

**CITY OF MARSHALL  
CITY COUNCIL MEETING  
M I N U T E S  
Tuesday, March 10, 2020**

The regular meeting of the Common Council of the City of Marshall was held March 10, 2020 in the Professional Development Room at the Marshall Middle School, 401 South Saratoga 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, Steven Meister (5:45 P.M.), 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; Jim Marshall, Director of Public Safety; Preston Stensrud, Parks Superintendent; Dave Parsons City Assessor; Sheila Dubs, Human Resource Manager; Bob VanMoer, Wastewater Treatment Facility Superintendent 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 February 25, 2020.**

Motion made by Councilmember Lozinski, Seconded by Councilmember Labat that the minutes of the regular meeting on February 25, 2020 be approved as filed with each member and that the reading of the same be waived. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Bayerkohler, Councilmember Decramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

**Project Z75 / SAP 139-124-004: South 4<sup>th</sup> Street Reconstruction Project – 1) Continuation of Public Hearing on Improvement; 2) Resolution Ordering Improvement and Preparation of Plans; 3) Consider Resolution Approving Plans and Specifications and Ordering Advertisement For Bids.**

A public informational meeting was held on January 23, 2020 at 5:30 p.m. at Marshall Municipal Utilities. At the public informational meeting, the attached petition opposing sidewalks on the east side of South 4th Street was provided to the City.

Property owners affected by the above-referenced project have been notified, according to law, that a hearing would be held on February 25, 2020. At the public hearing on February 25, the project was proposed as follows: Reconstruction and utility replacement on South 4th Street from the intersection of Elaine Avenue and South 4th Street to the intersection of Country Club Drive and South 4th Street; Sanitary sewer, watermain, and storm sewer replacement on entire road. This project will also include new curb & gutter, driveway aprons, water services, and sewer services to the right-of-way, a proposed 8' bike path along the west side of South 4th Street from Elaine Avenue to Country Club Drive, and new 5' sidewalk on the entire east side of South 4th Street.

At the Council meeting on February 25, 2020, all voted in favor to continue the public hearing until the March 10, 2020 meeting.

Based on feedback from the February 25 meeting, staff is proposing the project description for the continued public hearing as follows: Reconstruction and utility replacement on South 4th Street from the intersection of Elaine Avenue and South 4th Street to the intersection of Country Club Drive and South 4th Street; Sanitary sewer, watermain, and storm sewer replacement on entire road. This project will also include new curb &

gutter, new 5-ft. sidewalk on the west side of the street, driveway aprons, water services, and sewer services to the right-of-way.

If the City Council decides to proceed with the project, the attached resolution has been prepared ordering the improvement and the preparation of plans. The plans and specifications have been prepared by City staff for the above-referenced project. If the City Council decides to proceed with this project, a resolution has been prepared approving the plans and specifications and ordering advertisement for bids.

The engineer's estimate for the construction portion of the project is \$2,666,700.00. The total estimated project cost, including 10% allowance for contingencies and 16% for engineering and administrative costs is \$3,402,700.00. All improvements will be assessed according to the current Special Assessment Policy including, but not limited to, participation from Municipal State Aid System (MSAS), Marshall Municipal Utilities, Wastewater Department, Surface Water Management Utility Fund and Ad Valorem participation. Final approval of the project must include determination of funding sources.

Director of Public Works/ City Engineer, Jason Anderson provided an overview of the updated project specifications from the last regular council meeting.

Councilmember Labat thanked staff for the revisions to the project.

Councilmember Schafer thanked staff for the revisions to the project specifications and the public to speaking to staff and council with their concerns.

Councilmember Lozinski asked for a reminder on what the sidewalk special assessment policy. Director Anderson provided an overview of what the policy currently is.

There was continued discussion on bid options for this and future projects.

Motion made by Councilmember Decramer, Seconded by Councilmember Lozinski to close the public hearing. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Bayerkohler, Councilmember Decramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski that the Council adopt RESOLUTION NUMBER 4709, SECOND SERIES, which is the Resolution Ordering Improvement and Preparation of Plans" for Project Z75 / SAP 139-124-004: South 4th Street Reconstruction Project. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Bayerkohler, Councilmember Decramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

Motion made by Councilmember Schafer, Seconded by Councilmember Decramer that the Council adopt RESOLUTION NUMBER 4710, which is the "Resolution Approving Plans and Specifications and Ordering Advertisement for Bids" for Project Z75 / SAP 139-124-004: South 4th Street Reconstruction Project. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Bayerkohler, Councilmember Decramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

**314 Rainbow Road – 1) Public Hearing regarding a home property tax abatement request 2) Consideration of Resolution Number 4711, Second Series, a resolution approving home property tax abatement.**

On February 25, 2020 a public hearing was called for and to be held on March 10 regarding a home property tax abatement request. Per M.S 469.1813 sub 5 The governing body of the political subdivision may approve an abatement under sections 469.1812 to 469.1815 only after holding a public hearing on the abatement. The property is located at 314 Rainbow Road with an estimated market value of \$107,800 with the difference of improvement being \$89,400. The approximate amount of assistance is \$393 a year or \$796.00 over a maximum period of 2 years as a Homestead.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to close the public hearing. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Bayerkohler, Councilmember Decramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

Motion made by Councilmember Lozinski, Seconded by Councilmember Labat to approve Resolution Number 4711, Second Series, a resolution approving home property tax abatement. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Decramer, Councilmember Labat, Councilmember Lozinski. Voting Nay: Councilmember Bayerkohler. The motion **Passed. 6-1**

**Award of Bids for Construction of New Restroom Facility at Freedom Park.**

As part of making our parks more accessible and user friendly the City initiated a restroom/shelter replacement schedule in 2017. Justice Park (2018) and Liberty Park (2019) have been completed. Freedom Park is the facility for 2020 recommended based on age (1980) and lack of ADA compliance.

On March 5, 2020 three bids from local contractors were received. Sussner Construction of Marshall, MN submitted the low bid of \$122,700.00 and is recommended for approval. Start date for construction would be in April with a proposed finish date of June 30, 2020.

Not included in the bid is demolition of the existing restroom. D&G Excavating, Inc. of Marshall, MN has submitted an estimate for demolition in the amount of \$4,200.00.

Net cost of this restroom replacement is \$126,900.00 including new construction and demolition of old restroom.

\$140,000.00 was budgeted in the 2020 Parks Department CIP for this restroom replacement.

Motion made by Councilmember Decramer, Seconded by Councilmember Lozinski to award of bid for construction of new restroom facility at Freedom Park to Sussner Construction and demolition of existing facility to D&G Excavating. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember Decramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

**Consider Award of Bids for Pickups for WWTF.**

The total for the two replacements vehicles is \$38,633.94. The approved 2020 Wastewater Operating budget (#602-90581-5550 – Motor Vehicles) included \$59,000.00 for the replacement of these two vehicles.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski that the Council authorize the purchase of two (2) new 2020 Ram 1500 Classic Tradesman Regular Cab ½-Ton 4WD Pick-Up for the Wastewater Department from Marthaler CDJR of Worthington, Minnesota, in the amount of \$18,731.22 and \$19,902.72, including tax and \$5,200.00 trade-in of the existing 2003 Chevrolet Regular Cab ½-Ton 4WD pickup and \$4,100 Trade-in of the existing 2006 Chevrolet Regular Cab ½-Ton 2WD pickup. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Decramer, Councilmember Lozinski. Voting Nay: Councilmember Meister, Councilmember Bayerkohler, Councilmember Labat. The motion **Passed. 4-3**

**Consider Approval of the Consent Agenda**

Councilmember Schafer requested that item number 10, Accept Resolution of Support for Marshall Community Services to Apply to be GreenCorps Host Site through Minnesota Pollution Control Agency for 2020-21 Program Year, to abstain.

Motion made by Councilmember Meister, Seconded by Councilmember Labat 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 for Out-of-State Travel for the Basic SWAT Training in Fargo, ND.

Approval of the 2020-21 annual Refuse Haulers Licenses.

Approval of the Wastewater Treatment Facilities Improvement Project – 1) Consider Application for Payment No. 8 to Magney Construction, Inc.; 2) Consider Payment of Invoice 1301946 to American Engineering Testing, Inc.; 3) Consider Payment of Invoice 0246793 to Bolton & Menk, Inc.

Approval of the bills/project payments.

**Accept Resolution Number 4712, Second Series, A Resolution in Support for Marshall Community Services to Apply to be GreenCorps Host Site through Minnesota Pollution Control Agency for 2020-21 Program Year.**

Marshall Community Services would like to apply to me a host site for a GreenCorps Member through the MPCA. The goals of the member, if awarded, would be to get a comprehensive tree inventory to help better prepare the City for the eventual onset of Emerald Ash Borer, assist with planning Arbor Day Celebrations, research and work towards implementation of a tree maintenance program, and layout plan for City of Marshall to achieve Arbor Day Foundation Growth Award as part of our Tree City USA designation. Authorization of this resolution by Council is needed as part of the application process.

Motion made by Councilmember Decramer, Seconded by Councilmember Meister to accept Resolution Number 4712, Second Series, a Resolution in Support for Marshall Community Services to Apply to be GreenCorps Host Site through Minnesota Pollution Control Agency for 2020-21 Program Year. Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember Bayerkohler, Councilmember Decramer, Councilmember Labat, Councilmember Lozinski. Voting Abstaining: Councilmember Schafer. The motion **Passed. 6-0-1**

**Consider Approval of Significant Industrial User Agreements with the Wastewater Treatment Facility.**

The Wastewater Treatment Facility is required by the MPCA to control loadings of industrial users discharging into the city sanitary sewer system to protect the treatment system and or any pass through of wastes to the receiving stream. I have updated the current SIU's to include minor changes such as an increase in the

maximum pH limits, adjusted some limits for the Lyon County Landfill Leachate parameters, and created a new SIU for Viessman Trucking. City Attorney Dennis Simpson has reviewed the Viessman Trucking Agreement and has approved it.

Motion made by Councilmember Decramer, Seconded by Councilmember Meister that the Council approve the attached renewed Significant Industrial User Agreements with the Wastewater Treatment Facility with Viessman Trucking, INC, Lyon County Landfill, SFC Global Supply Chain, INC, Archer Daniels Midland and Iowa Turkey Products, INC. dba Turkey Valley Farms. Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember Bayerkohler, Councilmember Decramer, Councilmember Labat, Councilmember Lozinski. Voting Abstaining: Councilmember Schafer. The motion **Passed. 6-0-1**

**Project Z76: South 1<sup>st</sup> Street Reconstruction Project - Consider Resolution Number 4713, Second Series a Resolution Receiving Feasibility Report and Calling Hearing on Improvement.**

This project consists of the following: Reconstruction and utility replacement on South 1st Street generally between Southview Drive and George Street. Water, sanitary sewer, and storm sewer catch basins will be replaced along South 1st Street in this area. Sidewalk is proposed to be installed along the west side of South 1st Street from Southview Drive to a point approximately 215 FT north of George Street. In addition to the utility replacement and street reconstruction on South 1st Street, sanitary sewer force main improvements are proposed at the intersection of South 1st Street and DeSchepper Street.

This Feasibility Report as authorized by the City Council covers the proposed improvements including scope, background/existing conditions, proposed improvements, probable costs, proposed assessments, feasibility and proposed project schedule.

The proposed improvements as described in the report are necessary, cost-effective, and feasible from an engineering standpoint.

The engineer's estimate for the construction portion of the project is \$780,000.00. The total estimated project cost, including 10% allowance for contingencies and 16% for engineering and administrative costs is \$995,300.00.

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 participation. Final approval of each project must include determination of funding sources.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer that the Council adopt RESOLUTION NUMBER 4713, SECOND SERIES, which is the Resolution Receiving Feasibility Report and Calling Hearing on Improvement for the above-referenced project and setting the public hearing on improvement date for March 24, 2020.

Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember Decramer, Councilmember Lozinski. Voting Nay: Councilmember Labat. The motion **Passed. 6-1**

**Consider a Proclamation for the month of April to be Sexual Assault Awareness Month.**

Sexual Assault Awareness Month (SAAM) is a nation-wide movement to help raise awareness and help prevent sexual assault. This year, the National Sexual Violence Resource Center has given SAAM month the

theme of “I Ask” for the second year in a row. This theme centers around the concept of consent and aims to stretch the understanding beyond “No means no .”

New Horizons Crisis Center is asking that the city council officially proclaim April as Sexual Assault Awareness Month. New Horizons will also be placing ribbons in the downtown area (down Main Street from East College Drive to 5th Street) on April 1st and would take down the ribbons on April 31st. These ribbons would be in observance of SAAM month.

Motion made by Councilmember Schafer, Seconded by Councilmember Decramer to approval the proclamation to declare the Month of April, Sexual Assault Awareness Month. 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 Temporary On-Sale Intoxicating Liquor Licenses for Action Mobility Foundation.**

Motion made by Councilmember Decramer, Seconded by Councilmember Labat to approve a Temporary On-Sale Liquor License for the Action Mobility Foundation to use at SMSU Conference Center, 1501 State Street, on May 1, 2020. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Decramer, Councilmember Labat, Councilmember Lozinski. Voting Abstaining: Councilmember Bayerkohler. The motion **Passed. 6-0-1**

**Commission/Board Liaison Reports**

Byrnes Not Report

Schafer Southwest Amateur Sports Commission met with the Marshall Soccer Association to discuss their program, needs and goals within their organization. The Commission will work with that organization on shared space to help meet it’s needs.

Meister No Report

Bayerkohler Public Housing Commission discussed capital projects for patio door replacements as well as corridor light replacement.

DeCramer No Report

Labat Library Board met and discussed on going issues with the geothermal system in the building. The Library will also be starting a collections service.

Lozinski No Report

**Councilmember Individual Items**

Councilmember Meister provided a brief overview on COVID-19.

Councilmember Lozinski mentioned that the City Hall Committee discussed the stairs in City Hall, and it was determined by the contractor that the stairs would not be salvageable. The staff and the contractor will also be working with the building next door to work on a fire escape solution during construction.

Councilmember Labat provided comments from a resident who complained of the intersection of C Street and Saratoga. As well as future bike lane options within the City.

Mayor Byrnes discussed the branding reception at the State of the City and several upcoming events he will be attending; Coalition of Greater Minnesota Cities, League of Minnesota Cities, Minnesota Transpiration Alliance and Highway 23 Coalition Legislative Sessions.

**City Administrator**

City Administrator Sharon Hanson discussed a meeting that will be held at the MERIT Center with Southwest Health and Human Services on COVID-19. Administrator Hanson also discussed the City Hall Committee will be meeting every two weeks and mentioned that the branding rollout.

**Director of Public Works**

Director of Public Works/ City Engineer Jason Anderson provided and updated on upcoming projects and meetings.

**City Attorney**

City Attorney Dennis Simpson mentioned that he will be working with Director Anderson on a few upcoming projects. Attorney Simpson received an amended contract from MAHA to bring back to the City Council on the March 24 meeting. Attorney Simpson also discussed a project he was a part of to help create a program people who may have mental health issues and to divert them from the criminal system to a program that they can receive help in.

**Admin Brief**

There were no questions regarding the administrative brief.

**Information Only**

There were no questions regarding the information items.

**Upcoming Meetings**

There were no questions regarding the upcoming meetings.

**Adjourn Meeting**

At 6:43 P.M., Motion made by Councilmember Lozinski, Seconded by Councilmember Labat to adjourn  
Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember Decramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

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Mayor

Attest:

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City Clerk