

REGULAR MEETING – JANUARY 12, 2010

The regular meeting of the Common Council of the City of Marshall was held on January 12, 2010 in the Professional Room at the Marshall Middle School, 401 South Saratoga Street. The meeting was called to order at 5:30 P.M. by Mayor Byrnes. In addition to Byrnes the following members were present: Hulsizer, Sanow, DeCramer, and Boedigheimer. Absent: Doom and Ritter. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Harry Weilage, Director of Community Services; Shane Waterman, Assistant City Engineer; Sheila Dubs, Assistant to City Administrator; 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 the deletion of item number 11, which is selection of President Pro Tem.

APPROVAL OF MINUTES:

Sanow moved, DeCramer seconded, that the minutes of the regular meeting held on December 22, 2009 be approved as corrected and that the reading of the same be waived. All voted in favor of the motion.

RESOLUTION OF APPRECIATION FOR DALE HOWE, BUILDING OFFICIAL:

DeCramer moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3342, SECOND SERIES and that the reading of the same be waived. Resolution Number 3342, Second Series is a resolution expressing the City of Marshall's Appreciation to Dale Howe, Building Official. Ben Martig, City Administrator, read the resolution. Mayor Byrnes thanked Dale for his 30 years of service to the City. Dale took this opportunity to thank everyone for their help and support for the past 30 years of employment with the City of Marshall. All voted in favor of the motion.

RESOLUTION OF APPRECIATION FOR BRUCE FUHRMANN:

Boedigheimer moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3343, SECOND SERIES and that the reading of the same be waived. Resolution Number 3343, Second Series is a resolution expressing the City of Marshall's Appreciation to Bruce Fuhrmann, Volunteer Firefighter. Ben Martig, City Administrator, read the resolution. Mayor Byrnes thanked Bruce for his 30 years of service to the City. Bruce took this opportunity to thank everyone for their help and support for the Marshall Fire Department for the past 30 years of his employment with the City of Marshall. All voted in favor of the motion.

PUBLIC HEARING AMENDMENT TO THE 2003 COMPREHENSIVE INFRASTRUCTURE PLANNING STUDY (A PART OF THE 1996 COMPREHENSIVE PLAN WITH 2004 UPDATES) VIA THE ADDITION OF "A PEDESTRIAN AND BIKEWAY PLAN - A SAFE AND HEALTHY MARSHALL." A. PUBLIC HEARING; B. RESOLUTION ADOPTING AMENDMENT:

This was the date and time set for a public hearing on the Amendment to the 2003 Comprehensive Infrastructure Planning Study (a part of the 1996 Comprehensive Plan with 2004 updates) via the addition of "A Pedestrian and Bikeway Plan – A Safe and Healthy Marshall". Harry Weilage, Director of Community Services, and Shane Waterman, Assistant City Engineer, provided information to the City Council. The health and safety of residents and visitors within the community is of paramount importance to the community's leadership and health care providers. The number of people who feel comfortable walking, or bicycling can be one measure of a community's quality of life. The City of Marshall has actively engaged the community and participated in activities directly

related to improving pedestrian/bicycle/vehicular movement and safety.

The need to improve safety in Marshall is deeply felt and there is heightened interest in improving the safe use of streets, bike trails and sidewalks. This study builds on the efforts already accomplished through a deliberative, integrative and comprehensive design/planning approach to current and future pedestrian and bicycle planning.

A health coalition was initiated including City of Marshall, Iftiin, Inc., Avera Regional Medical Center, Marshall Public Schools, Wesley United Methodist Church, Lincoln, Lyon, Murray Pipestone Public Health, The Schwan Food Company, Bremer Bank, Western Community Action and Marshall Area YMCA. Two action teams of this coalition focused on making healthy lifestyles a priority and the development of Marshall's physical environment to encourage healthy lifestyles.

In 2006, Pioneering a Healthier Marshall (PHM) conducted programs, events and activities related to healthy living. Over 1,000 community members participated over the 3-year process. Additional organizations involved in these events include Marshall Area Chamber of Commerce, Mn/DOT, SMSU, Marshall Community Services, Adult Community Center, and United Way of Southwest Minnesota, Archer Daniels Midland, HyVee, Affiliated Medical Center and the Marshall Area Safe Communities Coalition.

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

Sanow moved, DeCramer seconded, the adoption of RESOLUTION NUMBER 3344, SECOND SERIES and that the reading of the same be waived. Resolution Number 3344, Second Series is a resolution Adopting Amendment to the 2003 Comprehensive Infrastructure Planning Study (a Part of the 1996 Comprehensive Plan) via the Addition of A Pedestrian and Bikeway Plan: A Safe and Healthy Marshall; Marshall, Minnesota. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA – A. RESOLUTION APPOINTING OFFICIAL DEPOSITORIES FOR CITY FUNDS FOR 2010; B. RESOLUTION DESIGNATING THE MARSHALL MINNESOTA “INDEPENDENT” AS THE OFFICIAL NEWSPAPER FOR THE CITY OF MARSHALL; C. TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR LYON COUNTY PHEASANT FOREVER FOR MARCH 6, 2010; D. LG220 APPLICATION FOR EXEMPT PERMIT FOR LYON COUNTY PHEASANTS; E. AUTHORIZATION FOR NIGHT CAP GRANT; F. AMENDED 2010 WAGE SCHEDULE; G. APPROVAL BILLS/PROJECT PAYMENTS:

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

The adoption of RESOLUTION NUMBER 3345, SECOND SERIES, and that the reading of the same be waived. Resolution Number 3345, Second Series is a resolution Appointing the Official Depositories for the City of Marshall City Funds for the year 2010.

The adoption of RESOLUTION NUMBER 3346, SECOND SERIES and that the reading of the same be waived. Resolution Number 3346 Second Series is a resolution Designating the Marshall Minnesota “Independent” as the Official Newspaper for the City of Marshall.

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 6, 2010. The fee for this license is \$30.00.

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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 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 6, 2010 and that the 30 day waiting period be waived.

The proper city personnel be authorized to enter into an agreement with the State of Minnesota Department of Public Safety for the Operation Night Cap Grant in the amount of \$1,320. This grant is effective October 1, 2009 and will expire on September 30, 2010.

The approval of the amended 2010 Wage Schedule for full-time and part-time non-union City Employees reflecting the following correction: the Economic Development Director position title has been re-inserted into the wage schedule with a corresponding 1.00% general wage increase.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 67855 through 68103.

All voted in favor of the motion.

BI-ANNUAL REPORT OF THE AVERA MARSHALL REGIONAL MEDICAL CENTER – MARY MAERTENS:

Mary Maertens, Avera CEO, was in attendance at the meeting to provide the Bi-Annual Report of Avera Marshall Regional Medical Center. Ms. Maertens provided a power point presentation on the following Initiatives and Key Accomplishments: Mission, Charity Care and Community Benefits, Quality, Leona M. and Harry B. Helmsley Grant, Growth, and Regional Accomplishments. Ms. Maertens also provided information on plans for 2010.

REVIEW OF PROPOSED LIBRARY REDESIGN – RON HALGERSON:

Ron Halgerson from TSP Inc., was in attendance at the meeting along with Robert Boese, Interim Library Director, and Al Kruse from the Library Board to review the Proposed Library Redesign. Mr. Halgerson provided a power point presentation on the plans for the revised Library. Mr. Halgerson indicated that to original plans provided for 29,800 square feet and it is now a 22,800 square foot facility. Mr. Halgerson indicated that one wing of the original design had to be removed. The updates also including rearranging the floor plan slightly to move the children's department into the main portion of the building. Mr. Halgerson indicated that there would still be room for the library to expand to the original design size in the future. These updated plans include soil preparation for construction of an additional wing and make use of building partitions that would allow the floor plan to be reconfigured more easily. Al Kruse, Chair for the Marshall Lyon County Library Board indicated that the Board is in favor of the redesign and ready to move forward.

DESIGNATION AND APPOINTMENT OF BUILDING OFFICIAL:

Shane Waterman, Assistant City Engineer, indicated that the Building Official position has been recently vacated due to the retirement of long-term employee Dale Howe. Per Sec. 18-22 of the City of Marshall Code of Ordinances, the building code of the City must be enforced by a State certified Building Official designated and appointed by the City Council to administer the Code. The City is proceeding with the normal procedures necessary for acquiring a new Building Official, including advertising of the open position.

In accordance with Minnesota State Statute 326B.133, each municipality must designate a building official to administer the building code. This official must be certified and have the proper experience necessary, as determined by the Minnesota Department of Labor & Industry, Construction

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Codes and Licensing Division, to administer the code. The City is not able to approve or inspect any building permits unless we have a designated building official.

A few alternatives exist by State law to accomplish this requirement. The Licensing Division of the State could provide the necessary services, but this would be exceedingly difficult due to salary, mileage and expenses necessary to provide this service. It was indicated that a local consulting firm, TSP, Inc. employs an individual that is a certified building official in the State of Minnesota.

Mr. Waterman indicated that the necessary paperwork for the State designation of Ilya Gutman as the Building Official for the City of Marshall has been accomplished. However, the City Council must also designate and appoint Ilya as a requirement of the City Code.

Ilya has 15 years of experience with TSP, has worked extensively with Dale Howe on various City projects involving building code issues, and is very knowledgeable in the interpretation and decision making on building code issues.

Ray Henriksen and Brian Schweer will continue to conduct the inspections for commercial and residential permits. Arrangements have been made with the State to review and discuss any building code issues relating to projects that TSP is working on within the City of Marshall to eliminate any conflict of interest reviews.

Council Member Boedigheimer indicated that there was adequate time for staff to have a formal agreement for consideration.

This proposal is for an on-call basis. Dennis Simpson, City Attorney, indicated that he checked with the League of Minnesota Cities in regard to any insurance issues. Ilya will also cover Ghent as per the contract between the City of Marshall and the City of Ghent for Building Official services.

Sanow moved, Hulsizer seconded, that Ilya Gutman be appointed as the Interim Building Official for the City of Marshall based on an hourly basis until a permanent replacement is hired. All voted in favor of the motion, except Boedigheimer who voted no.

CONSIDER RESOLUTION DEDICATING CITY-OWNED PROPERTY FOR PUBLIC USE FOR PUBLIC UTILITY PURPOSES IN STONEBRIDGE ESTATES:

Dennis Simpson, City Attorney, indicated that Marshall Municipal Utilities has requested easement for public utility purposes in Stonebridge Estates. This easement is necessary for MMU to locate and construct facilities adjacent to and outside of current city rights of way. This easement will be utilized not only by MMU but other public utilities as well. Sanow moved, DeCramer seconded, the adoption of RESOLUTION NUMBER 3347, SECOND SERIES and that the reading of the same be waived. Resolution Number 3347, Second Series is a resolution Dedicating City-Owned Property for Public Use for Public Utility Purposes. This resolution provides for an easement for public utility purposes in Stonebridge Estates. All voted in favor of the motion.

M.A.T. BUS GARAGE PROJECT – CONSIDER CHANGE ORDER NO. 2 WITH TSP, INC:

Shane Waterman, Assistant City Engineer, indicated that the original contract amount for basic services was \$29,000, plus up to \$2,000 for reimbursable expenses for travel, telephone, commercial printing of bid documents and mailing/delivery costs. Subsequent to the rebidding phase of the project, the basic services portion of the contract was increased to \$37,600, and did not include any additional increase for reimbursable expenses. It was indicated that after receiving invoices for the second commercial printing (rebidding phase) and mailing/delivery of the bid documents, this \$2,000 allowance was exceeded. Other provisions of the agreement shall remain in effect and unchanged.

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Western Community Action has recommended approval of the amendments to the Additional Services Amendment to Owner Architect Agreement for the M.A.T. bus storage facility.

DeCramer moved, Boedigheimer seconded, the approval of Changer Order no. 2 with TSP, Inc., for the M.A.T. Bus Garage Project. This change order provides for an increase of \$650.00 and a total contract cost of \$40,250, including \$2,650 for reimbursable expenses. Funding for this amendment will be paid from Account #804-41923-5520 (WESCP Bus Facility-Transit-Buildings & Building Improvements) and reimbursed to the City from Western Community Action Inc. All voted in favor of the motion.

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

SELECTION OF PRESIDENT PRO TEM BY COUNCIL:

This item was removed from the agenda.

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 Fire Relief Association held their annual meeting last week; Regional Development Commission will be meeting on January 14th; Regional Radio Board meeting was cancelled due to the weather; Complete Count Committee meets next week.

Hulsizer Library Board met on January 11th and discussed a spelling bee fund raiser.

Sanow No report.

DeCramer No report.

Boedigheimer Airport Commission met last Tuesday; Police Commission will be meeting next week; M.E.R.I.T. Center will be meeting next week.

STAFF REPORTS:

Ben Martig, City Administrator, indicated that the budget is close to being ready to print. He will be attending a meeting in Willmar on Wednesday and on Thursday he and Harry Weilage, Director of Community Services, will be attending a meeting in St. Paul in regard to the bonding request for the Amateur Sports Center in Marshall. Testing needs to be scheduled for the Sergeant position. Mr. Martig will talk to Rob Yant, Director of Public Safety on the status of a Fire and Police Chaplin.

Dennis Simpson, City Attorney, indicated that he will be attending a Brown-Lyon-Redwood Drug Task Force meeting with Rob Yant.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: a request to consider a different voting location for Ward 3 because of the parking issues at the Armory.

REVIEW OF PENDING AGENDA ITEMS:

There were no questions or concerns about the pending agenda items.

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INFORMATION ONLY:

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

	Applicant	Location Address				Description of Work	Valuation
1.	Matthew & Loretta Walker	103	Park	Avenue	Finish Garage Interior	\$1,500	
2.	Kevin Lanoue Construction	409	South	2nd Street	Replace Door	\$1,000	
3.	Harry Weilage	344	West	Main Street	Interior Partitions	\$7,000	
4.	Iglesia Cristiana Rayo de Luz	1604	East	College Drive	Interior Remodel	\$79,000	
5.	Knights of Columbus	114	North	3rd Street	First Floor Remodel	\$100,000	
6.	Brian M. Wolf	416	North	6th Street	Replace Windows	\$3,200	
7.	James Lozinski Construction Inc.	708	Brian	Street	Finish Basement	\$8,000	
8.	Tutt Construction, Inc.	118	South	High Street	Room Addition	\$24,100	


DETERMINATION BY CITY COUNCIL TO GO INTO CLOSED SESSION PURSUANT TO MINNESOTA STATUTE 13D.03 RELATED TO LELS UNION NEGOTIATIONS:

Sanow moved, Boedigheimer seconded, that the Council go into closed session at 7:21 P.M. pursuant to Minnesota Statute 13D.03 related to LELS Union negotiations. All voted in favor of the motion.

Those present at the closed session included: Mayor Byrnes, Council Members, Hulsizer, Sanow, DeCramer and Boedigheimer. Staff members included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Sheila Dubs, Assistant to City Administrator and Thomas M. Meulebroeck, Finance Director/City Clerk.

The council came out of closed session at 7:45 P.M.

Upon motion by Sanow, 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