

## REGULAR MEETING – APRIL 24, 2012

The regular meeting of the Common Council of the City of Marshall was held on April 24, 2012 in the Professional Room at the Marshall Middle School, 401 South Saratoga Street. The meeting was called to order by Mayor Byrnes. In addition to Byrnes the following members were present: Jennie Hulsizer, Larry Doom, Charlie Sanow, John DeCramer, Mike Boedigheimer and Dan Ritter. Absent: none. Staff present included: Ben Martig, City Administrator; Matt Gross, Assistant City Attorney; Glenn Olson, Director of Public Works/City Engineer; Bob VanMoer, Wastewater Superintendent; Sheila Dubs, Human Resource Coordinator; Cathy Lee, Executive Assistant; 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

Member (**Dan Ritter**) moved, Member (**Charlie Sanow**) seconded that the agenda be approved with the addition of item 30, which is to call for a public hearing regarding the MS4 Permit Program and a Summary of the 2011 Activities. All voted in favor of the motion.

### APPROVAL OF MINUTES

Member (**Mike Boedigheimer**) moved, Member (**Charlie Sanow**) seconded to approve the ORIGINAL motion 'that the minutes of the work session held on April 3, 2012 and the minutes of the regular meeting held on April 10, 2012 as filed with each member and that the reading of the same be waived'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion Carried. 7 - 0

### PUBLIC HEARING ON WALKER LANE PRELIMINARY PLAT AND APPROVAL OF PRELIMINARY PLAT

Glenn Olson, Director of Public Works/City Engineer, reviewed the preliminary plat of Walker Lane Addition in Marshall, Minnesota. The plat of Walker Lane Addition requires all property owners agreeing to the property ownership. This process will also include the necessity of a Quiet Title action verifying no outstanding claims to the properties involved. The plat includes proposed property lines and new lot dimensions, public roadway and utility easements, and other items necessary for the platting procedure. Platting is required prior to award of a construction contract. The street width is limited to 16 feet as that is the maximum width of the proposed street (alley). No parking will be allowed on Walker Lane.

Member (**Dan Ritter**) moved, Member (**Charlie Sanow**) seconded, that the public hearing be closed. All voted in favor of the motion.

Member (**Charlie Sanow**) moved, Member (**John DeCramer**) seconded, the approval of the Preliminary Plat of Walker Lane. All voted in favor of the motion.

**AWARD OF BIDS APPROVE PURCHASE OF A “SMALL EMERGENCY OPERATIONS CENTER” UNIT FOR THE CHEMICAL ASSESSMENT TEAM (C.A.T.) AND SUPPORTING EQUIPMENT.**

The C.A.T. is the regional Hazardous Materials response team for Southwest Minnesota and could respond to any part of the state as a backup. The team can be called to respond to any type of environment and in any type of weather. Hazardous material chemical spills may be in remote rural areas with pipeline, rail, or truck transportation or it might be in a populated area where adjacent buildings are occupied or contaminated with the spilling of the hazardous chemicals. The team brings the personnel and equipment to assist the local first responders to minimize the dangers of any spill or release. The Small Emergency Operations Center provides a mobile facility that can be quickly set up for team members and other responders to manage a response where a fixed facility is not available. In Minnesota responders could be dealing with rain, cold, snow, or sun-light which limits their ability to perform those duties effectively. This Operations Center has been approved as equipment to purchase in the 2010 HSEM Homeland Security Grant (2010-SHSP-00706). The total price for the Command Center, flooring, generator and forced air heater is \$29,941.80.

Member (**Dan Ritter**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the Council approves purchasing a Small Emergency Operations Center, Track Flooring, a Portable Generator and a Forced Air Heater for the Chemical Assessment Team'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

**CONSENT AGENDA**

Member (**Larry Doom**) moved, Member (**Charlie Sanow**) seconded to approve the **ORIGINAL** motion 'that the Council approves all consent agenda items as presented'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

A Temporary On-Sale Liquor License is for the Marshall Area Chamber of Commerce to use on May 7, 2012 at Big Stone Therapy, 1420 East College Drive.

A Temporary 3.2 Percent Malt Liquor License is for the Marshall Softball Association to use from May 12, 2012 to September 12, 2012 at the Marshall Softball Complex.

A Transient Merchant License for TNT Fireworks to sell Minnesota approved "Safe & Sane" Fireworks in the Wal-Mart parking lot located at 1221 East Main Street. They will be selling fireworks from June 27, 2012 to July 4, 2012.

A Transient Merchant License for The Country Stop to sell fresh produce at the Dairy Queen parking lot located at 1207 East College Drive. This license will expire on December 31, 2012.

That the Marshall Police Department be authorized to dispose of surplus City property – ten (10) vehicles using the State's On-Line auction or be taken to Alter Metal Recycling.

That the Marshall Police Department, be authorized to declare bicycles as surplus property.

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Authorization to declare excess city property as surplus property and that the proper city personnel be authorized to dispose of surplus city property.

Approve the request of the Marshall Downtown Business Association for street closure for Crazy Days on Thursday, July 19, 2012, contingent on Mn/DOT approval of the permit.

Approve the request of the Department of Public Safety for closure of Marvin Schwan Drive from West College Drive to South 1st Street on May 15, 2012 from 11 am to 1 pm for a Law Enforcement Memorial Service at Memorial Park.

Approve an Encroachment Agreement between Magellan Pipeline and City of Marshall so that construction on Project Y67 Marshall Airpark East Entrance Road project can continue on schedule.

Approve Out of State Travel for Ben Rieke to attend advance interview & interrogation training at Camp Dodge in Johnston, Iowa. The training is Monday, September 24th until Friday, September 28th.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 79002 through 79197.

**CONSIDER APPROVAL OF FORMER LIBRARY PROPOSALS**

Ben Martig, City Administrator, provided a brief summary of the proposal that the Lyon County Commissioners presented to purchase the former Marshall-Lyon County Library to be used by the Lyon County Historical Society.

Klint Willert, Superintendent Marshall Public School, briefly reviewed the school's proposal and asked that the City Council honor the process. Mr. Willert indicated that the school could be more aggressive in their bid, but they did not want to get into a bidding war. Mr. Willert requested that if the Council approves the sale of the former Marshall-Lyon County Library to Lyon County that the City reimburse the School District for their cost in putting together their bid.

Cathy Lozinski, representative of the Historical Society, indicated that the Museum would be a better fit for downtown Marshall and that several business are in favor of the Museum being downtown.

Mark Goodenow, Lyon County Commissioner, indicated that the County's offer made sense, because when the Historical Society needs funds for building maintenance they would likely go the County for funding.

Council Member Sanow was not in favor of the City considering the proposal from Lyon County since it was not one of the original proposal. He also indicated that the City should commit to helping to find a location for both the museum and the alternative school. He indicated that the City would be setting a precedent by accepting the County's offer after the fact.

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Council Member Boedigheimer indicated that the City had the right to reject any or all bids and waive any informality. Mr. Boedigheimer was in favor of the County proposal.

Council Member Doom indicated that he is in favor of the Museum, but would like to see them being open more hours.

Council Member DeCramer indicated that he is in favor of finding both entities a good location, but did not feel downtown was a good fit for the Alternative School.

Council Member Boedigheimer indicated that the City has partnered with the school and the county on several projects. Member **(Mike Boedigheimer)** moved, Member **(Dan Ritter)** seconded to approve the **ORIGINAL** motion 'to award the proposal for the former Marshall-Lyon County Library to Lyon County to turn over to the Historical Society to provide a permanent home for the Lyon County Museum'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 2. The motion passed. 5 – 2 Charlie Sanow and Jennie Hulsizer voted no.

Council Boedigheimer indicated that the city should earmark funds from the sale of the library to help get a new location of the Alternative School. Mayor Byrnes indicated that the city would have to look into previous bond agreements on the property. Mayor Byrnes called for a 5-minute recess at 6:20 P.M.

### **REVIEW PARKING RESTRICTIONS ON SOUTH BRUCE STREET**

Councilmember Boedigheimer had a request from a resident on South Bruce Street regarding parking on Bruce Street across from the Avera Hospital property. Some residents in the area requested private residential parking on the public street for the adjacent residents only. The Public Improvement & Transportation Committee met on Monday, April 16th along with some of the property owners to discuss this issue. The Public Improvement / Transportation Committee recommended to the City Council that parking designations on South Bruce Street stay the same as they are now, with Olson sending a letter to Avera to designate staff, patient and contractors to park in designated parking areas only. Councilmen Sanow had suggested no-parking from 8 a.m. to 5 p.m. as an alternative.

There was no motion made to change the parking regulations along Bruce Street as requested. Therefore, the regulations will stay in place.

### **CONSIDER APPROVAL OF THE 2011 FIRST PLACE SAFE AND SOBER AWARD**

Eric Klenken, Police Officer, indicated that the Marshall Police Department received a First Place Safe and Sober Challenge Award from the Minnesota Office of Traffic Safety, Minnesota Department of Public Safety for their work during 2011 with traffic safety education, outreach and enforcement efforts. The First Place Award includes a Three Thousand Dollar Grant (\$3,000) to the Marshall Police Department.

Member **(Dan Ritter)** moved, Member **(Larry Doom)** seconded to approve the **ORIGINAL** motion 'that the Council Accepts the 2011 First Place Safe and Sober Award and Authorizes Signing of Contract for the \$3000 Award when the contract is available'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

**CONSIDER APPROVAL OF RESOLUTION TO AUTHORIZES ACCEPTANCE OF A TRAFFIC SAFETY AWARD**

Member (**Dan Ritter**) moved, Member (**John DeCramer**) seconded to approve the ORIGINAL motion 'that the Council adopt RESOLUTION NUMBER 3737 SECOND SERIES, which authorizes acceptance of a TRAFFIC SAFETY AWARD'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

**REVIEW AND DISCUSSION OF THE ADMINISTRATIVE CODE**

Ben Martig, City Administrator, briefly reviewed the proposed Administrative Code. Staff is reviewing and making proposed changes. The final Administrative Code will be presented to the City Council for consideration in May.

**CONSIDER LEASE AGREEMENT FOR STUDIO 1 AT 113 NORTH THIRD STREET WITH GREIG-GERGERSON MANAGEMENT, LLC FROM 2012-2015**

Ben Martig, City Administrator, provided a brief review of the proposed three year lease agreement with Greig-Gregerson Management LLC for Studio 1 at 113 North Third Street. The rent for the first three years of the lease was higher as it was used to finance the leasehold improvements made to accommodate the needs of the studio.

Member (**Charlie Sanow**) moved, Member (**Mike Boedigheimer**) seconded to approve the ORIGINAL motion 'approve Lease Agreement with Greig-Gregerson Management, LLC for property at 113 North Third Street for a period of Three Years Beginning July 1, 2012'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

**PROJECT Y71: NORTH BRUCE STREET/SKUNK HOLLOW ROAD IMPROVEMENT PROJECT – CONSIDER RESOLUTION ORDERING PREPARATION OF REPORT ON IMPROVEMENT**

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the ORIGINAL motion 'that the Council adopt RESOLUTION NUMBER 3734, SECOND SERIES, Resolution Ordering Preparation of Report on Improvement for Project Y71: North Bruce Street/Skunk Hollow Road Improvement Project'. This project involves the relocation of North Bruce Street from the existing location along the Redwood River to an extension of Fairview Street and an extension of County Road 67. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

**PROJECT Z10: W. COLLEGE/COUNTRY CLUB DRIVE SANITARY SEWER REPLACEMENT PROJECT**

Member (**Larry Doom**) moved, Member (**Charlie Sanow**) seconded to approve the ORIGINAL motion 'that the Council authorizes staff to proceed posthaste with the necessary replacement of the sanitary sewer system for Project Z10: West College Drive/Country Club Drive Sanitary Sewer Replacement Project'. This project involves the replacement of approximately 600 feet of 6"-8" clay tile sanitary sewer main and associated manholes located along the south side of West College Drive from just east of South 4th Street to the east side of Country Club Drive. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

**ADOPTION OF ORDINANCE AMENDING SEC. 78-72 OF THE MARSHALL CITY CODE OF ORDINANCES**

Member (Larry Doom) moved, Member (Charlie Sanow) seconded to approve the ORIGINAL motion 'that the Council adopt ORDINANCE NUMBER 654, SECOND SERIES, which amends Chapter 78, Sec. 78-72, which implements sanitary sewer inspections and sump pump violations charges'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion Carried. 7 - 0

**CONSIDER RESOLUTION AMENDING RESOLUTION 3670, SECOND SERIES - RESOLUTION APPROVING SPECIFIC FEES TO BE CHARGED BY THE CITY OF MARSHALL**

Member (Larry Doom) moved, Member (Charlie Sanow) seconded to approve the ORIGINAL motion 'that the Council adopt RESOLUTION NUMBER 3735, SECOND SERIES, Amending Resolution 3670, Second Series - Resolution Approving Specific Fees to be Charged by the City of Marshall'. This resolution provides for fees for sanitary sewer inspections and sump pump violations. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion 6 - 1 Mike Boedigheimer voted no.

**MS4 PERMIT PROGRAM AND SUMMARY OF THE 2011 ACTIVITIES**

Member (Charlie Sanow) moved, Member (John DeCramer) seconded to approve the ORIGINAL motion 'schedule a public hearing for May 31, 2012 regarding the MS4 Permit Program and a Summary of the 2011 Activities'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion Carried. 7 - 0

**COUNCILMEMBER 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	<u>Convention and Visitors Bureau</u> discussed the tour deKota that will be in Marshall on June 19 <sup>th</sup>
Doom	No report.
Sanow	No Report
DeCramer	<u>Marshall Municipal Utilities</u> provided an electric rate discussion at the Business Summit and the reviewed their audit report.
Boedigheimer	<u>Airport Commission</u> – Boedigheimer attended the Airport Symposium held in Rochester.
Ritter	EDA met

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**COUNCILMEMBER INDIVIDUAL ITEMS**

Mayor Byrnes thanked the City staff for their hard work in getting the Paperless Council meeting up and running.

**STAFF REPORTS - CITY ADMINISTRATOR**

Ben Martig, City Administrator, indicated that he provided an update on City projects at the Business Summit held on April 23rd; the Board of Appeal will be held on April 30, 2012; he also thanked the City staff for all of their work in getting the Paperless Council meetings up and running. He indicated that this will provide for more public access.

**DIRECTOR OF PUBLIC WORKS/CITY ENGINEER**

Glenn Olson, Director of Public Works/City Engineer, attended the Airport Conference in Rochester. He also indicated that he has met with FAA and MN/DOT Aeronautics to discuss the Marshall Airport. There was a brief discussion on scheduled air service and not being able to use jets.

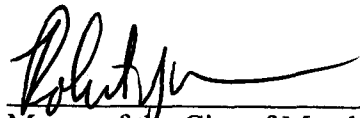
**CITY ATTORNEY**

Matt Gross, Assistant City Attorney, provided an update on Dennis Simpson's health.

**REVIEW OF PENDING ITEMS**

There were no questions on the pending agenda items.

Doom moved, Sanow seconded, that the meeting be adjourned at 7:45 P.M. All voted in favor of the motion.

  
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Mayor of the City of Marshall

ATTEST:

  
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Finance Director/City Clerk