Program. This recommendation was based on the needs of the area and the mental health clients.

Mary Nordstrom, 210 Carrow Circle, is concerned with the type of patients that would be at this facility. She indicated that there are several children in this area and was not in favor of this type of facility being located here.

Brenda Krog from 218 Carrow Circle indicated that she owns a duplex right next to 104 Carrow Street. Ms. Krog also concerned with the traffic in the area and with allowing overnight boarding at this facility.

Carol Wiger, 208 Carrow Circle, was concerned with the additional traffic.

Steve Warne, 1300 Charles Avenue, lives right across the street and indicated that he just found out about this request. He wanted to know what type of people would be living there.

Dwayne Brinkmann, 1301 Charles Avenue, asked if any Council Member would be happy to have this facility next to their residence.

Ms. Ackerman indicated that this would be a 10 bed facility for long-term stays. There would be 24 hour staffing and house rules. The residents must be able to live independently and on their own. The residents would be referred from Human Services. They will not allow anyone who is a substance abuser, sex offenders or anyone with a criminal history.

Mavis Walbran is a renter at 104 Carrow Street and is concerned that anyone with a family and children would not be interested in living in the area. She was also concerned with parking in the area.

Ben Martig, City Administrator, indicated that this request could be tabled to allow city staff to get more information on the parking issue for this facility.

JoAnn McKee, 202 Carrow Street, indicated that in 2006 they were assured that this facility would be a clinic and now they want it to be an overnight facility. She was concerned with the additional traffic and if this was the best location for this type of facility.

Ritter moved, Boedigheimer seconded, that the request from Western Mental Health Center, for a Conditional Use Permit for a boardinghouse, in a B-1 Limited Business District at 104 Carrow Street be denied. All voted in favor of the motion.

CONSIDERATION OF PROPOSAL OF LAND DIVISION RESOLUTION:

Ben Martig, City Administrator, indicated that staff has been working with the staff from Lyon County on a process to require that any division of land recorded at the County requires City prior approval. There have been a number of filings that have been in conflict with the City's subdivision ordinance in the past. Some of the problems that can result from non-conforming lot splits include parcels that do not have public streets and utilities, create non-buildable lots, and cause issue with market valuations. State law allows a process where the City Council can require City review and approval prior to filing. Currently, the only remedy for violations is to issue fines to owners who complete these subdivisions.

Boedigheimer moved, DeCramer seconded, the adoption of RESOLUTION NUMBER 3290, SECOND SERIES, and that the reading of the same be waived. Resolution Number 3290, Second Series is a resolution Pertaining to the Division of Lands, and City Council Approval of Certain Conveyances. This resolution provides that any division of land recorded at the County requires city prior approval. All voted in favor of the motion.

MAYORAL APPOINTMENT TO SPECIAL COMMITTEE RELATED TO HOSPITAL MEMBERSHIP TRANSFER AGREEMENT:

Mayor Byrnes indicated that the Membership Transfer Agreement among the City of Marshall, Wiener Memorial Medical Center, Inc. and Avera Health included provisions for a special committee to oversee the proceeds of the sale remaining after payment of the bond debt, and bond defeasance costs, excluding the \$2 million undesignated funds that will be under the responsibility of the City Council. The remaining estimated balance is at \$10 million and includes \$1.5 million for the surgery remodeling project capital, \$7 million for oncology program development and capital, and \$1.5 million remaining for the health and health promotion needs of the community. In addition, the special committee would oversee the existing Wiener Memorial Foundation funds estimated at approximately \$600,000.

The Special Committee is to be comprised of two persons appointed by the City of Marshall, two persons appointed by the restructured Foundation Board or Avera Marshall, and a fifth person selected by a majority vote of the other Special Committee members. The Special Committee will exist for ten years after which will be dissolved and any remaining funds will be distributed to the newly created Avera Marshall Foundation Board, subject to the same restrictions as outlined in the agreement. The Mayor holds the authority to make appointments to this special committee with confirmation by the City Council according the City Code and past practice.

Per the recommendation of Mayor Byrnes, DeCramer moved, Ritter seconded, that Councilmember's Larry Doom and Dan Ritter be appointed to serve on the Special Committee. Byrnes indicated that both of these individuals have expressed an interest to serve on the Special Committee and responded to the Mayor of their willingness to serve in this capacity.

Council Member Sanow indicated that he has also informed Mayor Byrnes of his interest to be on this Special Committee and was disappointed that he was not being recommended for appointment.

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

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 Hospital Board discussed change of ownership and remodeling; Regional Radio Board will be meeting on Wednesday
- Doom Planning Commission items were acted on earlier in the meeting; Adult Community Center Commission discussed thier budget and sources of revenue
- Sanow No report
- DeCramer Utilities Commission met but John was not able to attend
- Boedigheimer Airport Commission met earlier today and discussed the sub lease with Hydroswing; Ways and Means Committee and Legislative and Ordinance Committee need to schedule meetings
- Ritter EDA met last week

STAFF REPORTS:

Ben Martig, City Administrator, indicated that the Library has made an offer for a new director contingent upon the background checks. Work is continuing on funding for the proposed new library and they are checking for any reserve funds that may be available. There is a budget meeting scheduled for Monday, August 31, 2009. Work is continuing on a contract with the City of Ghent for Building Inspection services. This contract will be considered at the regular meeting on September 8, 2009 and the City of Ghent will consider the contract at their meeting on September 9, 2009. Mr. Martig indicated that the contract with MMUA will be reconsidered with the new staff person from MMUA. The Sounds of Summer committee members will be invited to the September 8, 2009 meeting for recognition. Studio One is in the process of moving to their new location. The Chamber will be having a staffing transition meeting on Friday morning.

Glenn Olson, Director of Public Works/City Engineer, indicated that the bids for the Bike Trail Project came under estimate. The Sounds of Summer events, the Fly-In Breakfast and the presentation recognizing Matthew Ryan for his induction into the Minnesota Hall of Fame were well attended. The expansion of Hydroswing Inc., at the Marshall Airport is a great asset for the City of Marshall.

Dennis Simpson, City Attorney, provided an update on the sale of the hospital. He indicated that they meet every two weeks to review the check list of what needs to be done. He also indicated that there is no need for any temporary financing. Mr. Simpson indicated that it will take three men, three days and two dumpsters to clean up the property located at 304 South 1st Street. This property is being treated as if it is hazard material.

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COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: Council Member Doom indicated that he would not be at the special meeting on Monday, August 31, 2009; Council Member Boedigheimer indicated that there were several people present at the Marshall Airport at an event recognizing Matthew Ryan for his induction into the Minnesota Hall of Fame.

REVIEW OF PENDING AGENDA ITEMS:

There were no questions on the pending agenda items.

INFORMATION ONLY:

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

	Applicant	Location Address				Description of Work	Valuation
1.	Susan McLean	615	West	Marshall	Street	Porch Footings	\$1,400
2.	Larry P. Magrath	408	South	Hill	Street	Reroof & Finish Basement	\$15,000
3.	Avera Marshall Regional Medical Center	300	South	Bruce	Street	Interior Remodeling	\$80,900
4.	Mark Timmerman & Brian Timmerman	1106		Willow	Lane	Dwelling	\$73,000
5.	Prairie Community Services	1012		Esther	Lane	Residential Facility	\$581,000
6.	Tanya L. Simon	505	East	College	Drive	Reroof & Window	\$3,300
7.	Leo & Helen Langer	112	West	James	Avenue	Room Addition	\$22,800
8.	Rose Adele Turner	305	North	7th	Street	Deck	\$2,900
9.	Brian L. & Tamara L. Coudron	602		Kossuth	Avenue	Reside	\$5,200
10.	Gary L. Schmidt	610	West	Lyon	Street	Reroof	\$7,000
11.	Chad L. & Tina M. Eickhoff	504		Kennedy	Street	Reroof	\$5,000
12.	Melvin J. Coudron	503	South	Bruce	Street	Reroof	\$6,600
13.	Rhonda Maker	501	West	Thomas	Avenue	Replace Door	\$1,000
14.	Southwest Minnesota State University	421, 425 & 433		State	Street	Interior Remodeling	\$3,000,000
15.	Timothy & Pamela Bot	300		Walnut	Street	Replace Door	\$500
16.	James C. and Noelle J. Beyer	1125		Sunset	Circle	Install Windows	\$3,300
17.	Duwayne Johnson	802		Cheryl	Avenue	Deck Repair	\$1,500
18.	Paul H. and Jennifer M. Kimman	610	West	Thomas	Avenue	Reroof	\$2,900
19.	Glenn Horkey	300		George	Street	Reroof	\$4,200
20.	Michael J. & Karen K. Sterner	202	West	Southview	Drive	Interior Remodel	\$3,000
21.	James L. & Teresa Sullivan	214		Carrow	Circle	Reside	\$7,000
22.	Terrica Baune	403		Kossuth	Avenue	Reroof	\$3,400
23.	Mark & Melinda Buss	610		Lawrence	Street	Reroof Dwelling	\$10,500

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24.	Moberg's, Inc.	401	Country Club	Drive	Replace Sign	\$5,000
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**DETERMINATION BY CITY COUNCIL TO GO INTO CLOSED SESSION
PURSUANT TO MINNESOTA STATUTE 13D.05 SUBD. 3(A) CITY
ADMINISTRATOR'S REVIEW:**

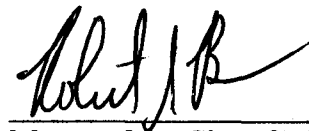
Doom moved, Sanow seconded, that the Council go into closed session at 8:10 P.M. pursuant to Minnesota Statute 13D.05 Subd. 3(a) for the City Administrator's review. All voted in favor of the motion.

Those present at the closed session included: Mayor Byrnes, Council Members Doom, Sanow, DeCramer, Boedigheimer and Ritter.

The Council came out of closed session at 8:28 P.M.

Mayor Byrnes indicated that the City Council is pleased with Ben Martig, City Administrators, performance of the aspects and duties of his position, that he has passed his evaluation and the in the future his review will be held on his anniversary date. It was the general consensus of the council that Mr. Martig receive the next step increase retroactive to his anniversary date.

Upon motion by Doom, seconded by Boedigheimer, the meeting was adjourned. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk