

**CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, March 26, 2024**

The regular meeting of the Common Council of the City of Marshall was held March 26, 2024, 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: Amanda Schroeder, Craig Schafer, James Lozinski, See Moua-Leske and Steve Meister. Absent: John Alcorn. Staff present included: Sharon Hanson, City Administrator; Pamela Whitmore, City Attorney (via Zoom); Jason Anderson, Director of Public Works/ City Engineer; E.J. Moberg, Director of Administrative Services; Dean Coudron, Public Ways Supervisor; Scott Truedson, Wastewater Supervisor; Lauren Deutz, Economic Development Director; Preston Stensrud, Park and Rec Supervisor; and Steven Anderson, City Clerk.

Department of Transportation and Concrete Paving Association 2023 Concrete Paving Award-3rd and Lyon Street Project

Mayor Byrnes presented the Concrete Paving Association 2023 Concrete Paving Award to R&G Construction and to the Director of Public Works/City Engineer.

Consider Approval of the Minutes from the Regular Meeting Held on March 12th

There were no requests to amend the minutes from March 12th, 2024.

Motion made by Councilmember Meister, Seconded by Councilmember Lozinski to approve the minutes. Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember Schroeder, Councilmember Moua-Leske, Councilmember Lozinski. Voting Abstaining: Councilmember Schafer. The motion **Carried. 5-0-1.**

Vacation of Utility Easement in Minnesota Corn Processors Industrial Park 1st Addition -- 1) Public Hearing on Resolution Granting Petition to Vacate; 2) Consider Resolution Granting Petition to Vacate

Solugen requested that 50 feet, who would be building their BioForge 2 at the Minnesota Corn Processors Industrial Park 1st Addition site of a 200-foot easement be vacated for development. Staff reached out to local utility companies and no opposition was heard. Director Anderson stated that the city does have sanitary sewer force mains in the easement area but the 50 feet being requested to be vacated would not impact the sanitary sewers.

Motion made by Councilmember Schafer, Seconded by Councilmember Schroeder to close the public hearing. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Schroeder, Councilmember Moua-Leske, Councilmember Lozinski, Councilmember Meister. The motion **Carried. 6-0.**

Motion made by Councilmember Lozinski, Seconded by Councilmember Moua-Leske to adopt Resolution 24-034 Granting a Petition for Vacation of a Utility Easement. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

Granting Final Approval of the Issuance of Conduit Revenue Bonds for the Benefit of Foundation for Innovation in Education and Southwest West Central Service Cooperative – 1) Public Hearing; 2) Consider Resolution Providing Approval

The City had agreed to act as conduit issuer on behalf of the Southwest West Central Service Cooperative (SWWC) and Foundation for Innovation in Education (Foundation) for the financing of the acquisition, construction, and equipping of an approximately 16,100 square foot facility on real property located at or about the intersection of Channel Parkway and London Road in the City of Marshall, Minnesota. The building would be owned by the Foundation and leased to and operated by the Cooperative. The proceeds of the Bonds are proposed to be loaned by the City to the Foundation as the Borrower pursuant to the terms of a Loan Agreement, dated as of or after April 1, 2024, between the City and the Borrower. As this was a conduit revenue bond the city will have no

obligation to pay the bonds even if the project encounters financial difficulties. Cliff Carmody on behalf of SWWC spoke about the project and thanked the council for their consideration on the resolution.

Motion made by Councilmember Schafer, Seconded by Councilmember Schroeder to close the public hearing. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Lozinski, Councilmember Moua-Leske. The motion **Carried. 6-0.**

Motion made by Councilmember Schafer, Seconded by Councilmember Meister to adopt Resolution 24-035 granting final approval of the issuance of conduit revenue bonds for the benefit of Southwest West Central Service Cooperative. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

Project WW-005: Highway 23 Lift Station Improvements Project-Phase IV Wet Well Renovation - Consideration Award of Bid

Bids were received on March 13, 2024. Two bids were received, one from KHC Construction of Marshall, Minnesota in the amount of \$670,000.00 and a second bid was received from Rubin Construction LLC of Tyler, Minnesota in the amount of \$297,200.00. While the low bid for Phase IV was \$22,200.00 over the engineering estimate of \$275,000.00, the Wastewater Department had \$53,006.00 remaining in the CIP due to the lower-than-expected cost of the Phase III pumps. The contract had a substantial completion date of October 31, 2024, with a contract completion of November 30, 2024. Bolten and Menk provided a bid evaluation memorandum to address the large disparity in the bids that were received. Councilmember Lozinski questioned the quality of the low bid because of such a large difference in the bid. Staff confirmed that Rubin Construction did look at the site and knew what was being bid on. Councilmember Schafer also commented on the bid amount disparity.

Motion made by Councilmember Schafer, Seconded by Councilmember Meister to award the bid for WW-005-Phase IV to Rubin Construction for \$297,200.00. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

Consider Authorization to Purchase Drag Line Hose Cart for Wastewater Department

The Wastewater Facility produces up to four million gallons of bio-solids annually. To dispose of the bio-solids the treatment plant utilized a dragline system to apply them to nearby agricultural fields as fertilizer. The dragline system consisted of a large pump, an injection tool bar that was attached to a leased tractor, hundreds of feet of hose and a large cart to roll the hose up on for transportation and storage. The pump can transport bio-solids over long distances, but the system was limited by the amount of hose available. The current pump system could reach 382 acres of approved application sites. By purchasing more hose, couplers, and another hose cart the facility would be able to reach another 128 acres of already approved land. Another 80 acres of land could potentially be added after site approval. Wastewater staff had received three quotes for the needed hose, couplers, and hose cart. The quotes ranged from \$91,901.20 down to \$81,200.92. There is also an option to purchase a "one off" new hose cart that has faded paint due to sitting outside for a couple of seasons for \$74,525.42. That option also included the needed hose and couplers. Wastewater has budgeted \$87,500 in the 2024 CIP for the purchase of this equipment and staff along with the Equipment Review Committee recommended the purchase of the low quote of \$74,525.42. Councilmember Lozinski mentioned that the Wastewater Department used to haul their bio-solids by truck and the additional man-power increased costs. With the implementation of the drag line system, less manpower was needed, and application speed increased. Councilmember Schafer commented that a dedicated conduit under the road was his preferred method to get across the township road to reach additional sites.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to authorize purchase of a drag line hose cart from Hydro Engineering of Norwood-Young America for \$74,525.42. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Moua-Leske,

Councilmember Lozinski. The motion **Carried. 6-0.**

Consider Authorization to Purchase Stump Grinder for Street Department

Two quotes were received for two Vermeer grinder units. The Street Department was using an old unit from Marshall Municipal Utilities and because of its age part availability had become more difficult. With the onset of emerald ash borer and the extensive ash tree canopy within the city staff thought procuring a stump grinder for the city made sense. Staff reached out to MMU about a collaborative purchase on a new grinder, but MMU declined as their machine was still suited to their limited use, unlike the city. Mayor Byrnes mentioned that about 7,700 trees are in the city's public right of way and of that 30-40% are ash trees that would need to be taken down and ground. Councilmember Lozinski talked about the ReLeaf grant by the DNR that would re-imburse staff time to remove ash trees.

Motion made by Councilmember Lozinski, Seconded by Councilmember Moua-Leske to authorize purchase of the 2024 Vermeer SC48TX stump grinder for RDO Equipment of Marshall for \$63,752.27. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

Consider Authorization to Submit MnDOT Grant Request Letter and Purchase Skid Loader for Airport

MnDOT offered a 70-30 cost split grant for a Skid Loader to be used at the airport, but the grant request letter must be received by MnDOT before March 31, 2024. Following a recommendation from the Equipment Review Committee, City staff requested quotes from local implement dealers. On March 21, 2024, the city opened and reviewed six quotes, submitted by five different dealers. The low proposal that met all requested specifications was a 2024 Bobcat S76 from Sterling Equipment & Repair, Inc. of Cottonwood, MN, for \$38,724.03 after trade-in of our existing 2004 Bobcat S250 machine. Councilmember Lozinski commented that the lowest bid received didn't have the necessary conversion adaptors for the existing attachments so either new attachments would need to be purchased increasing the overall price or the second lowest bid should be taken as it met the specifications needed.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to authorize staff to submit a grant request letter to MnDOT for the purchase of a 2024 Bobcat S76 skid loader from Sterling Equipment & Repair for \$67,474.03, less trade-in of \$28,750. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Schroeder, Councilmember Moua-Leske, Councilmember Lozinski. Voting Nay: Councilmember Meister. The motion **Carried. 5-1.**

Project ST-001-2024: Chip Sealing on Various City Streets - Consider Resolution Accepting Bid (Award Contract)

Four bids were received on March 21, 2024. The apparent low bid was received from Pearson Bros., Inc. of Hanover, Minnesota, in the amount of \$132,504.60. The engineer's estimate for the project was \$161,257.50. Emphasis was given to newly reconstructed streets, State Aid routes, and re-seals of new street sections. The goal of the program was to work to extend the life of city pavement, thereby deferring future capital improvements. The low proposal included all the streets below, excluding the "alternate streets". The 2024 Street Department budget included a \$165,000 line item for the project. Staff proposed to work with our contractor to add the alternate streets to the project, and possibly Commencement Boulevard, while ensuring that our project was completed on budget.

| Street | From-To |
|-----------------|---|
| Channel Parkway | TH 19 to TH 59 |
| Susan Drive | Clarice Avenue to 400' Northeast of TH 59 |
| Tiger Drive | MN Hwy 23 to 400' North of Victory Drive |
| Soucy Drive | 6th Street to end |

| Street | From-To |
|-----------------|-------------------|
| Fremont | Ranch to Pleasant |
| Pleasant | 6th to end |
| Ranch | Soucy to end |
| Winifred Circle | Soucy to Soucy |

| Alternate Streets | From-To |
|-------------------|------------------------------------|
| North 5th | Main Street to Marshall |
| West Redwood | 5 th to 6 th |

| Alternate Streets | From-To |
|-------------------|------------------------------------|
| West Redwood | 6 th to 7 th |
| Lyon Street | 5 th to 6 th |

Councilmember Schafer voiced his opinion in favor of chip sealing. Mayor Byrnes also commented on the best practices recommended by MnDOT and that the chip sealing also helps with solar degradation of the black asphalt. Councilmember Lozinski also mentioned solar degradation and encouraged more tree plantings with street reconstruction projects.

Motion made by Councilmember Schafer, Seconded by Councilmember Schroeder to adopt Resolution 24-036 accepting the bid for project ST-001-2024 to Pearson Bros., Inc of Hanover for an amount not-to-exceed \$165,000.00. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Schroeder, Councilmember Moua-Leske. Voting Nay: Councilmember Meister, Councilmember Lozinski. The motion **Carried. 4-2.**

Project ST-002-2024: Bituminous Overlay on Various City Streets – Consider Resolution Accepting Bid (Awarding Contract)

On March 21, 2024, two bids were received for Project ST-002-2024. The low bid was from Central Specialties Inc. of Alexandria, Minnesota, in the amount of \$587,422.58. The low bid did not include costs to overlay the alternate streets. Engineering estimated \$605,754 for the mill and overlay. Due to advantageous pricing, City staff proposed to include alternate streets with the construction project. Councilmember Meister questioned if any money could be saved by not adding additional streets. Councilmember Lozinski asked if prices for mill and overlays were coming down since there was such a low bid. Director Anderson

| Street | From-To |
|-------------------------------------|---|
| Peltier/Glenn/Simmons (Mill All 2") | Peltier/Glenn/Simmons area off 6th Street |
| O'Connell Street (Mill All) | Service Road to Birch Street |
| Rainbow Drive | Madrid Street south to Railroad Tracks |
| Floyd Wild Drive | Susan Intersection to Canoga Park Drive. |
| Canoga Park Drive | T.H. 23 to new Canoga Park Circle seam. |
| Market Street | E. College Drive to Mall Parking Lot |
| N. Whitney Street (Mill All) | E. College Drive to N. 4th Street |
| Poplar Avenue (Mill All) | N. Whitney Street to N. Hill Street |
| Boyer Drive (Mill All) | TH 23 to Margaret Avenue |
| Boyer Drive | Leveling 1" - 20' wide estimated |

| Alternate Streets | From-To |
|------------------------|----------------------------------|
| Mall Street (Mill All) | South entrance off Jewett Street |

Motion made by Councilmember Meister, Seconded by Councilmember Lozinski to adopt Resolution 24-037 accepting the bid for project ST-002-2024 to Central Specialties Inc. of Alexandria in the amount of \$587,422.58. Yea: Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Lozinski. Voting Nay: Mayor Byrnes, Councilmember Moua-Leske. The motion **Carried. 4-2.**

Consider 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 Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Moua-Leske. Councilmember Lozinski. The motion **Carried. 6-0.**

- Introduce Ordinance Amendments to Ch. 22 Article IV Mobile Food Units and Carts
- Consider Request of Performance Foodservice for Street Closure of West Fairview Street on Saturday-May 4, 2024
- Consider Request for Street Closure of N 3rd Street for Juneteenth (Wednesday-06/19/2024)
- Consider Approval of the Bills/Project Payments

Consider the Request for a Variance Adjustment Permit for a Reduced Front Yard Setback at 608 Adobe Road

The request was from the property owner to construct a 20-foot garage addition to an existing garage, which would result in an approximately 12-foot front setback, or a reduction of about 50% from the required amount. Constructing a 14-foot-wide addition will provide an almost 17-foot setback to the garage corner, about a 30% reduction. The required setback was 25 feet on all public streets, including circles. By State Statutes and City Ordinance, granting of a variance may be permitted only if the request meets the “practical difficulties” test, which required that the proposed use was reasonable, that the problem is caused by conditions that are unique to the property, and that granting the variance would not change the character of the area. Upon review, city staff believed that the argument could be made that the proposal generally met the first and third parts of the test: Extending garage was a reasonable idea and, since only a corner of the proposed addition would stick into required front yard, the character of the area would not change; however, there seems to be nothing unique in this property, as there are many other similar cul-de-sac lots in town. The Planning Commission conducted a public hearing and recommended denial. Staff had looked at the ordinance requirements and made a recommendation to the Legislative and Ordinance Committee to adjust the setbacks on circles to be closer to the curb. Councilmember Schroeder believed that the property was unique for the area and that it did merit approval of the permit. Councilmember Lozinski reiterated that the Legislative and Ordinance Committee did recommend that the setbacks on circles be reduced to 15 feet which would in the future make the building request more feasible to accomplish and not require a variance adjustment permit. Attorney Whitmore explained the variance permit requirements in case law and provided an example.

Motion made by Councilmember Lozinski, Seconded by Councilmember Moua-Leske to deny the Variance Adjustment Permit request for a reduced front yard setback. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Moua-Leske, Councilmember Lozinski. Voting Nay: Councilmember Schroeder. The motion **Carried. 5-1.**

Project ST-007: UCAP Bus Shelter Project - Memorandum of Understanding (MOU) Between Community Transit of United Community Action Partnership (UCAP) and the City of Marshall

Community Transit of United Community Action Partnership (UCAP Transit) had been awarded a grant project that totaled \$207,000, including grant dollars and local match. UCAP Transit approached City staff in 2021 regarding the engineering and construction administration of this project, which included the installation of bus shelters and ADA sidewalk improvements at various locations that included the following:

- Camden Drive/Riverview Apartments
- Freedom Park/Dogwood Ave
- Susan Drive/Baseline Road
- N 4th Street/Darlene Drive

Most of the improvements would be in the city right-of-way. UCAP Transit would be responsible for all capital outlay for this project, and the city would serve as the project sponsor for the grant and the engineer of record for the project. The new agreement would supersede the Memorandum of Understanding executed by UCAP on

01/19/2022 and the City of Marshall on 11/23/2021. This project is like the UCAP Transit Bus Shelter project (Z52) that the city administered on behalf of UCAP Transit in 2020 where shelters and associated sidewalk improvements were installed at N 4th Street/Redwood, S 4th Street/Stephen, and Birch Street near Village Drive. This project was included in the 2024 capital improvement plan. The project's grant match will be provided by UCAP Transit. There would be no direct cost to the City of Marshall. The City's contribution is the professional staff hours required to create, administer, and deliver the construction project for UCAP Transit. The city would charge the cost of engineering and administering the project to UCAP in the amount of 16% of project costs, estimated at \$33,120.

Motion made by Councilmember Schafer, Seconded by Councilmember Schroeder to authorize execution of the Memorandum of Understanding between Community Transit of United Community Action Partnership and the City of Marshall. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Lozinski. Voting Abstaining: Councilmember Moua-Leske. The motion **Carried. 5-0-1.**

Project PK-015: Independence Park Parking Lot – Consider Authorization to Advertise for Bids

Director Anderson said that the project had been discussed at three Public Improvement and Transportation Committee meetings and was recommended to be brought forward with a concrete surface, curb and gutter, and a storm sewer. The engineer's estimate for the construction portion of the project was \$210,280.50. The total estimated project cost, including 5% allowance for contingencies and 16% for engineering and administrative costs is \$256,122. After discussion with the PI/T Committee and deferring some Legion Field improvements, the CIP has been amended to reflect a budget of \$285,000. Councilmember Meister asked which Legion Field improvements would be deferred. Stensrud explained that Legion Field was slated to be phased projects because of the higher costs and proceeding in this manner would allow the Independence Park lot to be completed this year and Legion Field would be improved next year. This way two projects could be completed instead of having partially completed projects over a longer period. Councilmember Schafer discussed removal of the posts and curb and gutter. Councilmember Lozinski opposed the curb and gutter but was in favor of the concrete parking lot. Councilmember Schroeder asked about the removal of the posts and Stensrud added that people tend to drive further away from posts because it feels smaller.

Motion made by Councilmember Meister, Seconded by Councilmember Schafer to authorize advertisement for bids for Project PK-015 that includes the curb and gutter. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Moua-Leske. Voting Nay: Councilmember Lozinski. The motion **Carried. 5-1.**

Consider Authorization to Submit Grant Application for Design of Intersection Safety Improvements at TH23 & Tiger Drive

In the 2023 Transportation Omnibus bill, a new program entitled Rural High-Risk Roads was developed and \$10M was identified to help fund trunk highway improvements. Staff believed the funds could possibly be accessed to take necessary steps toward developing an intersection improvement project at Minnesota Trunk Highway 23 (TH 23) and Tiger Drive. On January 3, 2024, the Marshall Area Transportation Group (MATG) hosted a meeting in our City Council Chambers with numerous stakeholders to discuss safety concerns at this intersection. The meeting was well-attended, and there was good discussion between some local stakeholders and MnDOT District 8 staff. At this meeting, District Engineer Jon Huseby and D8 Traffic Engineer Cody Brand discussed the opportunities and challenges associated with developing an intersection improvement project at this location. During the presentation, MnDOT largely focused on the possibility of implementing a Reduced Conflict Intersection (J-Turn) type of safety improvement at this location due to the low cost and high benefit of this type of improvement. The stakeholders in the room were in support of a safety improvement here and a J-Turn was viewed as an acceptable safety enhancement for this intersection. City staff was looking for City Council support for a grant application to complete necessary steps toward developing a J-Turn project at Tiger Drive/MN 23. Letters of support were provided from MnDOT, Southwest Minnesota State University, and Marshall Public Schools for the grant

application. A successful grant application would include funding to update the existing Intersection Control Evaluation (ICE) at Tiger Drive/MN 23, conduct necessary outreach and public input, and work in coordination with MnDOT D8 staff to complete concept level layouts and preliminary project design work. While we did not plan to apply for project construction funding, this preliminary design work would position the city very well to follow-up with future funding requests for a construction project. The design work was estimated to cost \$400,000, and staff intended to request the entire amount in grant funding. Mayor Byrnes mentioned District 8 allowed stakeholders at the January 3rd meeting to see traffic data at the intersection and school traffic during the morning and afternoon caused concern for the stakeholders who had attended the meeting. Councilmember Moua-Leske added that once construction of the Social Sciences building at SMSU was completed ABE and MATEC would be occupying the space and would be adding additional traffic to the proposed intersection.

Motion made by Councilmember Schafer, Seconded by Councilmember Moua-Leske to authorize staff to apply for Rural High-Risk Roads grant funding for intersection safety improvement at Trunk Highway 23 and Tiger Drive. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

Commission/Board Liaison Reports

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|------------|--|
| Byrnes | No report. |
| Schafer | No report. |
| Meister | No report. |
| Schroeder | Planning Commission discussed the Variance Adjustment Permit on Adobe Road. The EDA discussed the upcoming Solugen ribbon cutting on April 11 th , two new downtown businesses and the interior demolition of the former Shopko building for Marshalls. |
| Alcorn | Absent. |
| Moua-Leske | CVB was still deciding on a sponsorship amount for the Aquatic Center and have decided on a lineup for Prairie Jam. |
| Lozinski | No report. |

Councilmember Individual Items

Councilmember Lozinski thanked the street department and citizens for moving the snow from the recent storm.

Councilmember Meister mentioned that he had been contacted about golf carts and would like to have the item brought back to the Legislative and Ordinance Committee for discussion.

Mayor Byrnes talked about census numbers from the State Demographer office, State of the City presentation, and the Coalition of Greater Minnesota legislative day.

City Administrator

Hanson talked about the Middle Housing bill that was being discussed at the legislature and how it would be harmful to many cities. North Memorial Ambulance conducted a public meeting with EMSRB who oversees licensing for ambulances and 10 objections were filed. Hanson would follow up with EMSRB to see if the objections were resolved.

Director of Public Works/City Engineer

Attended the County Board meeting to discuss drainage on County Ditch 62 for the upcoming Highway 19 project in 2025. A pre-construction meeting was held for the Whitney reconstruction project.

City Attorney

No report.

Information Only

There were no questions on the information only items.

Upcoming Meetings

There were no questions on the upcoming meetings.

Adjourn

At 7:07 PM Motion made by Councilmember Meister, Seconded by Councilmember Lozinski to adjourn the meeting. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

Attest:

Steven Anderson, City Clerk

Robert Byrnes, Mayor