

**CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, May 24, 2022**

The regular meeting of the Common Council of the City of Marshall was held May 24, 2022, at City Hall, 344 West Main Street. The meeting was called to order at 5:30 P.M. by Mayor Robert Byrnes. In addition to Byrnes the following members were in attendance: Craig Schafer, Russ Labat, John DeCramer, and James Lozinski. Absent: Councilmember Steven Meister. Staff present included: Sharon Hanson, City Administrator; Dennis Simpson, City Attorney; Jason Anderson, Director of Public Works/ City Engineer; E.J. Moberg, Director of Administrative Services; Sheila Dubs, Human Resource Manager; Jim Marshall, Director of Public Safety; Preston Stensrud, Parks Superintendent.

The Pledge of Allegiance was recited at this time.

Mayor Byrnes asked if there were any changes to the agenda. Attorney Simpson requested agenda item 14, Consider Request for Proposals for City Attorney Services, be removed. Simpson commented that the request for proposals is inconsistent with the terms of the Charter requirements. Following discussion, there was a consensus to operate under the current agenda.

Consider approval of the minutes from the regular meeting held on May 10, 2022.

Motion made by Councilmember Schafer, seconded by Councilmember Lozinski that the minutes from the regular meeting held on May 10, 2022 be approved as filed with each member and that the reading of the same be waived. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 5-0**

Project ST-005: Rose Parking Lot Reconstruction Lot Project - 1) Resolution 22-055 Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds; 2) Resolution 22-056 Accepting Bid (Awarding Contract)

Project ST-005 consists of reconstruction of the Rose Parking Lot adjacent to W. Lyon Street, pavement removal, and concrete paved surfacing. The Rose Parking Lot is located behind the Wooden Nickel. The parking lot is in poor surface condition and warrants replacement. There are no utilities that would be replaced as part of the project. Staff has met with the PI/T Committee to propose the layouts included in the Council packet. The proposed parking layout is generally the same as the current arrangement. The proposed project is included in the 2022 capital improvement plan (CIP).

The above-referenced project, or a portion thereof, may be financed by the sale of bonds with repayment coming from assessments and Debt Service Fund Levy. It is required that action be authorized by City Council via Resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds.

On May 18, 2022, the following bids were received for the above-referenced project:

Bidder	Bid Amount
R&G Construction Co. Marshall, MN	\$140,177.51
D&G Excavating, Inc. Marshall, MN	\$145,507.41

Duininck, Inc. Prinsburg, MN	\$154,567.00
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Councilmember Labat asked about the reason for one less handicap stall. Anderson indicated that the requirement is one accessible space per 25 stalls, in this project two would be required. Lozinski commented that additional accessible stalls have been added on 5th Street.

Motion made by Councilmember DeCramer, seconded by Councilmember Schafer, adopting Resolution 22-055 that authorizes the City to make capital expenditures with respect to Project ST-005 and also intends to reimburse the fund or account described below from which the capital expenditure will be initially paid from the proceeds of an issue of tax-exempt bonds issued at a future date. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 5-0**

Motion made by Councilmember Schafer, seconded by Councilmember Labat adopting Resolution 22-056 accepting the bid from R&G Construction Co. for Project ST-005 and Mayor and City Clerk are hereby authorized and directed to enter into a contract with R&G Construction Co. of Marshall, Minnesota, in the amount of \$140,177.51, in the name of the City of Marshall for the above referenced project, according to the plans and specifications therefore approved by the City Council and on file in the office of the City Clerk. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 5-0**

Project ST-023: W. Lyon Street (College to 1st) Reconstruction Project - 1) Resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds; 2) Resolution Accepting Bid (Awarding Contract).

Public Works Director Anderson presented information on project ST-023 W. Lyon Street. The project limits include W. Lyon Street (E. College to N 1st Street). The proposed project was originally included in the scope of the Z82 (N. 1 St/Redwood/Marshall) Reconstruction Project constructed in 2021, however, it was delayed until further progress was made on development of Block 11. The developer of the Block 11 property has submitted for a building permit and is working with the City Attorney on finalization of the land ownership transaction. Staff is confident that the Block 11 redevelopment project is well on its way to construction this summer. With these developments set to occur, staff believes that the Council should feel comfortable moving forward with street reconstruction on this block.

This project, or a portion thereof, may be financed by the sale of bonds with repayment coming from assessments and Debt Service Fund Levy. It is required that action be authorized by City Council via Resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds.

On May 19, 2022, following bids were received for the above-referenced project:

Bidder	Bid Amount
R&G Construction Co. Marshall, MN	\$409,645.10

Duininck, Inc. Prinsburg, MN	\$428,686.65
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Public Works Director Anderson commented that this project will be financed with current special assessment policy. Lozinski asked where the additional funding is coming from. Moberg indicated that it would come from the bonding dollars for the parking lot projects planned for 2022. Labat commented that the City will be taking on the majority percentage of project costs. Anderson confirmed. Hanson asked if the Block 11 developer will be paying assessment fees. Anderson and Simpson confirmed that the developer would be paying assessment fees.

Motion made by Councilmember DeCramer, seconded by Councilmember Schafer, adopting Resolution 22-057, a Resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for Project ST-023: W. Lyon Street (College to 1st) Reconstruction Project. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 5-0**

Anderson commented that the parking in the map attachment has been since updated to reflect one side parallel and one side angled parking.

Motion made by Councilmember Schafer, seconded by Councilmember Lozinski, adopting Resolution 22-058 accepting the bid and authorizing staff to entering into an agreement with R&G Construction Co. of Marshall, Minnesota, in the amount of \$409,645.10 for Project ST-023: W. Lyon Street (College to 1st) Reconstruction Project. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer, Councilmember Lozinski. Voting Nay: Councilmember Labat. The motion **Passed. 4-1.**

Consider Approval of the Consent Agenda

Councilmember Lozinski requested that item number 5, Project ST-024: Baldwin Parking Lot Reconstruction Project – Consider Authorization to Advertise for Bids, be removed from the consent agenda for further discussion.

Motion made by Councilmember Labat, seconded by Councilmember DeCramer, to approve the the consent agenda. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Labat, Councilmember DeCramer, Councilmember Lozinski. The motion **Carried. 5-0.**

Wastewater Treatment Facilities Improvement Project – Consider Payment of Invoice 0288838 to Bolton & Menk, Inc. in the amount of \$2,137.50.

Consider Grant of Permanent Easement with Unique Opportunities Marshall, LLC (Lot 2, Block One, Unique Addition).

Consider authorization to declare vehicles as surplus property for the Marshall Police Department.

Consider LG220 Application for Exempt Permit for Holy Redeemer Church.

Consider approval of the bills/project payments-Date Range: 05/13/2022 - 05/24/2022.

Project ST-024: Baldwin Parking Lot Reconstruction Project – Consider Authorization to Advertise for Bids

Public Works Director Anderson presented information on Project ST-024 Baldwin Parking Lot Reconstruction Project that would provide for pavement removal and concrete paved surfacing. The Baldwin Parking Lot is located behind City Hall. The parking lot is in poor surface condition and warrants replacement. There are no utilities that would be replaced as part of the project. Staff has met with the PI/T Committee to propose the layouts included in the Council packet. The proposed parking layout is generally the same as the current arrangement.

City staff continues to work with CenturyLink staff and our City Attorney to ensure that easements are in place to allow for construction activity to occur on land that is owned by CenturyLink. Discussion occurred on the construction proposed on CenturyLink property and whether the city should proceed. Public Works Director Anderson explained the use of CenturyLink property by the city and the general public, and the strong probability that improvement to that portion of the parking lot would not occur in the near or long-term future without the city's involvement. Easement agreements are on record with the city regarding city's use. Following discussion, Councilmember Labat called for the question.

Motion by Councilmember DeCramer, seconded by Councilmember Schafer to authorize bids authorize the advertisement for bids for Project ST-024: Baldwin Parking Lot Reconstruction Project as proposed, including the property owned by CenturyLink. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer, Councilmember Lozinski. Nay: Councilmember Labat. The motion **Passed. 4-1.**

Consider the annual adoption of a Resolution 22-057 Declaring the Sounds of Summer as a Community Festival

Motion by Councilmember Decramer, seconded by Lozinski, to adopt Resolution 22-057 declaring the Sounds of Summer Community event scheduled from August 18, 2022 through August 21, 2022 as a "Community Festival". Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer, Councilmember Lozinski. Voting Nay: None. Abstaining: Councilmember Labat. The motion **Passed. 4-0-1.**

Legislative Update

The Mayor, staff, and guests presented an update on several legislative proposals related to the City of Marshall and currently not passed by the Legislature unless a Special Session occurs.

Mayor Byrnes provided a legislative update on the city's request for an extension of sales tax, tuition reimbursement for trades jobs, and local capital requests pertaining to the MERIT Center, SMSU, and renovation of the SMSU social science building to accommodate a learning center.

Cliff Carmody, Executive Director, of the Southwest West Central Service Cooperative and Kim Barse, ORB Management-Project Consultant, presented information on a bonding request to provide for an alternative learning center in cooperation with a SMSU building located on campus.

Public Safety Director Jim Marshall presented background history on the MERIT Center's proposed project phases including Phase 3 which would provide a gun range and a live burn structure.

Parks Superintendent Preston Stensrud reported on the current condition of the aquatic center pool and the uncertainty year to year on maintenance and equipment issues. The sales tax revenue that would provide funding for a new aquatic center is awaiting legislative action in a Special Session.

Administrator Hanson provided an update on the sales tax legislation and the need to revisit options for future construction if there is no special session.

Mayor Byrnes commented on the need for a special session and its importance to the projects mentioned above.

Consider approval of labor agreements between the City of Marshall and Law Enforcement Labor Services, Inc., Local No. 245

The 2019-2021 labor agreements with Law Enforcement Labor Services, Inc., Local No. 245 (LELS) expired on December 31, 2021. Tentative agreement with the union on contract terms for new three-year agreements (2022-2024) have been reached.

Human Resources Director reviewed the amended agreement and memorandum of understanding. The tentative agreement reached with the union is consistent with the amendments and general wage increases approved by the Council for the LELS 190 Patrol contract in April.

Councilmember Labat comment on vacation schedule and requested future amendments to clarify when the movement occurs.

Motion by Councilmember Labat, seconded by Schafer, to approve the labor agreement and memorandum of understanding between Law Enforcement Labor Services, Inc. Local No 245 and City of Marshall effective January 1, 2022 to December 31, 2024. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 5-0**

Consider Request for Proposals Indoor Recreation Facility and YMCA Collaboration Feasibility

Administrator Hanson reviewed information related to indoor recreation facility background and the Marshall Area YMCA asking for assisting financially to assist in their future operations and capital improvement needs.

The City of Marshall in January of 2022 approved a resolution requesting sales tax authorization for an aquatic center and an indoor recreation facility. Since that time, current proposed legislation does not include an indoor recreation facility due the sentiment that additional information would be needed to garner legislature and public support.

Recently the city received a request from the Marshall Area YMCA to study financial viability and future recreation needs as a community and YMCA. In MN and nationwide, YMCAs and the communities in which they are located have explored or have existing arrangements with cities.

The Marshall YMCA had also initiated a capital campaign to raise \$5 million for renovations to the existing multipurpose and fitness spaces. Due to COVID pandemic membership numbers have declined,

and interest in pursuing a capital campaign has waned. The declining membership numbers also have meant declining revenues for the Marshall Area YMCA. In late 2020 and again in early 2022, the Marshall Area YMCA Board has approached the City of Marshall and formally requested that the city study the feasibility of the city of Marshall cooperating with the Marshall Area YMCA in the areas of recreation and other related programming as well as capital needs.

Administrator Hanson provided a Request for Proposals that would conduct a feasibility of an indoor recreation facility and conduct a feasibility study evaluating future operation options for the existing Marshall Area YMCA, currently owned by the Marshall Area YMCA. The study would also include a comprehensive needs assessment of current and future indoor recreation needs of our residents, and an analysis of the feasibility of constructing and operating an indoor recreation facility and maintaining the Marshall Area YMCA as a viable facility for future years.

Councilmember discussed the possibility of cost-sharing and cooperation from SMSU and the Marshall School District in this process.

Motion by Councilmember Schafer, seconded by DeCramer, authorizing the Request for Proposals for an Indoor Recreation Facility and YMCA Collaboration Feasibility Study. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 5-0.**

Consider Request for Proposals- City Attorney Services

Per City Charter, the Mayor shall nominate to the City Council the person to be appointed as City Attorney for the City of Marshall. The City Council and the Mayor shall vote and confirm said appointment by majority vote. The City Attorney shall serve for a term of two (2) years, his/her term of office to begin on the first regular meeting in January after the municipal election and he/she shall continue in office until their successor is appointed.

The current term ends December 31, 2022. Earlier this year, the Mayor suggested to the Council that he would utilize an Request for Proposal (RFP) process to begin the nomination process.

Administrator Hanson provided information regarding the Request for Proposal process. Hanson commented on why the proposal offers three categories, General Council, Land Use, and Criminal Services, indicating that there is benefit to having some of these services remain local and to provide the Council with options.

Administrator Hanson reviewed the RFP documents and timeline. Earlier in the meeting City Attorney Simpson advised the Council that the current Charter states a person as City Attorney and not multiple persons as stipulated by the proposed RFP's that splits the duties between General Counsel, Land Use Services, and Criminal Services. Administrator Hanson stated that the General Counsel RFP would ultimately be the appointed City Attorney and contractually, the reporting structure of the remaining City Attorney work would be specified in the contract. Discussion from Mayor and Council included that the Charter doesn't prevent RFPs from being obtained and it would provide information to the Council on legal services available. Administrator Hanson stated that Council reserves the right to reject all proposals.

Attorney Simpson commented that the effective dates of the appointment present a potential gap in the timeline. Mayor Byrnes commented that the Charter Commission may need to review the existing language.

Motion by Councilmember Lozinski, seconded by Councilmember Labat, authorizing the Request for Proposals for City Attorney Services. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 5-0**

Proposed 2023 budget timeline

Director of Administrative Services Moberg reviewed budget timelines used in recent years and requested discussion about setting additional proposed dates and times for work sessions and special meetings relating to the 2023 budget.

The proposed dates and times include:

- July 26 at 4:00 pm – work session
- August 16 at 4:30 – work session / special meeting
- October 11 at 4:00 pm – work session
- November 22 at or after 7:00 pm – work session
- December 6 at 6:00 pm – special meeting

City Clerk will be scheduling a Canvassing Board meeting, tentatively on Friday, August 12 at noon, following the August 9 election.

Councilmembers requested that budget work sessions occur on the dates of regular Council meetings when possible.

Administrative Services Director Moberg provided information to the Council that there are new legislative requirements for the Truth in Taxation Notices.

Consider Appointments to the Various Boards, Commissions, Bureaus and Authorities

Mayor Byrnes reported on recent interviews for various openings on the Boards, Commission, Bureaus and Authorities. Mayor commented that the Council appreciates the interest of the citizens that volunteer and that community member participation is essential to the functioning of our boards and commissions.

Councilmember Labat requested that each Board and Commission be voted on separately.

Joyce Tofte to be appointed to the Diversity, Equity and Inclusion Commission to a term set to expire 5/31/25.

Michele Knife Sterner to be appointed to the Diversity, Equity and Inclusion Commission to a term set to expire 5/31/25.

Motion by Councilmember Lozinski, seconded by Councilmember Labat to approve the appointments to the Diversity, Equity, and Inclusion Commission. Voting Yea: Mayor Byrnes, Councilmember

Schafer, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried 5-0**.

Amanda Schroeder to be appointed to the Planning Commission to a term set to expire 5/31/25.
Cathy Lee to be appointed to the Planning Commission to a term set to expire 5/31/25.
Larry Doom to be appointed to the Planning Commission to fill an unexpired term set to expire 5/31/23.

Motion by Councilmember Labat, seconded by Councilmember DeCramer, to approve the appointments to the Planning Commission. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried 5-0**.

Lucas Tietz to be appointed to the Economic Development Authority to a term set to expire 5/31/28.

Motion by Councilmember DeCramer, seconded by Councilmember Schafer, to approve the appointments to the Economic Development Authority. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer. Voting Nay: Councilmember Labat, Councilmember Lozinski. The motion **Passed 3-2**.

Commission/Board Liaison Reports

Byrnes	No report
Schafer	No report
Meister	Absent
DeCramer	EDA Board action and discussion including Market Street Mall property, MMU Commission discuss on power sharing grid and potential rolling black-outs, providing assistance to granite falls during the May 12 wind/storm event, and a priority dashboard for MMU operations.
Labat	CVB planning a potential larger concert for SMSU Homecoming, upcoming Library meeting with the Joint Library Board.
Lozinski	No report.
Schafer	No report.

Councilmember Individual Items

Councilmember Schafer commented on MS4 requirements and prohibition of mowing grass in the gutter to comply with MPCA Stormwater requirements, baseball park seeding, and recognition of Memorial Day and its significance.

Councilmember Lozinski commended staff on purchasing practices for pool and saving tax dollars.

Councilmember Labat comments on weed spraying at Independence Park.

Councilmember DeCramer commented on the inclusive playground ribbon cutting event on May 25th at 3:30 p.m.

Mayor Byrnes provided a reminder on Ward 1 filing period until May 31, 2022 at 5:00 p.m. and commented on the storm events in May, which included an 80 mph wind event, and called upon Public Safety Director Marshall to report on the siren malfunction that occurred during the wind event and additional steps that have been taken to correct the situation in the future. Director Marshall provided an update and encouraged all residents to utilize Code Red and additional weather monitoring apps/information.

City Administrator

Administrator Hanson reported on Bird scooters, agreement will come back to the council at the next meeting.

Director of Public Works

Director of Public Works/ City Engineer provided an update on Independence Park project with trail and pond, and Plaza concrete pads have been installed in last few days.

DeCramer asked if there is a bike rack for the City Hall building. Administrator Hanson answered—waiting on concrete to cure to put them out.

City Attorney

City Attorney reported that Block 11 closing is tomorrow, June 1 work will begin on-site, and provided an update on Broadmoor Valley.

Information Only

There were no questions on the information items.

Upcoming Meetings

There were no questions on the upcoming meetings.

Adjourn

At 7:32 P.M., Motion made by Councilmember Schafer, seconded by Councilmember Lozinski to adjourn. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 5-0**

Mayor

Attest:

City Clerk