

REGULAR MEETING – FEBRUARY 9, 2010

The regular meeting of the Common Council of the City of Marshall was held on February 9, 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, Boedigheimer and Ritter. Absent: none. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Rob Yant, Director of Public Safety; Harry Weilage, Director of Community Services; Sheila Dubs, Assistant to the City Administrator; Marc Klaith, Fire Chief; 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 as presented.

APPROVAL OF MINUTES

Doom moved, Sanow seconded, that the minutes of the regular meeting held on January 26, 2010 be approved and that the reading of the same be waived. All voted in favor of the motion.

CONSENT AGENDA – A. LG220 APPLICATION FOR EXEMPT PERMIT FOR RMEF SW GREAT DIVIDE CHAPTER FOR MARCH 27, 2010; B. LEGION FIELD ROAD SECOND ADDITION; B-1. CONSIDER EXTENSION OF PRELIMINARY PLAT APPROVAL; B-2. CONSIDER RESOLUTION APPROVING THE FINAL PLAT OF LEGION FIELD ROAD SECOND ADDITION; C. CENSUS 2010 QUESTION ASSISTANCE CENTER (QAC); D. APPROVAL BILLS/PROJECT PAYMENTS:

Ritter 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 S.W. Great Divide Chapter Rocky Mountain Elk Foundation for a raffle to be held at the Best Western Marshall Inn, 1500 East College Drive, Marshall, Minnesota on March 27, 2010 and that the 30 day waiting period be waived.

At the November 3, 2008 meeting, the City Council approved the preliminary plat of Legion Field Road Second Addition. According to Chapter 66, "Subdivisions," Sec. 66-56 "Effective Period of Preliminary Approval" of the Code of Ordinances (a copy attached for your use), "The approval of a preliminary plat shall be effective for a period of one year unless agreed otherwise . . ."; therefore approval was granted for extending the effective period of the Legion Field Road Second Addition preliminary plat to February 9, 2010.

The adoption of RESOLUTION NUMBER 3349, SECOND SERIES and that the reading of the same be waived. Resolution Number 3349 Second Series is a resolution Approving the Final Plat of Legion Field Road Second Addition.

The approval of the Conditions for Donation of Services and Space Agreement providing for a donation of space to be used as a Question Assistance Center during the 2010 Census from March 19, 2010 to April 19, 2010.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 68284 through 68478.

All voted in favor of the motion.

CONSIDER RESOLUTION OF SUPPORT FOR FUNDING FOR MERIT CENTER AND MARSHALL AMATEUR SPORTS COMMISSION CENTER:

Ben Martig, City Administrator, indicated that on June 23, 2009 the City Council authorized a request for State bonding for financial assistance toward the Southwest Minnesota Regional Amateur Sport Commission recommended sports facilities and MERIT Center projects. Since this time, City Staff and the MERIT Center Board and Southwest Minnesota Amateur Sports Commission have been working to prepare the documentation and present information on the projects to the Minnesota Legislature. Both projects have been presented to the various legislative committees over the past weeks. Mr. Martig indicated that with the interest of doing a bonding bill early in the session, the Southwest Minnesota Regional Amateur Sports Commission (RASC) and MERIT Center recommends that the City position the resolution of support for the local option sales tax. The two projects clearly meet the regional intent of the past criteria on this sales tax option and as noted; our neighboring communities have used this option for their regionally designated projects. It is the intent of the RASC/Merit Center to position this support prior to the final hearings on the two projects to show our community's commitment.

Neither of these projects were on the original bonding proposal by the Governor. Both the House and Senate released their bonding bills on February 4, 2010, each totaling roughly \$1 billion. The MERIT Center received funding support in both the Senate and House preliminary bills. The Amateur Sports are in the most recent Senate funding but not in the House preliminary bill. Both the House and the Senate will put their bills on the fast-track. The Senate bill could reach the floor as early as next Monday. The House bill has been introduced, could be heard in committee as early as Feb. 9, and could reach the floor Feb. 15. However, there are a number of different scenarios this process could take going forward before the closure of the legislative session. If the bonding is passed with our local projects included, our recommendation would be to hold the public vote in 2010.

Katie Jendro and Roger Madison, members of the SW Minnesota Amateur Sports Commission and Stan Brewers from the MERIT Center Board were in attendance at the meeting to request a resolution approving a local sales and use tax and local lodging, food and beverage tax. A 0.5 percent general sales tax and a 1.5 percent lodging, food and beverage tax was being proposed. The sales tax would only apply that items that are currently subject to sales tax and the lodging, food and beverage tax would affect motels and restaurant purchases.

Council Member Hulsizer indicated that she is not in favor of state bonding for these projects.

Council Member Sanow expressed that he was not in favor of the resolution. He indicated that he would like to find a way to get the MERIT project completed and suggested that the Amateur Sports propose a smaller project to be expanded over time.

Council Member Boedigheimer indicated that these projects would only go forward if they are approved by the State Legislature and then the taxpayers would decide on the tax issue.

Ritter moved, Doom seconded, the adoption of RESOLUTION NUMBER 3350, SECOND SERIES and that the reading of the same be waived. Resolution Number 3350, Second Series is a resolution Approving a Local Sales and Use Tax and a Local Lodging, Food and Beverage Tax and Authorizing Actions to be Take by the City in Connection with Such Taxes. Voting in favor of the Resolution were Byrnes, Doom, DeCramer, Boedigheimer and Ritter. Council Members Sanow and Hulsizer voted no.

CONSIDERATION OF RECOMMENDATION OF APPOINTMENTS TO CHARTER COMMISSION:

Sanow moved, Ritter seconded that the following people be recommended to be appointed to the Charter Commission by the District Court Judge:

- Jay Cattoor for a 4-year term to expire on December 31, 2014
- Todd Schweer for a 2-year term to expire on December 31, 2012
- Kork Kizer for a 2-year term to expire on December 31, 2012
- James Zmeskal for a 2-year term to expire on December 31, 2012
- Kip Sillers for a 2-year term to expire on December 31, 2012
- David Sturrock for a 4-year term to expire on December 31, 2014
- Brian Bromen for a 4-year term to expire on December 31, 2014
- Mark Deutz for a 4-year term to expire on December 31, 2014

All voted in favor of the motion.

PROJECT Y52: T.H. 59 AND ONTARIO ROAD IMPROVEMENT PROJECT – CONSIDER CHANGE ORDER NO. 3:

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order No. 3 for T.H/59/Ontario Road Improvement Project Y52. Mr. Olson indicated that the change order is a result of an increase due to a minor relocation of a storm sewer catch basin to avoid a conflict with another utility in the street boulevard. Also, the contractor needed to use alternate fittings to make a connection between two watermains resulting in the addition of a 12" x 8" reducer.

Doom moved, DeCramer seconded, the approval of Change Order No. 3 with GM Contracting, Inc., for a contract increase in the amount of \$868.03. This change order is a result of an increase due to a minor relocation of a storm sewer catch basin to avoid a conflict with another utility in the street boulevard. Also, the contractor needed to use alternate fittings to make a connection between two watermains resulting in the addition of a 12" x 8" reducer. All voted in favor of the motion, except Sanow who voted no.

PROJECT Y69: T.H. 19 STORM SEWER AND SIDEWALK IMPROVEMENT PROJECT -- CONSIDER CHANGE ORDER NO. 1 (FINAL) AND ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION:

Boedigheimer moved, DeCramer seconded, the approval of Change Order No. 1 (Final) with D & G Excavating, Inc., for an increase in the amount of \$7,982.09 and the acknowledgement of the final payment in the amount of \$15,603.04 for the T.H. 19 Storm Water and Sidewalk Replacement Project Y69. The change order is a result of a final measurements and quantities. All voted in favor of the motion.

CONSIDER RESOLUTION ORDERING PREPARATION OF REPORTS ON IMPROVEMENTS – A. PROJECT Y33 / 139-132-02: CLARICE AVENUE FROM SUSAN DRIVE TO T.H. 23 IMPROVEMENT PROJECT; B. PROJECT Y40: “C” STREET RECONSTRUCTION PROJECT; C. PROJECT Y63: LAWERENCE COURT RECONSTRUCTION PROJECT; D. PROJECT Y64: BRUCE CIRCLE RECONSTRUCTION PROJECT; E. PROJECT Y65: RANCH AVENUE/SOUCY DRIVE AREA RECONSTRUCTION PROJECT; F. PROJECT Y73: PEARL AVENUE RECONSTRUCTION PROJECT; G. PROJECT Y74: NORTH 5TH STREET/WEST LYON STREET/WEST REDWOOD STREET RECONSTRUCTION PROJECT; H. PROJECT Y80: WALKER LANE/PARK AVENUE RECONSTRUCTION PROJECT:

Glenn Olson, Director of Public Works/City Engineer, reviewed the following proposed projects for 2010:

Project Y33 / 139-132-02: Clarice Avenue Improvement Project from Susan Drive to T.H. 23 – The project involves the construction of watermain, storm sewer, minor sanitary sewer and street construction. The proposed project will construct Clarice Avenue and described utilities from Susan Drive to T.H. 23.

Project Y40: “C” Street Reconstruction Project – The project involves the replacement of watermain and sanitary sewer and street reconstruction. The proposed project will reconstruct “C” Street and described utilities from East Main Street to South Saratoga Street.

Project Y63: Lawerence Court Reconstruction Project – The project involves the reconstruction of the bituminous pavement and aggregate base. The proposed project will reconstruct Lawerence Court southerly from East Southview Drive.

Project Y64: Bruce Circle Reconstruction Project - The project involves the replacement of watermain and sanitary sewer and street reconstruction. The proposed project will reconstruct Bruce Circle and described utilities east from South Bruce Street.

Project Y65: Ranch Avenue/Soucy Drive Area Reconstruction Project – This project involves the replacement of watermain, sanitary sewer and storm sewer and street reconstruction. The proposed project will reconstruct Ranch Avenue, Soucy Drive, Winifred Circle, Fremont Street and Pleasant Avenue and described utilities westerly from North 6th Street.

Project Y73: Pearl Avenue Reconstruction Project – This project involves the replacement of watermain and sanitary sewer and street reconstruction. The proposed project will reconstruct Pearl Avenue and described utilities southerly from Country Club Drive.

Project Y74: North 5th Street/West Lyon Street/West Redwood Street Reconstruction Project – This project involves the replacement of watermain, sanitary sewer and storm sewer and street reconstruction. The proposed project will reconstruct North 5th Street from West Main Street to West Marshall Street, West Lyon Street from North 5th Street to North 6th Street, West Redwood Street from North 5th Street to North 7th Street and described utilities.

Project Y80: Walker Lane/Park Avenue Reconstruction Project – This project involves the replacement of watermain and sanitary sewer and street reconstruction. The proposed project will reconstruct Walker Lane and Park Avenue and described utilities from East Redwood Street to East Marshall Street.

Council Member DeCramer was concerned with Lawrence Court Reconstruction because this road is not very old. Mr. Olson indicated that this road is approximately 20 years old.

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Council Member Hulsizer asked when a street project would be considered an emergency. Mr. Olson indicated an example of an emergency street repair would only be if a gas line exploded, or a major frost heave or a significant chemical spill requiring immediate repair.

Council Member Sanow was not in favor of proceeding with any project that would increase the City debt and that the projects should be prioritized. Mr. Olson indicated that this is the priority list and there are more projects in need of implementation but not being proposed due to phasing.

Council Member Boedigheimer added that denying infrastructure needs now will just make them more difficult in the future.

Boedigheimer moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3351, SECOND SERIES and that the reading of the same be waived. Resolution Number 3351, Second Series is a resolution Ordering Preparation of Reports on Project Y33 / 139-132-02: Clarice Avenue from Susan Drive to T.H. 23 Improvement Project; Project Y40: "C" Street Reconstruction Project; Project Y63: Lawrence Court Reconstruction Project; Project Y64: Bruce Circle Reconstruction Project; Project Y65: Ranch Avenue/Soucy Drive Area Reconstruction Project; Project Y73: Pearl Avenue Reconstruction Project; Project Y74: North 5th Street/West Lyon Street/West Redwood Street Reconstruction Project; Project Y80: Walker Lane/Park Avenue Reconstruction Project. All voted in favor of the motion, except Sanow and Hulsizer who voted no.

ELECTION POLLING LOCATION AND GRANT:

Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that the National Guard Armory has been the polling location in Ward III for a number of years. Concerns have been expressed with the available parking at this location and the safety of voters crossing the busy streets in this area to get to the Armory. Per the suggestion of Mayor Byrnes, City staff has had discussions with staff at the YMCA to designate the YMCA as a polling location. In scanning Ward III for other potential voting locations, the various churches and AD Building at the Airport have been reviewed and considered. Based on the review of the potential locations and with the assistance of YMCA staff an agreement could be worked out to restrict an area in the parking lot to the West of the YMCA, which is also used for parking by Schwan's employees, for voters to park if the YMCA is determined as the polling location in Ward III. The waiving of the fees charged by the YMCA has also been discussed. The indication is that this can be worked out.

Mayor Byrnes asked how the public would be informed if the voting location was moved. Mr. Meulebroeck indicated that a resolution would need to be adopted and that the County Auditor's Office would send notices to all registered voters in Ward III. It was the general consensus of the council that a resolution be presented at the next City Council meeting formalizing action to move the voting location for Ward III.

Thomas M. Meulebroeck, Finance Director/City Clerk reviewed a memo that has been received from the Minnesota Secretary of State Office discussing the "Election assistance for Individuals with Disabilities (EAID) Grant" for automatic door openers. The Marshall Middle School is the polling location in Ward II and they do not have the automatic door openers for the entrance area to the polling locations. Mr. Meulebroeck indicated that per a discussion with Bruce Lamprecht, Marshall Public School Director of Business Services, they are receptive to moving forward with the consideration of this grant and the installation of the automatic door opener.

Doom moved, DeCramer seconded, the adoption of RESOLUTION NUMBER 3352, SECOND SERIES and that the reading of the same be waived. Resolution Number 3352, Second

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Series is a Resolution of Support for the City of Marshall to Apply for a Grant from the Office of the Secretary of State of Minnesota for Federal Funds Pursuant to Title II, Section 261 of the Help American Vote Act. This grant would be used to install automatic door openers for the entrance area to the polling location at Marshall Middle School. All voted in favor of the motion.

Mr. Meulebroeck also indicated that there is discussion at the State Legislature of changing the Primary Election day to August 10th, which would require the City of Marshall to change their filing dates for City Council. More information will be provided at a later date.

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 No report.

Hulsizer Library Board met on February 8th.

Doom Marshall Community Services Advisory Board has 2 openings.

Sanow No report.

DeCramer EDA minutes are included in the agenda packet.

Boedigheimer Airport Commission met last Monday; MERIT Center and the Police Commission will meet on Thursday, February 11th.

Ritter Housing Commission had met.

STAFF REPORTS:

Ben Martig, City Administrator, indicated that the Personnel will be meeting to discuss health plan changes; the architect for the new library is working on the time line; an application has been received for an EDA project loan; a joint meeting with Lyon County is being discussed; and there was a retirement party for Tom Behm, District State Aid Engineer for MN/DOT.

Glenn Olson, Director of Public Works/City Engineer, indicated that the Madrid Street Bridge is number 2 in the state for federal funding; Menards has submitted their final plans for review and will be applying for a building permit and plan to start by May 1st.

Council Member Sanow asked what the % of local share would be for the Madrid Street Bridge. Mr. Olson indicated that with federal funding it would likely be 10% City cost or less.

Dennis Simpson, City Attorney, indicated that the staff in the City of Marshall Engineer Department is very helpful and that they have great maps available of the City of Marshall.

COUNCIL MEMBER INDIVIDUAL ITEMS:

There was a meeting on February 4th at St. Stephen's Church to learn about Police/Public Safety Chaplin's Corps. There are several pastors in the area who are interested in a Chaplin for the City of Marshall. The new fire truck was picked up last Friday and will be in service soon. Council Member DeCramer attended the League of Minnesota Cities training for new council members. Mr. Martig indicated that the census would be starting April 1st and that there will be two mailings before then.

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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.	James Lozinski Construction Inc.	506		Kathryn Avenue	Replace Doors	\$1,000
2.	Layle French Construction Inc.	1400		Westwood Drive	Porch Remodel	\$2,600
3.	Rick Slagel Construction Inc	612	West	Southview Drive	Remodel Kitchen & Replace Doors	\$1,500
4.	Nicole A. & Eugene H. Springstead	1003		Willow Avenue	Reroof	\$4,600
5.	Winn Properties LLLP	302		Legion Field Road	Reside	\$5,000
6.	Babcock Construction	412		Genesis Avenue	Finish Basement	\$2,200
7.	Mike Buysse Construction Inc.	1101	South	4th Street	Reroof	\$5,000
8.	Tutt Construction, Inc.	501	West	Main Street	Interior Remodel	\$2,500

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

Ritter moved, Sanow seconded, that the Council go into closed session at 6:55 P.M. pursuant to Minnesota Statute 13D.03 related to AFSCME Union negotiations. All voted in favor of the motion.

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

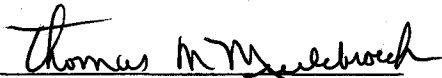
The council came out of closed session at 7:16 P.M.

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



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk