

**CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, November 24, 2020**

The regular meeting of the Common Council of the City of Marshall was held November 24, 2020, at the Minnesota Emergency Response and Industrial Training (MERIT) Center, 1001 West Erie Road. 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, Steve Meister, Glenn Bayerkohler, John DeCramer, Russ Labat and James Lozinski. Absent: None. Staff present included: Sharon Hanson, City Administrator; Dennis Simpson, City Attorney; Jason Anderson, Director of Public Works/ City Engineer; Annette Storm, Director of Administrative Services; Karla Drown, Finance Director; Jim Marshall, Director of Public Safety; Quentin Brunsvold, Fire Chief; Dave Parsons, City Assessor; Lauren Deutz, Economic Development Director; Sheila Dubs, Human Resource Manager; Ilya Gutman and Kyle Box, 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 of the regular meeting held on November 10, 2020.

Motion made by Councilmember Meister, Seconded by Councilmember Schafer that the minutes of the regular meeting held on November 10, 2020 be approved as filed with each member and that the reading of the same be waived. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Project Z82: N. 1st St. / W. Redwood St. / W. Marshall St. Reconstruction Project – 1) Public Hearing on Improvement; 2) Consider Resolution Ordering Improvement and Preparation of Plans.

Property owners affected by the above-referenced project have been notified, according to law, that a hearing would be held on November 24, 2020. A public presentation will be made followed by any discussion.

This project consists of the following: reconstruction and utility replacement on North 1st Street between East Main Street to West Marshall Street and includes West Redwood and West Marshall Streets between East College Drive and North 1st Street. All utilities will be replaced, including watermain, sanitary sewer, and storm sewer on North 1st Street and West Redwood Street. Sanitary sewer will be replaced on West Marshall Street. Other items of work included in this project are pavement removal, aggregate base, bituminous surfacing, concrete surfacing, sidewalks, curb and gutter and other minor work.

A public informational meeting was held on October 15, 2020 at the MERIT Center and attendance available via Zoom. Information was provided to all those in attendance. If the City Council decides to proceed with the project, a resolution has been prepared ordering the improvement and the preparation of plans. Per Minn. Stat. 429.031, adoption requires a “super-majority” vote, meaning the council can only adopt the resolution by a four-fifths vote of all members of the Council.

The engineer’s estimate for the construction portion of the project is \$1,107,000. The total estimated project cost, including 10% allowance for contingencies and 16% for engineering and administrative costs is \$1,413,000. All improvements will be assessed according to the current Special Assessment Policy, including but not limited to participation from Marshall Municipal Utilities, Wastewater Department, Surface Water

Management Utility Fund and Ad Valorem. Final approval of the project must include determination of funding sources.

Director of Public Works/ City Engineer Jason Anderson provided the background information on the agenda item.

Steward Zick, 103 West Marshall, asked clarifying questions regarding the project; What is the construction project timeline, what is the assessment amount and what are property owner's options for payment, what are other options for the proposed angled parking on the park side of the street, what is the process to plan and replace a concrete driveway on private property in coordination with the street reconstruction project.

Director Anderson responded that the proposed project would begin and end in 2021, that the current residential assessment policy has a stated maximum of \$5,700 and can be paid in full or over a term of 8 years. The angled parking would be in response to a street widening and staff will continue to review this option. Once a contractor is determined the property owner can contact them to schedule the replacement of their driveway.

Shelly Lipinski, 101 West Marshall, asked additional clarifying questions regarding the sidewalk replacement.

Director Anderson responded that the proposed project on includes the replacement of existing sidewalks.

Councilmember Lozinski discussed the limits on special assessments for residential and commercial properties and if the project should be monitored closely as it may be a significant impact on the levy.

City Administrator Sharon Hanson commented that the project would impact the 2022 levy not 2021.

Councilmember Labat discussed the 1ft grass buffer described in the project.

Director Anderson clarified that the buffer only indicates a minimum distance between private property and the city right-of-way.

Motion made by Councilmember DeCramer, Seconded by Councilmember Lozinski that the Council close the public hearing on improvement for Project Z82: N. 1st St. / W. Redwood St. / W. Marshall St. Reconstruction Project. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried**.
7-0

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski that the Council adopt RESOLUTION NUMBER 4762, SECOND SERIES, which is the Resolution Ordering Improvement and Preparation of Plans" for Project Z82: N. 1st St. / W. Redwood St. / W. Marshall St. Reconstruction Project. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Lozinski. Voting Nay: Councilmember Labat. The motion **Passed**.
6-1

Consider award of bid for the pickup of garbage and trash for various City locations.

Bids were received on November 6, 2020 for the removal of garbage and trash from numerous municipal locations within the city of Marshall. The bid tab and a comparison of the 2019-2020 contract has been provided by staff.

City Clerk Kyle Box provided the background information on the agenda item.

Councilmember Labat discussed the specifications at the garbage/refuse needs at the airport and if tenants lease agreements include use of the city dumpsters. Member Labat also requested that a recycling container be added at the airport.

Councilmember Lozinski discussed the differences in the bid and commented that he was in favor of awarding the contract to Southwest Sanitation.

Motion made by Councilmember DeCramer, Seconded by Councilmember Lozinski to approve the 2021-2022 Garbage/Refuse Hauling Contract to Southwest Sanitation. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Consider Approval of the Consent Agenda

Motion made by Councilmember Schafer, Seconded by Councilmember Meister to approve the consent agenda. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

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

Approval of Resolution Number 4763, Second Series, a Rural Service District Resolution.

Approval of the Farm Lease between E. Bossuyt Family Farms, Tenant, and the City of Marshall as Landlord

Approval of the bills/project payments

Consider approval of a Partnership Agreement between the City of Marshall and Marshall Municipal Utilities.

David Schelkoph, Marshall Municipal Utilities General Manager provided a general overview of the agreement.

Motion made by Councilmember DeCramer, Seconded by Councilmember Schafer to approve the 2021 joint partnership agreement between the City of Marshall and Marshall Municipal Utilities. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Review 2021 On-Sale Intoxicating Liquor Fees

Local License holders have requested relief in their 2020 and 2021 license fees in response to COVID-19. Staff have prepared a year to date overview of the affected license holders including fees collected and the relief provided by the City Council in the Spring of 2020 in response to bar and restaurant closures.

After the Spring refunds were issued a moratorium was also put in place on the requirement of On-Sale Intoxicating Liquor License holders to pay the second half of their 2020 License until normal operations have resumed.

In response to Governor Walz's Executive Order No. 20-99, staff is proposing a refund of license fees equal to a four-week period.

Staff is also proposing a reimbursement in response to Governor Walz's previous executive order limiting capacity to bars and restaurants to 50%. This reimbursement would be a 50% reduction of license fees over a period of 6 months.

Additionally, 2021 license fees are proposed to be reduced by 50% with only the first half (six months) due at this time.

City Clerk Kyle Box provided the background information on the agenda item.

Councilmember Lozinski also added he would like the license holders to be reimbursed for any additional days that they are not able to operate beyond the Governor's most recent executive order.

Councilmember Labat discussed waiving the 2021 license fees.

There was further discussion on the agenda item.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to waive the On-Sale License fees for the 1st half of 2021 and to reconvene in May of 2021 to discuss the collection for the 2nd half of license fees. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Motion made by Councilmember Lozinski, Seconded by Councilmember Meister reimburse license holders for fees collected in 2020 in response the executive order and 50% capacity reduction and to make license fees collect equal for all license holders. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Consider Approval of a Request for Proposal for the new City of Marshall Comprehensive Plan.

Staff is requesting Council approval to proceed with a Request for Proposal to write a new City of Marshall Comprehensive Plan. An approval by the Council would not require a commitment to hiring a consultant or any additional funds. If approved, staff will bring proposals back to the Council at a future meeting for project consideration and award allowing Council to make a decision on proceeding and hiring a consultant at that time. According to Annette Storm, Director of Administrative Services, there is no budget or revenue source for this item nor there will be because it will be paid for from the reserve.

According to the League of Minnesota Cities, a comprehensive plan is an expression of the community's vision for the future and a strategic map to reach that vision. It is an important tool to guide future development of

land to ensure a safe, pleasant, and prosperous environment. The process of its adoption also creates an extensive opportunity for residents to participate in guiding community's future.

The last complete City of Marshall Comprehensive Plan was done in 1996. It was partially updated in 2004 and has not been reviewed nor modified since that date. General recommendation is to update the Comprehensive Plan every 10 to 15 years, and the current plan is over 16 years old. Out of all comparable cities, Marshall appears to have the oldest Comprehensive Plan. It is becoming increasingly difficult to conduct zoning operations, development, and enforcement, considering how conditions in the City have greatly changed since 1996 and even since 2004.

None for the Request for Proposal. Estimated price for the study to produce the Comprehensive Plan is between \$50,000 and \$60,000. Project costs would be financed through General Fund reserves.

Motion made by Councilmember Schafer, Seconded by Councilmember Meister that the Council approve a Request for Proposal for the new City of Marshall Comprehensive Plan and direct staff to distribute it to all interested parties. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. Voting Nay: Councilmember Bayerkohler. The motion **Passed. 6-1**

Consider approval of an amendment to the 2021 Paid-on-call Wage Schedule

Staff are requesting Council consideration and approval to amend the 2021 Paid-on-call Wage Schedule by adding a new HazMat Technician/Firefighter position and pay rate. This item was brought forward to the Personnel Committee on November 18th. The Personnel Committee recommended unanimous approval. The Southwest MN Chemical Assessment Team is one of eleven HAZMAT teams that exists in the State of Minnesota. In 2019, the Department of Public Safety transitioned oversight of the eleven teams from the MN Homeland Security and Emergency Management Office to the State Fire Marshal's Office. The Southwest MN Chemical Assessment Team is the only team remaining that is a "stand-alone" team that is not part of a fire department.

The State Fire Marshal's Office was supportive of the Southwest MN Chemical Assessment Team, however, they expressed concern over the long-term strength of the team related to numbers of personnel and encouraged us to consider combining the SW MN CAT Team with the Marshall Fire Department. In October of 2020, the low number of personnel within the SW MN CAT Team became a critical concern and has prevented us from being able to safely serve the fourteen-county area that is part of our service agreement.

With support and encouragement from the State Fire Marshal's Office along with discussion with the Marshall Fire Department, we have started the planning process to transition the SW MN CAT team into the Marshall Fire Department.

The proposal we discussed with the Council Personnel Committee and are requesting approval from the Council is as follows:

- 1) Create a new truck company within the Marshall Fire Department. This new truck company would create a new captain and lieutenant position that would provide leadership to the Southwest MN Chemical Assessment Team.

2) Transition current SW MN CAT Team members into the Marshall Fire Department at their current rate of pay. Provide opportunities to current SW MN CAT members to become firefighters if they choose. Open positions within the new truck company would be filled with current firefighters that have an interest in becoming HAZMAT Technicians. Firefighters completing the HAZMAT Technician certification would be compensated with an increase to their hourly rate of pay.

The Southwest MN Chemical Assessment Team is a true asset to the community of Marshall and our surrounding fourteen county area. In an emergency situation involving hazardous materials, time is critical, and keeping the CAT Team based out of the City of Marshall is essential. Fire Chief Brunsvold and I are committed to keeping this asset in the City of Marshall. The changes proposed will improve the Southwest MN Chemical Assessment Team and the Marshall Fire Department as well as strengthen our emergency response to our community and region.

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer to approve the amended 2021 Paid-on-call wage schedule. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Schedule Public Hearing-Tax Abatement

The City and Border States Electric have exchanged draft purchase agreement for the purchase of 2.5 acres of land in order to allow for construction of a 13,200 square foot warehouse/distribution building with an approximate 20,00 outside yard. The EDA Board provided a recommendation to the Council to consider the tax abatement.

Proposed tax abatement of not to exceed \$55,000 over 10 years. Purchase of the land/development is contingent on the tax abatement provided. Purchase price net the tax abatement = \$17,500.

Motion made by Councilmember DeCramer, Seconded by Councilmember Schafer to schedule a public hearing for Tuesday December 8, 2020 to consider tax abatement request. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

CARES Act Funding Summary Report

On 7/6/2020, MN Management and Budget release \$1,038,415 dollars to the City of Marshall to be used for COVID relief and reimbursement of COVID safety expenses. November 15, 2020 was the last date that funds could be encumbered.

Finance/EDA/Administration presented a summary report of the funds encumbered.

Consider Transfer of Funds to Establish EDA Response Funds to Impacted Establishments

As per the latest Governor Walz Executive Order, 20-99, City staff are putting forth consideration to provide for additional funding for those establishments impacted by the Order. Staff are recommending that fund balance reserves in the amount of \$100,000 be directed to EDA to provide for a grant program that can bridge a business from the closure on November 20th through December 18th.

The transfer is authorized under Minn. Stat. 471.85: 471.85

PROPERTY TRANSFER; PUBLIC CORPORATIONS. Any county, city, town, or school district may transfer its personal property for a nominal or without consideration to another public corporation for public use when duly authorized by its governing body.

The Attorney General's office has issued an opinion that personal property includes money. The City's CARES Act funds have been encumbered and are no longer available post November 15, 2020 City EDA Director Lauren Deutz will provide background on a potential program and uses of the funds.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to direct the EDA to establish a grant program and to present it before the council on December 8, 2020. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Commission/Board Liaison Reports

- Byrnes Region Development Commission met to review the COVID-19 response funds that are still available for lending.
- Schafer Southwest Minnesota Emergency Communications Board met to review system operations.
- Meister No Report
- Bayerkohler No Report
- DeCramer Economic Development Authority met and discussed tonight's council action items.
- Marshall Municipal Utilities was notified by Missouri River Energy Services they will be receiving reimbursement in the amount of \$2,100,000.00. Reimbursements will be distributed to users based on usage beginning in February 2021. Missouri River also purchased 80 acers for a solar farm and to be potential annexed into the City of Marshall.
- Labat No Report
- Lozinski City Hall Committee met and discussed the recent closure of the city hall building, PR4 change order (result of the hotel demolition) and near completion of the Main Stay wall.

Councilmember Individual Items

- Councilmember Meister provided an update for Avera's bed capacity and testing operations.
- Councilmember Lozinski discussed the leadership of state government in Minnesota relieving local municipalities on making tough decisions.
- Councilmember Bayerkohler commented that certain issues should be left up to local areas of government and not be decided at the state level.
- Councilmember Labat commented on the completion of local construction projects.

Councilmember DeCramer provided information on housing assistance for individuals at a lower income level.

City Administrator

City Administrator Sharon Hanson discussed the 2021 levy and requested direction on the final levy.

Director of Public Works

No Report

City Attorney

No Report

Information Only

There were no questions on the information items.

Upcoming Meetings

There were no questions on the upcoming meetings.

Adjourn

At 8:24 P.M., Motion made by Councilmember DeCramer, Seconded by Councilmember Lozinski to adjourn.

Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Mayor

Attest:

City Clerk