

## REGULAR MEETING – APRIL 13, 2010

The regular meeting of the Common Council of the City of Marshall was held on April 13, 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; Harry Weilage, Director of Community Services; 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 addition of item 5a, which is award of bids for the demolition and removal of structures at 304 South 1<sup>st</sup> Street.

### **APPROVAL OF THE MINUTES:**

Sanow moved, Ritter seconded, that the minutes of the regular meeting held on March 23, 2010 be approved as corrected and that the reading of the same be waived. All voted in favor of the motion.

### **PUBLIC HEARING – CAPITAL IMPROVEMENT PLAN – FACILITY PLAN REVIEW:**

This was the date and time set for a public hearing on the Capital Improvement Plan – Public Facilities. Ben Martig, City Administrator, indicated that the City Council had previously authorized proceeding with plans for the construction of a new Marshall-Lyon County Library that would, in part, provide funding and require issuance of municipal bonds known as Capital Improvement Bonding authority under Minnesota Statutes 475. For eligibility of using this authority, the city must first adopt a 5-year capital improvement plan following a public hearing. In this case, we are only identifying the buildings or facilities in the 5-year capital plan which only includes the library project.

Ben Martig, City Administrator, reviewed the capital improvement plan which included the following information:

- The estimated schedule, timing and details of specific capital improvements by year; and
- The estimated costs of the capital improvements; and
- The need for the capital improvements; and
- The sources of revenue to pay for the capital improvements.

Council Member Boedigheimer was concerned with the proceeds from the sale of the current library Building being split 2/3 city and 1/3 county which is the same ratio used to fund the Marshall Lyon County Library. Council Member Sanow asked if this included the \$1,000,000 that the city is contributing. Council Member Doom indicated that the city is contributing \$1,000,000 plus the bonding of \$1,600,000 and the county is only contributing \$250,000. Council Member Boedigheimer indicated that any savings should be distributed back to the city and county based on the percent that each agency contributed. Ben Martig, City Administrator, indicated that this should be addressed when an agreement is drafted with the county on any proceeds from this project.

Robert Boese, Interim Library Director, indicated that when the county agreed to pay 1/3 of the operating costs this also included paying 1/3 for other libraries in the county, so when they agreed to participate in the cost of this facility they opened up the possibility of having to contributing to other facilities.

Steve Schell, 314 East Lyon Street, indicated that this was a very important project and the timing couldn't be better for bidding this project.

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

Sanow moved, Hulsizer seconded, the adoption of RESOLUTION 3384, SECOND SERIES and that the reading of the same be waived. Resolution Number 3384, Second Series is a resolution Adopting a Capital Improvement Plan and Providing Preliminary Approval for the Issuance of Bonds Thereunder. This resolution provides for issuance of bonds in the maximum principal amount of \$1,600,000. All voted in favor of the motion, except Doom who voted no.

**PUBLIC HEARING – VACATION OF A PORTION OF DONALD STREET IN CARR SUBDIVISION I – A. PUBLIC HEARING; B. CONSIDER RESOLUTION GRANTING A PETITION TO VACATE A PORTION OF A STREET:**

This was the date and time set for a public hearing on the vacation of a portion of Donald Street in Carr Subdivision I. Glenn Olson, Director of Public Works/City Engineer, indicated a petition for vacation of a portion of Donald Street in Carr Subdivision I was submitted from the sole owner(s) of all of the abutting properties of the section of Donald Street proposed to be vacated. The purpose of the vacation is for revising the plat to reflect the existing street construction. Donald Street and Travis Road were developed in conjunction with Carr Subdivision I, which included property transferred from MN/DOT excess right-of-way to the City in exchange for elimination of Travis Road access to T.H. 23. Mr. Olson indicated that all of the utility companies have been contacted. Marshall Municipal Utilities has requested the extension of existing utility easements in Carr Subdivision I to be extended to Travis Road. This request will be taken care of in the platting of Carr Subdivision II which has been initiated through the preliminary platting process through the Planning Commission. Ritter moved, Sanow seconded, that the public hearing be closed. All voted in favor of the motion.

Ritter moved, Doom seconded, the adoption of RESOLUTION NUMBER 3385, SECOND SERIES and that the reading of the same be waived. Resolution Number 3385, Second Series is a resolution Granting a Petition for Vacation of a Portion of a Street in the City of Marshall. This resolution provides for the vacation of a portion of Donald Street in Carr Subdivision I. All voted in favor of the motion.

**PUBLIC HEARING – PROJECT Y28 BASELINE ROAD AND SUSAN DRIVE IMPROVEMENT PROJECT – A. PUBLIC HEARING ON IMPROVEMENT; B. CONSIDER RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS; C. CONSIDER RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS:**

This was the date and time set for a public hearing on the Baseline Road and Susan Drive Improvement Project Y28. Glenn Olson, Director of Public Works/City Engineer, indicated that this project involves the construction/reconstruction of Baseline Road from Susan Drive to Nwakama Street and Susan Drive from Clarice Avenue west 1,350 feet. Baseline Road construction / reconstruction shall consist of curb and gutter, sidewalk, aggregate base, pavement construction and miscellaneous work. Susan Drive improvements shall consist of sanitary sewer main and services, watermain services for Outlot B of J-C Boyer Addition, curb and gutter, sidewalk, aggregate base, pavement construction and miscellaneous work. Mr. Olson indicated that there is a 25 foot strip of property that there is a question of ownership and therefore there are questions on who will be assessed for this area. Council Member Boedigheimer was concerned with the City assessing this 25 foot strip of property and not being able to collect. Mr. Olson indicated that this is an issue that will need to be resolved. DeCramer moved, Sanow seconded, that the public hearing be closed. All voted in favor of the motion.

Ritter moved, Doom seconded, the adoption of RESOLUTION NUMBER 3386, SECOND SERIES and that the reading of the same be waived. Resolution Number 3386, Second Series is a resolution Ordering the Improvement and Preparation of Plans for Baseline Road and Susan Drive

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Improvement Project Y28. All voted in favor of the motion.

Ritter moved, Doom seconded, the adoption of RESOLUTION NUMBER 3387, SECOND SERIES and that the reading of the same be waived. Resolution Number 3387, Second Series is a resolution Approving the Plans and Specifications and Ordering Advertisement for Bids for the Baseline Road and Susan Drive Improvement Project Y28. Bids will be received on May 11, 2010 with a report to Council for recommendation of award on or before May 25, 2010. All voted in favor of the motion.

**AWARD OF BIDS – PROJECT Y83 DEMOLITION OF FORMER ARRIVAL/DEPARTURE BUILDING AT THE AIRPORT – CONSIDER AWARD OF PROPOSALS:**

Bids were received, opened and read on April 1, 2010 for the Demolition of the former Arrival/Departure Building at the Airport. The bids received, opened and read were from:

Blue Earth Environmental Co. Mankato, Minnesota \$74,461.00	D & G Excavating Inc. Marshall, Minnesota \$67,891.00	R & G Construction Co. Marshall, Minnesota \$88,744.00
Rogge Excavating Ghent, Minnesota \$78,075.95	Thompson Excavating Taunton, Minnesota \$68,140.40	

Glenn Olson, Director of Public Works/City Engineer, indicated that the Airport has requested State participation for the Demolition of the Former Arrival/Departure Building (1604 West College Drive) at the Airport. This project has been included in the Capital Improvement Program and approved by the Airport Commission and MN/DOT-Aeronautics. The City has been authorized by MN/DOT-Aeronautics to proceed with acquiring bids for demolition with participation of State funds in the amount of 70% of the total cost.

The conditions of the grant offer from the State are as follows:

1. The funds have been identified for the project described and cannot be transferred to another project.
2. The funds are available during State fiscal year 2010 (July 2009-June 2010).
3. A written grant request letter, along with pertinent information (quotes, bid tabulations, etc.) must be submitted to the State.
4. A grant must be fully executed before any work can begin on the project.
5. The grant is subject to the availability of funding at the time the project is let.

Ritter moved, Doom seconded, that the bid for the Demolition of the former Arrival/Departure Building (1604 West College Drive) at the airport be awarded to D & G Excavating, Inc., in an amount not to exceed \$67,891.00, subject to approval and participation by MN/DOT Aeronautics. All voted in favor of the motion.

**AWARD OF BIDS – DEMOLITION AND REMOVAL OF STRUCTURES AT 304 SOUTH 1<sup>ST</sup> STREET:**

Bids were received, opened and read on April 13, 2010 for the Demolition and Removal of Structures at 304 South 1<sup>st</sup> Street. The bid received, opened and read was from:

D & G Excavating, Inc.  
Marshall, Minnesota  
\$5,700.00

Glenn Olson, Director of Public Works/City Engineer, indicated that the City of Marshall has acquired 304 South 1<sup>st</sup> Street through a legal process, and the property is now owned by the City of Marshall. This project involves the demolition and removal of the dwelling, basement, garage, and

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foundations, including proper disposal of all hazardous materials incorporated in the dwelling.

Doom moved, Sanow seconded, that the bid for the Demolition and Removal of Structures at 304 South 1<sup>st</sup> Street be awarded to D & G Excavating, Inc., Marshall, Minnesota in the amount of \$5,700.00. All voted in favor of the motion.

**CONSENT AGENDA – A. AUTHORIZATION TO DECLARE BICYCLES AS SURPLUS PROPERTY; B. LG220 APPLICATION FOR EXEMPT PERMIT FOR SW MN DUCKS UNLIMITED FOR A RAFFLE ON MAY 1, 2010; C. PLUMBERS LICENSE RENEWAL FOR MCCHESENEY MECHANICAL INC AND THOMAS PLUMBING & HEATING INC; D. ADOPT A RESOLUTION TO APPOINT ELECTION JUDGES; E. BLAKE’S SECOND ADDITION CORRECTIVE PLAT DEDICATION; F. REQUEST FOR DATE CHANGE FOR LG220 FOR MARSHALL AREA CHAMBER OF COMMERCE; G. CONSIDER AMENDED RESOLUTION FOR LEGION FIELD ROAD, SECOND ADDITION; H. CONSIDER AMENDMENT WITH BUSINESS SUBSIDY JOB OPPORTUNITY BUILDING ZONE WITH IOWA TURKEY PRODUCTS INC; I. APPROVAL BILLS/PROJECT PAYMENTS:**

Per the request of Council Member Boedigheimer item I, which is the approval of bills and project payments be removed from the consent agenda.

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

Authorization to declare bicycles from the Department of Public Safety as surplus City property. These bicycles will be donated to a positive program within Marshall, sold by the Police Department or crushed. Determination will be by the condition of the bike and the easiest most effective way to dispose of.

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 Southwest Minnesota Ducks Unlimited for a raffle to be held at the Landmark Bistro, 100 West College Drive, Marshall, Minnesota on May 1, 2010 and that the 30 day waiting period be waived.

The approval of a Plumbers License for James Thomas dba Thomas Plumbing & Heating, Inc., and Tony McChesney dba McChesney Mechanical Inc. These licenses will expire on March 31, 2011.

The adoption of RESOLUTION NUMBER 3388, SECOND SERIES and that the reading of the same be waived. Resolution Number 3388, Second Series is a resolution Designating the Polling Locations, Authorizing the Appointment of Election Judges and Setting their Rate of Pay for the Primary Election on August 10, 2010 and the General Election on November 2, 2010.

That the proper city personnel be authorized to execute a Corrective Plat Dedication so that it can be filed of record with the Lyon County Recorder’s Office. Dennis Simpson, City Attorney, indicated that the original signed plat for Blake’s Second Addition and Council resolution were delivered to the Lyon County Recorder’s office for recording. That plat identified one of the property owners as Schwan’s Shared Services, LLC, a Minnesota limited liability company. Apparently that entity is not a Minnesota limited liability company but is in fact a Delaware limited liability company. Therefore the Lyon County Recorder is requesting that a corrective plat dedication be executed by Schwan’s Shared Services, LLC, a Delaware limited liability company. In addition the surveyor and the City must also sign off on that corrective plat dedication.

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Approval of the request to change the date for the Lawful Gambling Exempt Permit for the Marshall Area Chamber of Commerce. On March 23, 2010 the City Council authorized city staff to advise the State of Minnesota Charitable Gambling Control Board that they have the approved the application for Exempt Permit - LG220 for the Marshall Area Chamber of Commerce to hold a raffle on June 3, 2010 at the Marshall Golf Club, 800 Country Club Drive, Marshall, Minnesota. Per the request from the Marshall Area Chamber of Commerce they are requesting that the date be changed to July 15, 2010. According to the Minnesota Gambling Control Board the City of Marshall needs to provide written approval of the change.

The adoption of RESOLUTION NUMBER 3389, SECOND SERIES and that the reading of the same be waived. Resolution Number 3389, Second Series is a resolution Amending Resolution Number 3349, Second Series Approving the Final Plat of Legion Field Road Second Addition. This resolution provides that the introductory paragraph indicate that “all that part of Outlot D of Moose Addition as filed in the Office of the County Recorder; and” be added to the plat to make certain that plat addresses the platting of property previously within the Moose Addition and the Marshall Right of Way Addition and previously the unplatted property.

That the proper city personnel be authorized to enter into the Amendment to the Business Subsidy Agreement dated July 27, 2004 between the City of Marshall, the Marshall Economic Development Authority and the Housing and Redevelopment Authority in and for the City of Marshall (the Grantors) and Iowa Turkey Products Inc. (the Recipient).

All voted in favor of the motion.

Council Member Boedigheimer questioned the payment to Abra Autobody and Glass Inc., in the amount of \$1,294.00 for a pickup box repair. He questioned if city staff checked the price of a new box vs. paying to have this repaired. Harry Weilage, Director of Community Services, will check on this and report back to the City Council.

Boedigheimer moved, Sanow seconded, that the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 69034 through 69094 and 69096 through 69306. Voucher No. 69095 is the bill for Abra Autobody and Glass Inc. All voted in favor of the motion.

**CONSIDER RESOLUTION APPROVING ANNUAL QUOTES FOR PORTABLE RESTROOMS FOR THE PARKS DEPARTMENT:**

Harry Weilage, Director of Community Services, indicated that quotes were received for portable restrooms and septic tank pumping for summer 2010.

Doom moved, Sanow seconded, that the quotations for portable restrooms for the City of Marshall Parks Department be awarded to Southwest Sanitation, Marshall, Minnesota in the amount of \$192.38 per month per location for the period April 1, 2010 through October 1, 2010 and that the quotation for Septic Tank Pumping for the City of Marshall, Minnesota Parks Department be awarded to Gary Laleman, Ghent, Minnesota in the amount of \$79.00 per tank for the tanks at the Softball Complex. All voted in favor of the motion, except Ritter who abstained.

Doom moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3390, SECOND SERIES and that the reading of the same be waived. Resolution Number 3390, Second Series is a Resolution to Contract with a Council Member for Portable Restroom Rentals under Minnesota Statutes §§ 471.88, subd. 5 and 471.89, subd. 2. This contract is awarded to Southwest Sanitation in the amount of \$192.38 per month per location for the period April 1, 2010 through October 1, 2010. All voted in favor of the motion, except Ritter who abstained.

**CONSIDER RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS – A. PROJECT Y63: LAWRENCE COURT RECONSTRUCTION PROJECT; B. PROJECT Y64: BRUCE CIRCLE RECONSTRUCTION PROJECT; C. PROJECT Y75: PELTIER STREET RECONSTRUCTION PROJECT:**

Glenn Olson, Director of Public Works/City Engineer, reviewed Project Y63 Lawrence Court Reconstruction. This project involves the reconstruction of the bituminous pavement and aggregate base and installation of drain tile. The proposed project will reconstruct Lawrence Court southerly from EastSouthview Drive.

Boedigheimer moved, DeCramer seconded, the adoption of RESOLUTION NUMBER 3391, SECOND SERIES and that the reading of the same be waived. Resolution Number 3391, Second Series is a resolution Approving Plans and Specifications and Ordering Advertisement for Bids for Project Y63 Lawrence Court Reconstruction. Bids for this project will be received on May 12, 2010. All voted in favor of the motion, except Sanow and Hulsizer who voted no.

Glenn Olson, Director of Public Works/City Engineer, reviewed Project Y64 Bruce Circle Reconstruction. This 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.

Doom moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3392, SECOND SERIES and that the reading of the same be waived. Resolution Number 3392, Second Series is a resolution Approving Plans and Specifications and Ordering Advertisement for Bids for Project Y64 Bruce Circle Reconstruction. Bids for this project will be received on May 12, 2010. All voted in favor of the motion, except Sanow and Hulsizer who voted no.

Glenn Olson, Director of Public Works/City Engineer, reviewed Project Y75 Peltier Street Reconstruction. This project involves the partial reconstruction and new construction of the westerly end of Peltier Street, including improvements to drainage along the Burlington Northern Railroad tracks.

Sanow moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3393, SECOND SERIES and that the reading of the same be waived. Resolution Number 3393, Second Series is a resolution Approving Plans and Specifications and Ordering Advertisement for Bids for Project Y75 Peltier Street Reconstruction. Bids for this project will be received on May 12, 2010. All voted in favor of the motion.

**DECLARE MARSHALL SKYFEST AS A COMMUNITY FESTIVAL – JULY 10-11, 2010 (AIR SHOW AT AIRPORT FOR WESTERN COMMUNITY ACTION):**

Thomas M. Meulebroeck, Financial Director/City Clerk, indicated that Jessie Soucy, Special Events Coordinator for Western Community Action, has submitted a letter requesting that the City declare “Marshall SkyFest” as a Community Festival. The Marshall SkyFest is scheduled for Saturday, July 10, 2010 through Sunday, July 11, 2010. Mr. Meulebroeck indicated that City Ordinance Number 477, Second Series approved on June 17, 2002, provides for the retail on-sale of intoxicating liquor for Community Festivals within the City of Marshall. Per the ordinance, the City Council may declare an event a Community Festival that would provide an option for a holder of a retail intoxicating liquor license to dispense intoxicating liquor off their premises at a Community Festival. Any specific applications for liquor off premises – assuming Council approves the proposed resolution declaring a community festival - will require an additional review and approval by Council.

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Allan Bakke, Development Director for Western Community Action, indicated that SkyFest would feature an air show and other events designated to raise funds and awareness for Western Community Action. Mr. Bakke also indicated that since the air show will be marketed in Southwest Minnesota, this will generate business for the City of Marshall. Jessie Soucy, Special Events Coordinator for Western Community Action indicated that air shows are the second most popular spectator sport in America, after baseball. They both indicated that the main event at SkyFest will be an air show at the airport, along with other events like kids' activities, a classic car and motorcycle show and a fly-in breakfast. All of the admission proceeds will go to help Western Community Action Programs.

Council Member Boedigheimer indicated that the Airport Commission is in support of everything that is being planned. Council Member Sanow was concerned with how Western Community Action was going to keep control at the airport. Mr. Bakke indicated that this air show is much smaller than the last air show at the airport.

Jeff Wenker, Sergeant Marshall Police Department, indicated that providing security for this 2-day event could be a challenge, especially since they will be short staffed due to several officers being on approved time off that was approved before the department was informed about SkyFest. Mr. Wenker also indicated that other local enforcement personnel will be working at Coming Home Days in Cottonwood.

Dennis Simpson, City Attorney, asked about control parking and was informed that the plan is to transport people to the air show and not allow parking at the airport.

Council Member DeCramer asked about pre-sale of tickets. Mr. Bakke indicated that this part of the sponsorship package. He also indicated that they are expecting between 10,000 to 13,000 people.

Boedigheimer moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3394, SECOND SERIES and that the reading of the same be waived. Resolution Number 3394, Second Series is a resolution Declaring the Marshall SkyFest as a Community Festival. The Marshall SkyFest is scheduled for Saturday, July 10, 2010 through Sunday, July 11, 2010. All voted in favor of the motion.

Mayor Byrnes called for a 5-minute recess at 6:50 P.M.

### **REVIEW AND CONSIDERATION OF CAPITAL IMPROVEMENTS FOR 2010:**

Ben Martig, City Administrator, reviewed the Capital Improvement Budget for 2010 that was adopted by the City Council through the budget process of 2009. Mr. Martig indicated that at the February 23, 2010 Council meeting the Council tabled the consideration of purchase of the Parks Baseball Super Rake as well as the Parks Mower due to concern of pending additional reductions in State Local Government Aid. Following this meeting, city staff implemented an internal hold on non-essential equipment that was approved in the 2010 Capital Improvement Budget. Council Member Sanow requested a discussion of the 2010 Capital Improvement Budget. Mr. Martig indicated that the additional Local Government Aid reductions for 2010 and 2011 have been approved by the Governor. The City has identified reserve funds to cover these expenses as was identified during the 2010 budget process. The reductions in state aids are within funds that can be managed for cuts and the additional reductions for 2011 will be dealt with through the 2011 budget process. Mr. Martig indicated that staff feels that the full capital improvement budget as previously approved can proceed as planned, including the two Park items that were tabled.

Council Member Sanow indicated that he was interested in tri-caster being reconsidered for the Studio One. Council Member DeCramer asked how the priority of each item was arrived at. Mr. Martig indicated that he had the Division Directors rank each item for their department. Council Member Doom indicated that he was ok with all the items that were already purchased but indicated

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that they needed to be cautious with purchasing the additional items. Mr. Martig indicated that if any of these items are to be purchased they will be brought before the City Council for final approval. Council Member DeCramer was concerned with not approving the Memorial Park 9-11 Memorial and Pedestrian Bridge. He indicated that there are several donations for these projects and would not want to lose any of the donations. Council Member Ritter indicated that he was ok with approving the tri-castor and the 9-11 Memorial. Council Member Sanow indicated that they tri-castor needs to be purchased at this time. Mr. Martig indicated that any item on the 2010 Capital Improvement Budget would be brought before the City Council for approval before bids are requested. Council Member DeCramer indicated that the priorities should be reviewed. DeCramer and Boedigheimer indicated that the list should be prioritized before any action is taken. Doom moved, DeCramer seconded, that City Staff prioritize the 2010 Capital Improvement Budget. All voted in favor of the motion.

**CALL FOR A PUBLIC HEARING FOR THE SOUTHWEST AVIATION LOAN:**

Ben Martig, City Administrator, indicated that the City Council approved loan for Southwest Aviation in the amount of \$470,000 in December of 2008. Payments are being made and is set to expire in August of 2015. Mr. Martig indicated that city staff has reviewed the agreement upon completing State required business subsidy reporting criteria. Mr. Martig indicated that it is now the interpretation of Marshall's business subsidy policy that a business subsidy agreement should have been completed. Staff has discussed with State review officials and they understand and support the procedures being followed. Mr. Martig indicated that he has been working with Southwest Aviation on the agreement and they have been supportive and assisting through this process

Doom moved, DeCramer seconded, that a public hearing be held on April 27, 2010 regarding the consideration of a business subsidy for Southwest Aviation. All voted in favor of the motion.

**CONSIDER APPROVAL OF THE OSHA EXPEDITED INFORMAL SETTLEMENT AGREEMENT:**

Ben Martig, City Administrator, indicated that on March 10, 2010 OSHA conducted an unannounced inspection of City Facilities and that there were four areas cited within the City of Marshall. The areas cited were City Hall, Parks, Streets and Wastewater. The detailed violations were provided to the council via an email brief on Friday, April 2, 2010. All of these areas have posted the citations and out of 15 citations, 10 of them have been completed and staff is working on the last five, which should be completed by April 23, 2010. Mr. Martig indicated that the citations made were reasonable and therefore does not recommend contesting any of the citations. If the City of Marshall does not contest they are eligible for an Expedited Informal Settlement Agreement which is a 30% reduction. The total payment would be \$4,620.00. Council Member Boedigheimer requested that Mayor Byrnes send a letter to all departments with no citations thanking them.

Ritter moved, Doom seconded, that the proper city personnel be authorized to execute the Expedited Informal Settlement Agreements with the State of Minnesota Department of Labor and Industry Occupational Safety and Health Division for settlement of the citations in the amount of \$4,620.00. All voted in favor of the motion.

**CONSIDER APPOINTMENT TO BOARDS AND COMMISSIONS:**

Per the recommendation of Mayor Byrnes, Doom moved, Ritter seconded, and it was unanimously approved that the following appointments to the Community Services Board:

- Barbra Springer be appointed for a term to expire on February 28, 2012

**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 quarterly meeting earlier today; Regional



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Development Commission met last week; Regional Radio Board reviewed all of the Cities plans; Complete Count Committee met last week.

Hulsizer Library Board met on Monday and received an update from Ron Halgerson on the new library. They also received an update from the search committee for a new director – they will be interviewing 3 applicants.

Doom Marshall Community Services Advisory Board – the Summer Brochure has been sent out and they are in the process of hiring summer help.

Sanow Cable Commission discussed purchasing the tri-castor.

DeCramer No report.

Boedigheimer Airport Commission discussed the proposed air show; M.E.R.I.T. Center discussed the need for an alternative site for the driving track; Police Commission met last week.

Ritter Housing Commission met on Monday evening.

**STAFF REPORTS:**

Ben Martig, City Administrator, indicated that he is working on the development of the concept plan for the library schedule, he met with Loren Stromberg, Lyon County Administrator, about setting up a joint meeting with the City Council; the Administrative Brief will be sent to all city employees.

Glenn Olson, Director of Public Works/City Engineer, reviewed the Building Permit process – an application is made, plans are submitted for review, comments are sent to the architect and their comments are sent back, once this is complete the permit is approved.

Dennis Simpson, City Attorney, indicated that there is a letter from Mary Maertens included in the agenda packet and that there have been issues with Plats being approved by the City Council and not being able to be recorded at the Lyon County Recorder’s Office that need to be reviewed.

**COUNCILMEMBER INDIVIDUAL ITEMS:**

Other items brought forth by the Mayor and Council Members included – the Liquor Store Focus Group met and discussed the possibility of hiring a consultant and decided that they were confident that they did not need one.

**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:

	<b>Applicant</b>	<b>Location Address</b>			<b>Description of Work</b>	<b>Valuation</b>
1.	Babcock Construction	206	Carrow	Circle	Reside Dwelling	\$6,600
2.	Dennis Lozinski Construction	504	Carlson	Street	Reroof & Reside	\$8,500
3.	Kay M.Rys	105	Church	Street	Replace Window	\$1,500

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4.	Joshua Buyssee	617 West	Thomas	Avenue	Kitchen Remodel	\$1,000
5.	James Lozinski Construction Inc.	408	Lynd	Street	Reroof	\$6,000
6.	Curtis Buysse Construction	700 South	4th	Street	Remodel Bathroom	\$2,500
7.	RC Square Apartments	1112	Birch	Street	Reroof Apartment & Storage Building	\$11,200
8.	RC Square Apartments	1114	Birch	Street	Reroof Apartment	\$10,400
9.	RC Square Apartments	1120	Birch	Street	Reroof Apartment	\$8,800
10.	RC Square Apartments	1124	Birch	Street	Reroof Apartment & Storage Building	\$11,200
11.	RC Square Apartments	1126	Birch	Street	Reroof Apartment	\$10,400
12.	Tutt Construction, Inc.	100 West	College	Drive	Interior Remodel	\$32,500
13.	S.E.W. Enterprise Inc.	1500 East	College	Drive	Signs	\$12,100
14.	Sussner Construction, Inc.	1604	Superior	Road	Interior Wall	\$301,400
15.	James Lozinski Construction Inc.	102	Whitney	Circle	Reroof Dwelling (asphalt)	\$13,000
16.	Mike Buysse Construction Inc.	311	Jean	Avenue	Reroof Dwelling	\$3,500
17.	Mike Buysse Construction Inc.	307 North	Third	Street	Reroof Garage	\$1,200
18.	Terrance A. Cinkle	1206	Westwood	Drive	Reroof Asphalt	\$8,000
19.	Rick Slagel Construction Inc	214 West	College	Drive	Reroof Office	\$8,000
20.	Geske Home Improvement Co.	100	E	Street	Reside	\$3,000
21.	Mike Buysse Construction Inc.	608 West	James	Avenue	Reroof Dwelling (asphalt)	\$4,000
22.	Scenic Sign Corporation	100 West	College	Drive	Sign	\$33,000
23.	Dennis Lozinski Construction	602	Adobe	Road	Reroof Dwelling (asphalt)	\$7,000
24.	Geske Home Improvement Co.	301 West	James	Avenue	Reroof Dwelling (asphalt)	\$11,000
25.	Geske Home Improvement Co.	112 West	Southview	Drive	Reroof Dwelling (asphalt)	\$8,000
26.	Geske Home Improvement Co.	204 East	Saratoga	Street	Reroof Dwelling (asphalt)	\$7,000
27.	James R. Dempsey	503	Elaine	Avenue	Reroof (asphalt), Replace Door	\$10,000
28.	J Dale Builders Inc.	1616	Thunderbird	Road	Reroof Dwelling (asphalt)	\$7,300
29.	J Dale Builders Inc.	1614	Thunderbird	Road	Reroof Dwelling (asphalt)	\$7,300
30.	J Dale Builders Inc.	1612	Thunderbird	Road	Reroof Dwelling (asphalt)	\$7,300
31.	J Dale Builders Inc.	1610	Thunderbird	Road	Reroof Dwelling (asphalt)	\$7,300
32.	Steven W. & Wanda A. Huettl	617 West	Southview	Drive	Reroof Dwelling (asphalt)	\$5,100

REGULAR MEETING – APRIL 13, 2010

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

Ritter moved, Sanow seconded, that the Council go into closed session at 7:46 P.M. pursuant to Minnesota Statute 13D.03 related to union contract negotiations. All voted in favor of the motion.

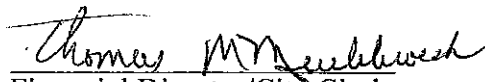
Those present at the closed session included: Mayor Byrnes, Council Members Hulsizer, Sanow, Doom, DeCramer, Boedigheimer and Ritter. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; and Thomas M. Meulebroeck, Finance Director/City Clerk.

The council came out of closed session at 7:55 P.M.

Ritter moved, Doom seconded, that the meeting be adjourned. All voted in favor of the motion.

  
\_\_\_\_\_  
Mayor of the City of Marshall

ATTEST:

  
\_\_\_\_\_  
Financial Director/City Clerk