

REGULAR MEETING – JANUARY 26, 2010

The regular meeting of the Common Council of the City of Marshall was held on January 26, 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, Doom, Sanow, DeCramer and Boedigheimer. Absent: Ritter. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Finance Director/City Clerk; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF AGENDA:

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

APPROVAL OF MINUTES

Sanow moved, Doom seconded, that the minutes of the regular meeting held on January 12, 2010 be approved as corrected and that the reading of the same be waived. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA – A. LG220 APPLICATION FOR EXEMPT PERMIT FOR THE MARSHALL GOLF BOOSTER CLUB INC. FOR RAFFLES ON MAY 6, JUNE 3, JULY 22, AUGUST 19 AND AUGUST 26, 2010; B. CONSIDERATION AND AUTHORIZATION TO EXECUTE A CORPORATE AUTHORIZATION RESOLUTION WITH HOME FEDERAL BANK; C. LG220 APPLICATION FOR EXEMPT PERMIT FOR AVERA MARSHALL FOUNDATION FOR A RAFFLE ON MAY 1, 2010; D. APPROVAL BILLS/PROJECT PAYMENTS:

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

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 Marshall Golf Booster Club Inc., for a raffle to be held at the Marshall Golf Club, 800 Country Club Drive, Marshall, Minnesota on May 6, June 3, July 22, August 19, and August 26, 2010 and that the 30 day waiting period be waived.

The proper City personnel be authorized to execute a Corporate Authorization Resolution with Home Federal Bank. Home Federal Bank is located at the local Hy-Vee Store and has been designated as a depository for the City of Marshall.

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 Avera Marshall Foundation for a raffle to be held at Avera Marshall, 300 South Bruce Street, Marshall, Minnesota on May 1, 2010 and that the 30 day waiting period be waived.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 68103 through 68283.

All voted in favor of the motion.

BUILDING OFFICIAL SERVICES AGREEMENT WITH TSP, INC:

Glenn Olson, Director of Public Works/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. Mr. Olson indicated that according to 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 Codes and Licensing Division, to administer the code. The City is not able to approve or inspect any building permits unless they have a designated building official.

Mr. Olson indicated that the local consulting firm, TSP, Inc. employs an individual who is a certified building official in the State of Minnesota. An agreement has been drafted and is in the process of being reviewed by the City Attorney and the TSP's representatives.

Ray Henriksen and Brian Schweer will continue to conduct the inspections for commercial and residential permits and 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.

Doom moved, Sanow seconded, that the proper city personnel be authorized to enter into an agreement with TSP Inc., for Building Official services for the City of Marshall, contingent upon review and approved by the City Attorney and TSP's representatives. All voted in favor of the motion.

APPROVAL OF A RESOLUTION ACCEPTING A DONATION OF PERSONAL PROPERTY FOR THE FIRE DEPARTMENT:

Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that Dale R. and Deborah L. Bisbee have donated \$1,000 in memory of Lyall and Theola Bisbee for the Marshall Volunteer Fire Department to purchase Rapid Intervention Team (RIT) Equipment. Boedigheimer moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3348, SECOND SERIES and that the reading of the same be waived. Resolution Number 3348, Second Series is a resolution Accepting the Donation of Personal Property from Dale R. and Deborah L. Bisbee by the City of Marshall, Minnesota. This resolution accepts a cash donation in the amount of \$1,000 by Dale R. and Deborah L. Bisbee in memory of Lyall and Theola Bisbee to be used for the Marshall Volunteer Fire Department's Rapid Intervention Team (RIT) Equipment. All voted in favor of the motion.

M.A.T. BUS GARAGE PROJECT – CONSIDER CHANGE ORDER NO. 3 WITH DULAS CONSTRUCTION, INC:

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order No. 3 with Dulas Construction Inc., for the M.A.T. Bus Garage Project. Mr. Olson indicated that due to extreme weather conditions (snow and bitterly cold temperatures) a 13-day time extension is requested by the contractor resulting in a revision to the Substantial Completion Date from January 31, 2010 to February 12, 2010. Western Community Action has reviewed this request and has determined no adverse financial impact because of this time extension and recommends approval. The change order is for contract time only. There is no change in contract amount relating to this change order.

Sanow moved, DeCramer seconded, the approval of Change Order No. 3 with Dulas Construction Inc., for the M.A.T. Bus Garage Project. The change order is for contract time only. There is no change in contract amount relating to this change order. All voted in favor of the motion.

LEGION FIELD ROAD SECOND ADDITION. – A. CONSIDER EXTENSION OF EFFECTIVE PERIOD OF PRELIMINARY PLAT APPROVAL; B. CONSIDER RESOLUTION APPROVING THE FINAL PLAT OF LEGION FIELD ROAD SECOND ADDITION.

Glenn Olson, Director of Public Works/City Engineer, indicated that at the November 3, 2008 meeting, the City Council held a public hearing and approved the preliminary plat of Legion Field Road Second Addition. Mr. Olson indicated that according to Chapter 66, "Subdivisions," Sec. 66-56 "Effective Period of Preliminary Approval" of the Code of Ordinances, "The approval of a preliminary plat shall be effective for a period of one year unless agreed otherwise . . .". If the preliminary plat, or a portion of it, has not received final approval within the year without an agreement otherwise, the preliminary plat process starts over subject to any new subdivision regulations. Mr. Olson indicated that the City has been working with owners, Rosemary Jacob (spouse and personal representative of the Estate of George J. Jacob), Charles Hess, and the Housing and Redevelopment Authority concerning the replatting of certain properties southwest of West Main Street between 8th Street and 10th Street. This is a mixture of platted and unplatted areas and properties in need of definition. The plat is being developed to allow the sale of a previous unplatted area of the City. Mr. Olson indicated that according to City Attorney Simpson there is still a question on the ownership of some of this property.

Sanow moved, Doom seconded, that the consideration of an extension of the effective period of the Preliminary Plan approval and the approval of the Final Plat of Legion Field Road Second Addition be tabled until the next regular meeting to be held on February 9, 2010. 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 Complete Count Committee met last week and indicated that there will be a US Census large mailing in February.
- Doom No report.
- Hulsizer Human Rights Commission was scheduled for Monday, January 26, 2010 but was cancelled due to the weather; Convention and Visitors Bureau has changed their meetings to the third Thursday of the month at 2:30 P.M.
- Sanow Cable Commission has changed their meetings to the first Wednesday of the month at 5:30 P.M.
- DeCramer EDA will meet on January 27, 2010; Utilities Commission met on January 20, 2010 and approved the Partnership Agreement with the City of Marshall, they also approved an Electric Service Territory Agreement with Lyon-Lincoln Coop.
- Boedigheimer M.E.R.I.T. Center – City Administrator Ben Martig and Police Chief Rob Yant testified at the State Legislature on January 26, 2010.

STAFF REPORTS:

Ben Martig, City Administrator, indicated that representatives for the Regional Amateur Sports Commission testified at the state Legislature; the budget books should be printed soon and distributed; the Engineer Department has completed a property inventory map of all City owned property; there will be a meeting on February 4, 2010 at St. Stephen's Church to discuss a Chaplin

REGULAR MEETING – JANUARY 26, 2010

for the Public Safety Department. Mr. Martig discussed the possibility of a joint meeting with Lyon County to discuss a joint EDA position; there was an ASCME union meeting and the LELS union is in the process of mediation. Mr. Martig thanked the Council Members and employees who attended the Employee Recognition Banquet. An agreement with the Marshall Golf Club on the driving range is being reviewed. Finance Director/City Clerk Tom Meulebroeck will provide the council with an update on voting locations at the next meeting. The Caucus will be held on February 2, 2010; therefore no public meetings can be scheduled. Mr. Martig also indicated that Community Services is working on their Joint Power Agreement and he suggested that the Personnel Committee not meet until Council Member Ritter returns.

Glenn Olson, Director of Public Works/City Engineer, thanked the City Council and City Administration for the Employee Appreciation Banquet; he thanked the National Guard Armory for opening up on Monday for anyone that was stranded in town due to the weather and the thanked MN/DOT for providing up to date information on the road closures.

Dennis Simpson, City Attorney, provided the Mayor, City Council Members and staff a copy of a letter he received a letter from the Minnesota Attorney General's Office in response to questions regarding the bid process for the new Marshall Library building. He also indicated that there needs to be a document review for permanent financing for the hospital.

COUNCILMEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included a thank you for the Employee Appreciation Banquet and it was suggested that there be an annual joint meeting between the City of Marshall and Lyon County.

REVIEW OF PENDING AGENDA ITEMS:

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

INFORMATION ONLY:

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

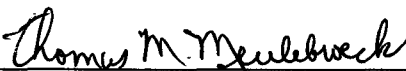
	Applicant	Location Address	Description of Work	Valuation
1.	Rick Slagel Construction Inc	305 Hudson Avenue	Remodel Bathroom	\$1,000
2.	Space Development Co. of Marshall	601 Ontario Road	Reroof	\$40,000
3.	Craig Skorczewski	503 Impala Court	Finish Basement	\$1,100

Doom moved, Boedigheimer seconded, that the meeting be adjourned at 6:10 P.M. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk