

**CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, September 12, 2023**

The regular meeting of the Common Council of the City of Marshall was held September 12, 2023, 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: Steven Meister, Amanda Schroeder, John Alcorn, James Lozinski and See Moua-Leske. Absent: Craig Schafer. Staff present included: Sheila Dubs, Human Resource Manager; Pamela Whitmore, City Attorney; Jason Anderson, Director of Public Works/ City Engineer; E.J. Moberg, Director of Administrative Services; Jim Marshall, Director of Public Safety; Dean Coudron, Public Ways Supervisor; Quentin Brunsvold, Fire Chief; Scott Truedson, Wastewater Supervisor; Ilya Gutman, Plans Examiner; and Steven Anderson, City Clerk.

The Pledge of Allegiance was recited at this time.

There was a consensus to operate under the current agenda.

Consider Approval of the Minutes from August 22nd and August 29th

There were no requests to amend the minutes.

Motion made by Councilmember Meister, Seconded by Councilmember Alcorn to approve the minutes from meetings held on August 22nd and 29th. Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

Award of Quotation for Track Skidloader for the Street Department

Jason Anderson, Director of Public Works/City Engineer, explained that bid proposals were taken with and without undercarriage suspension that included a trade-in of the existing 2007 unit. Staff recommended that the award go to Titan Machinery for the 2024 Case TV370B Track Skidloader in the amount of \$77,617.40, less trade-in of \$22,000 for a net purchase price of \$55,617.40. \$60,000 was budgeted for this item in 2023. Councilmember Lozinski mentioned that the Equipment Review Committee did not meet but had given Coudron permission to go forward with the specifications needed for the city. Councilmember Meister asked for clarification on what the undercarriage suspension was used for. It was explained that the suspension allows workers to use the machine for longer periods of time and helps lessen the wear on the machine when it is in use.

Motion made by Councilmember Lozinski, Seconded by Councilmember Moua-Leske. Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

Approval of the Consent Agenda

There were no requests to remove an item from the consent agenda for additional discussion.

Motion made by Councilmember Meister, Seconded by Councilmember Schroeder to approve the items on the consent agenda. Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

- Consider Approval of a Raffle Permit for SMSU
- Consider Approval of a Raffle Permit for the United Way of Southwest Minnesota
- MOU Between City of Marshall and Southwest Minnesota State University
- Consider Striping Adjustments on C Street and North Bruce Street
- Consider Approval of the Bills/Project Payments

Adoption of Ordinance Section 18-2 Key Box

Ilya Gutman gave background information on the ordinance. These boxes contain keys and documentation that may be vital for the fire department or police in case of fire or other emergencies, as it will facilitate quick and easy access to buildings and orientation within the building after gaining access. At times the fire department is forced to break the front door or window to enter the building in cases of fire alarms. The addition of the key box could aid in less damage being caused by emergency personnel. The Legislative and Ordinance Committee recommended approval of the new ordinance section. Councilmember Lozinski clarified that this was not intended to be a retroactive ordinance and will only be enforced on new building or when a major remodel occurs.

Motion made by Councilmember Lozinski, Seconded by Councilmember Meister to adopt Ordinance 23-021 adding Section 18-2 Required Key Box. Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

Update on the Wastewater Facility NPDES Draft Permit and Chloride Reduction Grant

Scott Truedson provided an update to council on the NPDES draft permit. The Wastewater Facility has been operating under an expired NPDES permit since 2019 while awaiting reissuance of a new permit from the Minnesota Pollution Control Agency (MPCA). On 4/1/2022, the WWTF received a New Limits Notification letter from the MPCA which outlined new discharge requirements. Since receiving the new limit notification letter, city staff has partnered with Bolton & Menk and Flaherty & Hood (through the Minnesota Environmental Science and Economic Review Board - MESERB) to hold discussions with the MPCA regarding new permit limits. The city and Bolton & Menk staff have met multiple times with the MPCA to discuss the new limits and our ability to reasonably comply with the requirements of the limits. On September 1st the WWTF received a draft permit and were informed to make any comments to the MPCA by October 2nd, prior to the permit being released for the 60-day public review period. The city and Bolton & Menk staff are working on reviewing the draft permit to identify any issues prior to replying to the MPCA.

WWTF staff with the assistance of Bolton & Menk worked with the MPCA to loosen the restrictions on the water softener rebate program. Previously the rebate required a licensed contractor to adjust water softeners or new installations. Staff recommended to allow homeowners to do the water softener adjustments themselves and the homeowners would need to show that chloride numbers have reduced to obtain the \$500 rebate. A rebate could also be obtained if a homeowner or business opted to remove their water softener.

Motion made by Councilmember Lozinski, Seconded by Councilmember Moua-Leske to accept the update for the NPDES Draft Permit and to allow city staff to modify the water softener rebate program to encourage more participation. Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

Project ST-001-2023: Bituminous Chip Sealing on Various City Streets - Consider Change Order No. 2 (Final) and Acknowledgement of Final Pay Request (No. 2)

Change Order No. 2 (Final) resulted in a contract decrease amount of \$59,932.65 and a total contract amount of \$168,018.00. The original contract/low bid amount was \$225,430.05. The difference between the final contract amount and the original contract/low bid amount was \$57,412.05. The actual authorized contract amount by the City Council at their meeting on February 28, 2023, was for an amount not-to-exceed the 2023 budgeted amount of \$170,000.00.

Motion made by Councilmember Moua-Leske, Seconded by Councilmember Alcorn to accept Change Order No. 2 and acknowledgement of Final Pay Request No. 2. Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

Project ST-032: Lot 2, Block 1, Schwan's Corp I Addition Parking Lot Improvements Project (Ralco) – Change Order No. 3 (Final) and Acknowledgement of Final Pay Request (No. 2)

This project consisted of the installation of a new 6” concrete pavement surface over the existing, in-place, aggregate base section. To accommodate the new pavement surface, the existing bituminous pavement surface was removed, and the spot-removal of existing curb and gutter was completed as needed to ensure positive drainage. The existing curb and gutter and drainage structures remained in-place to the maximum extent practicable. Additional aggregate was added to the in-place aggregate base section as needed to ensure proper grade on the new parking lot surface. Additional curb and gutter and concrete sidewalk replacement was completed as needed on the southeast side of the parking lot area to provide better definition between the parking and walking areas, and to promote positive drainage. The items on Change Order No. 3 (Final Reconciling Change Order) for the project are the result of final measurements and changes in item quantities during construction. All work has been completed in accordance with the specifications.

Change Order No. 3 (Final) resulted in a contract increase in the amount of \$4,134.01 and the final contract amount was \$227,811.76. The original contract amount was \$221,243.20. The difference between the final contract amount and the original contract amount was \$6,568.56 which equated to a 2.97% contract overrun. The amount fits within the Council-approved 5% project contingency for these types of projects.

Motion made by Councilmember Moua-Leske, Seconded by Councilmember Schroeder to accept Change Order No. 3 and acknowledgement of Final Pay Request No. 2. Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

Project ST-015: MnDOT 2025 College Drive Reconstruction Project - Consider Amendment Number 1 to the Proposal from SRF Consulting Group, Inc. for Design of City Utilities

The original proposal was approved by City Council on February 8, 2022. The scope of the original proposal included the design of 3,600 feet of sanitary sewer replacement/relocation and 2,800 feet of watermain replacement/relocation. Per SRF, as the project had progressed, SRF had been asked to include additional lengths of sanitary sewer and watermain to the project and additional services as follows: Provide design services and permitting as outlined in the original scope of work for an additional length of approximately 1,535 feet of sanitary sewer (an increase of 55%). Provide design services and permitting as outlined in the original scope of work for an additional 3,310 feet of water main (an increase of 92%). Relocate the proposed location of the new watermain from the north side to the south side of College Drive. Since the original proposal the project had changed three times. Assistance Engineer Eric Hanson worked with MnDOT and SRF on a not-to-exceed amount of \$35,108 for the amendment. Councilmember Meister asked what options were available if the work does end up exceeding the \$35,108 agreed upon amount. Anderson indicated that the city could always pick up the project work in-house and move forward.

Motion made by Councilmember Schroeder, Seconded by Councilmember Alcorn to accept Amendment Number 1 with SRF Consulting Group for Project ST-015. Voting Yea: Mayor Byrnes, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske. Voting Nay: Councilmember Meister, Councilmember Lozinski. The motion **Carried. 4-2.**

Project ST-032: Lot 2, Block 1, Schwan's Corp I Addition Parking Lot Improvements Project (Ralco) - Consider Resolution Adopting Assessment

The project consisted of the installation of a new 6” concrete pavement surface over the existing, in-place, aggregate base section. To accommodate the new pavement surface, the existing bituminous pavement surface was removed, and the spot-removal of existing curb and gutter was completed as needed to ensure positive drainage. The existing curb, gutter and drainage structures remained in-place to the maximum extent practicable. Additional aggregate was added to the in-place aggregate base section as needed to ensure proper grade on the new parking lot surface. Additional curb and gutter and concrete sidewalk replacement was completed as needed on the southeast side of the parking lot area to provide better definition between the parking and walking areas, and to promote positive drainage. Knochenmus Enterprises had requested the repaving of the parking lot during 2023 and the concrete construction project will be

100% assessed to the owner, Knochenmus Enterprises, LLC. Per Item 6 of the Petition and Waiver Agreement, such proposed assessment in the amount of \$264,261.64 shall be payable in equal annual principal installments extending over a period of eight (8) years and shall bear interest at a rate of 5.27%. Councilmember Lozinski noted the city has an agreement with Knochenmus to lease the parking lot for public use.

Motion made by Councilmember Meister, Seconded by Councilmember Schroeder to adopt Resolution 23-065 authorizing special assessment Project ST-032 to parcel 27-792002-0 in the amount of \$264,261.64. Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

Consider Resolution Adopting Preliminary 2024 Levy

E.J. Moberg, Director of Administrative Services, presented the preliminary levy. The proposed property tax levy for 2024 would be \$8,988,670, which is an increase of 9.9%. The City Council must adopt its proposed property tax levy for taxes payable year 2024 and have staff certify that amount to the home county auditor on or before October 2nd (September 30th is on a Saturday). The proposed property tax levy certified should be the taxing jurisdiction’s proposed property tax levy for all purposes, including debt service. The final property tax levy cannot exceed the proposed property tax levy except because of one or more of the allowable “add-on” levies authorized within the state. The City Council is required to hold a public meeting for the proposed levy and must notify the County Auditor/Treasurer of the date, location and start time so it may be included in the parcel-specific notice. The resolution also states the city will hold the truth-in-taxation meeting at 6:00 PM on Tuesday, December 5th at City Hall.

Motion made by Councilmember Alcorn, Seconded by Councilmember Moua-Leske to adopt Resolution 23-064 approving the preliminary 2024 tax levy. Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

Commission/Board Liaison Reports

Brynes	No report.
Schafer	Absent.
Meister	No report.
Schroeder	No report.
Alcorn	No report.
Moua-Leske	No report.
Lozinski	No report.

Councilmember Individual Items

Councilmember Lozinski gave his annual fall speech to be on the lookout for pedestrians, as school had started.

Councilmember Moua-Leske invited the public to attend Welcoming Week at Justice Park on September 19th.

Mayor Byrnes informed everyone that the Minnesota Municipal Utilities Association (MMUA) held their annual lineman rodeo in Marshall.

City Administrator

Absent. No report.

Director of Public Works/City Engineer

The City of Marshall was recently audited for the MS4 permit. The Joint Airport Zoning Board met on new proposed zoning and that project will be moving forward. Project updates were given for the following projects: downtown parking, West Lyon Street, Channel Parkway, and the Legion Field Phase II Pond.

City Attorney

Was in constant communication with Jim Marshall regarding the new law with School Resource Officers in schools.

Administrative Brief

There were no questions on the Administrative Brief.

Information Only

There were no questions on the Information Only items.

Upcoming Meetings

There were no questions on the Upcoming Meetings.

Adjourn

At 6:11 PM Motion made by Councilmember Meister, Seconded by Councilmember Lozinski to adjourn the meeting. Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

Attest:

City Clerk

Mayor