

**CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, August 13, 2019**

The regular meeting of the Common Council of the City of Marshall was held August 13, 2019 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, Glenn Bayerkohler, John DeCramer, Russ Labat and James Lozinski. Absent: None. Staff present included: Sharon Hanson, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/ City Engineer; Annette Storm, Director of Administrative Services; Dave Parsons City Assessor; Jim Marshall Director of Public Safety; Scott VanDerMillen, Director of Community Services; Sheila Dubs, Human Resource Manager 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 work session and regular meeting held on July 23, 2019.

Motion made by Councilmember Lozinski, Seconded by Councilmember DeCramer that the minutes of the work session and regular meeting held on July 23, 2019 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**

Public Hearing on the Adoption of a Five-Year Capital Improvement Plan & Issuance of General Obligation Capital Bonds Thereunder.

Director of Administrative Services, Annette Storm introduced and provided the background material on the agenda item.

City Administrator Sharon Hanson provided additional detail on the procedure of the bonding schedule.

Councilmember Schafer provided discussion on the history of the project and the condition of the current building.

Mayor Byrnes added that there has been a significant amount of staff work put into this project at the direction of the council and city hall committee.

Councilmember DeCramer provided addition history on City Hall. Member DeCramer state that in 2009 a study was conducted and produced an estimate of \$2.8 million, again in 2014 with an estimate of \$5.8 million and now in 2019 with an estimate of \$6.6 million.

Councilmember Lozinski commented on a \$6 million estimate compared to \$6.6 million estimate. City Administrator Sharon Hanson mentioned that the \$600,000 was put in place by the architect for furnishings, fixtures and equipment. That number will be revised to accommodate some of those items making the transition from the old building to a renovated building.

Councilmember Lozinski mentioned that he is uncomfortable with an \$8 million maximum with a \$6 million estimate.

Administrator Hanson mentioned that it was stated by the architects that the \$6 million estimate should be on the high end. There are unknown costs such as asbestos removal that may come up upon demolition of the building.

James Carr, a resident of Marshall, asked for the Council to realize how a new city hall would affect the tax payers. Mr. Carr listed several real estate properties being removed from the tax roll and how they will affect the tax payers. Mr. Carr added other major projects happening within the city such as a water treatment plant and a wastewater treatment plant that will increase rates to users, Marshall schools, a future pool project and the Red Baron Arena. Mr. Carr did mention that something does need to happen to City Hall; its land locked, there is limited parking and the layout is unfunctional. Mr. Carr urged the Council to vote no on the item.

Councilmember Labat confirmed with Director Storm that the bond, as it is proposed, would include relocation costs. Director Storm added that whatever the City can cash flow it will in order to bond for less.

Motion made by Councilmember Meister, Seconded by Councilmember Lozinski to close the public hearing. 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 DeCramer, Seconded by Councilmember Schafer to adopt Resolution Number 4640, Second Series, an Adoption of a Five-Year Capital Improvement Plan & Issuance of General Obligation Capital Bonds Thereunder. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer. Voting No: Councilmember Meister, Councilmember Bayerkohler, Councilmember Labat, Councilmember Lozinski. The motion **Failed. 3-4**

Motion made by Councilmember Lozinski, Seconded by Schafer to adopt Resolution Number 4640, Second Series, an Adoption of a Five-Year Capital Improvement Plan & Issuance of General Obligation Capital Bonds Thereunder with a not to exceed amount of \$6,500,000.

There was further discussion on the motion by Council.

Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Lozinski. Voting Nay: Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat. The motion **Failed. 4-3**

Motion made by Councilmember DeCramer, Seconded by Mayor Byrnes to adopt Resolution Number 4640, Second Series, an Adoption of a Five-Year Capital Improvement Plan & Issuance of General Obligation Capital Bonds Thereunder with a not to exceed amount of \$7,000,000.

Mayor Byrnes commented that the Council needs to make the decision of whether to continue with the project. There was further discussion on the motion by Council.

Councilmember DeCramer withdrew his motion, Mayor Byrnes agreed to withdraw the second.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to adopt Resolution Number 4640, Second Series, an Adoption of a Five-Year Capital Improvement Plan & Issuance of General Obligation Capital Bonds Thereunder with a not to exceed amount of \$6,500,000. Voting Yea: Mayor Byrnes,

Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Lozinski. Voting Nay: Councilmember Bayerkohler, Councilmember Labat. The motion **Passed. 5-2**

Project Z52 / S.P. #139-090-005 / Minn. Project No. TA 4219 (231): United Community Action Partnership (UCAP) Transit ADA Bus Access Project - Consider Resolution Awarding Contract.

Bids were received on July 17, 2019 for the above-referenced project. Two bids were received. Hisken Construction Inc., Marshall, Minnesota, was the lowest responsible bidder.

The contract includes installation of three bus shelters and associated sidewalk, roadway, and lighting improvements. The bus stops are located on Birch Avenue, North 4th Street, and South 4th Street.

The "Resolution Accepting Bid" awarding the contract to Hisken Construction Inc., Marshall, Minnesota in the amount of \$185,250.15.

The engineer's estimate for the construction portion of the project was approximately \$138,750.00. As the bids came in above engineer's estimate, a meeting was held with UCAP and City staff. After discussion, it was confirmed by UCAP to accept the low bid in the amount of \$185,250.15.

The estimated total project cost including 5% allowance for contingencies is \$194,512.66. Per Mn/DOT State Aid Office, \$75,208 in federal funds have been authorized for this project to date.

Cost Participation:

Federal Funds per Mn/DOT	\$75,208.00
City of Marshall	\$29,278.90
UCAP	<u>\$90,025.76</u>
Total	\$194,512.66

Per Finance, the project will be funded from Account #401-41136-5530 (Capital Fund-Community Development-Improvements).

Motion made by Councilmember DeCramer, Seconded by Councilmember Lozinski that the Council adopt RESOLUTION NUMBER 4641, SECOND SERIES, which is the "Resolution Accepting Bid (Award Contract)" for Project Z52 / S.P. #139-090-005 / Minn. Project No. TA 4219 (231): United Community Action Partnership (UCAP) Transit ADA Bus Access Project to Hisken Construction Inc., Marshall, Minnesota, in the amount of \$185,250.15, contingent upon clearance by MnDOT Office of Civil Rights. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Lozinski. Voting Nay: Councilmember Meister, Councilmember Labat. The motion **Passed. 5-2**

Approval of Consent Agenda

Motion made by Councilmember Meister, Seconded by Councilmember Labat that the following consent agenda items be approved as presented. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Approval of Professional & Technical Services Contract Amendment 2 (CAT Team Contract).

Approval of a temporary extension of alcohol license area for The Gym of Marshall, 900 Clarice Ave, for August 16, 2019.

Approval of a temporary extension of alcohol license area for Brau Brothers Brewing Company, 1010 East Southview Drive for Hop Fest on September 6 - 7, 2019.

Approval for Prairie Home Hospice & Community Care for the Light Up the Night Parade on Friday, November 29, 2019.

Approval for a LG220 Application for Prairie Home Hospice and Community Care for an event to be held on November 29, 2019.

Approval for a LG220 Application for Exempt Permit for Shades of the Past for June 6, 2020.

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

Approval of the bills/project payments.

UCAP Resolution Ratifying and Approving Lyon County Conduit Bonding

On June 18, 2019, the Board adopted a resolution calling a public hearing on Tuesday, September 3, 2019 pursuant to Section 469.154, subdivision 4 of the Act, and Section 147(f) of the Code, to consider the issuance of the Note to finance and refinance a United Community Action Partnership (UCAP) Head Start facility hereinafter referred to as "the Project". The Prior Resolution also preliminarily approved the issuance of the Note, in an aggregate principal amount not to exceed \$1,340,000.

As directed by the Board of Commissioners in the Prior Resolution, the County Auditor/Treasurer published a notice of the public hearing in the official newspaper of the County and a newspaper of general circulation in the County.

Thereafter, UCAP notified the County of an unexpected delay in the process relating to certain additional funding sources for the Project and requested that the public hearing be postponed. UCAP represented to the County that the delay could require a rebidding of the construction of the Existing Facility, which in turn could result in a need for bond financing exceeding the principal amount of the Note preliminarily approved by the Board pursuant to the Prior Resolution. As requested, the County postponed the public hearing to a later date.

UCAP has since requested that the County proceed with the proposed conduit bond financing so that UCAP will be in a position to begin construction of the New Facility in the fall of 2019. To allow for potential cost overruns, UCAP has requested that the County preliminarily approve the issuance of the Note in an aggregate principal amount not to exceed \$2,000,000.

City of Marshall adopted a resolution on June 25, 2019 consenting to and approving the issuance of the above-referenced obligation (the "Note") by Lyon County, in the aggregate principal amount not to exceed \$1,340,000. In light of the increase in the proposed maximum aggregate principal amount of the Note, it is appropriate that the City Council of the City ratify the previous consent and approval of the issuance of the Note. A resolution for consideration and adoption by the City Council of the City of Marshall on August 13,

2019, ratifying its consent and approval of the issuance of the Note by the County in the aggregate principal amount not to exceed \$2,000,000.

Motion made by Councilmember Labat, Seconded by Councilmember DeCramer to adopt Resolution Number 4642, Second Series, a resolution ratifying resolution number 4628. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. Voting Nay: Councilmember Meister, Councilmember Bayerkohler. The motion **Passed. 5-2**

Authorization to purchase squad cars for the Police Department.

Police squad cars are the primary means for officers to respond to emergency services calls and for providing routine patrol within the city. Squad cars help officers meet the demands of their job and are where officers spend a significant amount of their time patrolling and utilizing the CIS/mobile system. In an effort to have a regular replacement plan for our fleet of 11 vehicles, the police department is asking the City Council to replace two (2) squad cars. Our goal would be to order the squad cars to ensure they are in service in 2020.

The squads being replaced were put into service in 2015 and are 2016 Ford Explorers. It is anticipated the vehicles will have 100,000 + miles with 10,000 engine hours.

The bid spec sheet followed by the Equipment Review Committee in past purchases was utilized with one addition. The POLICE ENGINE IDLE FEATURE was added. (\$245) This feature allows you to leave the engine running and prevents the vehicle from unauthorized use when outside of your vehicle. It allows the key to be removed from the ignition while the vehicle remains idling.

Two bids were received based on the specs above from the Cooperative Purchasing Venture (State Bid) and KRUSE Ford.

STATE BID PRICE (PER UNIT): \$32,788.56 2 UNITS= \$65,577.12

KRUSE MOTORS (PER UNIT): \$32,980.00 2 UNITS= \$65,960.00

KRUSE Ford estimated the delivery date for the squad cars would be 26 weeks from time of order (subject to change).

Motion made by Councilmember Schafer, Seconded by Councilmember Labat to approve the purchase of two (2) squad cars from Kruse Motors and declare squads 1503 and 1508 as surplus property to be sold after two new squads are in service. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Tobacco 21 Ordinance

Council is being asked to recommend this ordinance to the Legislative and Ordinance Committee for review. As of May 2019, there are 34 local Tobacco 21 policies, representing over 25% of the State of Minnesota.

Motion made by Councilmember Meister, Seconded by Councilmember Labat to recommend a Tobacco 21 Ordinance to be reviewed by the Legislative and Ordinance Committee. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer,

Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

2019 Frost Boils – Pavement Repair Authorization.

The winter/spring of 2018/2019 created significant issues with street condition at various locations within the city of Marshall. High groundwater levels and freeze/thaw conditions significantly deteriorated some street areas.

Motion made by Councilmember Meister, Seconded by Councilmember Schafer that the Council approve repair of 2019 frost boils in an amount up to \$125,000 to be funded from the General Fund unallocated reserve with reimbursement in accordance with FEMA determinations. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

South High Street/South Whitney Street (100 & 200 Block) Alley Improvement Project (Z70) – Resolution Approving Plans and Specifications and Ordering Advertisement for Bids.

The project consists of the reconstruction of the alley lying between the west side of South Whitney Street and the east side of South High Street, between the north line of East Marshall Street and the south line of East College Drive and installing storm sewer and/or concrete surfacing of the alley.

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.

An informational meeting was held on Monday, August 12, with property owners adjacent to the project to explain the project and provide some cost information.

The engineer's estimate for the construction portion of the project is \$93,450. The total estimated project cost, including 10% allowance for contingencies and 16% for engineering and administrative costs is \$119,242.

All improvements will be assessed according to the current Special Assessment Policy.

Costs for the alley improvements and storm sewer drainage improvements will be mostly by special assessments with City participation in the alley grading and shaping.

Director Olson commented that the project will be divided up into two sections; storm water improvements and concrete or asphalt paving.

Motion made by Councilmember Schafer, Seconded by Councilmember Meister that the Council adopt RESOLUTION NUMBER 4643, SECOND SERIES, which is the "Resolution Approving Plans and Specifications and Ordering Advertisement for Bids" for Project Z70: South High Street/South Whitney Street (100 & 200 Block) Alley Improvement Project. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Authorization for Sponsor Participation of US Army Corps of Engineers Flood Control Project Betterments.

Following recent high-water events in the Redwood River, staff has identified various locations of slope failure along our flood control project. The six locations that staff brought forward for review to the US Army Corps of

Engineers, St. Paul District (USACE) are identified on the enclosed map. After reviewing the site with USACE staff early this summer, USACE staff determined that Locations 1, 2, 3, and 6 were all eligible for federal assistance under Public Law 84-99 (PL 84-99).

The USACE staff is currently in the process of designing plans and lining up project permitting to complete some work yet this fall. USACE and City staff both agree that Location 2, in particular, is experiencing slope failure to the point where it is beginning to compromise the levee prism, and we would like to see that work completed by winter. The other locations may have completion schedules into 2020.

The USACE staff is advising that they intend to complete this project in cooperation with the City of Marshall under the same 'Project Cooperation Agreement' that both parties entered in 1996. The USACE staff is advising that the USACE will be responsible for all project design, permitting, inspection, and construction costs related to reinstating the flood control project to its as-built condition prior to recent high-water events. The City of Marshall will be responsible for identifying and procuring material borrow sites, material disposal sites, and construction easement or access agreements as required to reach project locations. Further, the City is responsible for any 'betterments' costs. The 'betterments' are improvements, typically slope armoring, to help prevent these failures from occurring at these locations in the future. A preliminary estimate of 'betterments' costs as proposed by the USACE is included in an enclosed attachment.

The City is not required to complete 'betterments' at the project locations. The proposed 'betterments' are extensions of armoring to be designed by USACE staff in a manner that they believe offers a greater level of protection to help prevent future failure. If betterments are designed by and installed through a USACE contract, the improvements modify the flood control project and officially become part of our flood control project.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski that the Council authorize for sponsor participation of US Army Corps of Engineers Flood Control Project betterments in the amount of approximately \$190,000.00. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried 7-0**

Wastewater Treatment Facilities Improvement Project - Consider Application for Payment No. 1 from Magney Construction, Inc.

Application for Payment No. 1 to Magney Construction, Inc. of Chanhassen, Minnesota, for the above-referenced project.

As this project is financed with a Public Facilities Authority low interest loan through the State of Minnesota, pay applications are required to be placed on the City Council agenda for approval.

A memo for approval of payment from the City's consultant, Bolton & Menk, Inc. This project is financed with a Public Facilities Authority low interest loan through the State of Minnesota.

Motion made by Councilmember Labat, Seconded by Councilmember Schafer that the Council authorize Application for Payment No. 1, per the recommendation of the City's consultant, Bolton & Menk, Inc., to Magney Construction, Inc. of Chanhassen, Minnesota, in the amount of \$408,456.30. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember

DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

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

The City of Marshall has various openings on the Boards, Commission, Bureaus and Authorities. Interviews were conducted on Tuesday, August 13, 2019 with the City Council. Mayor Byrnes nominated the following to the Community Services Advisory Board:

Raphael Onyeaghala to a term set to expire 2/28/2022

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

Consider Special Event Permit for Sounds of Summer.

On April 23, 2019 the City Council adopted a resolution Declaring Sounds of Summer as a Community Festival. Sounds of Summer is scheduled for Thursday, August 15, 2019 through Sunday, August 18, 2019. This application identifies the various individuals, organizations and activities involved with the Sounds of Summer. Approval of this permit would allow the holder of a retail intoxicating liquor license to serve intoxicating liquor off their premises. By approving this Special Event Permit the Hitching Post will be allowed to serve alcohol at the Sounds of Summer.

Motion made by Councilmember DeCramer, Seconded by Councilmember Lozinski to approve a Special Event Permit for the Marshall Festivals Inc., dba Marshall Sounds of Summer and approval for the Hitching Post to serve alcohol in the fenced off area of the parking lot on West College Drive from 12:00 P.M. (noon) on Saturday, August 17, 2019 to 1:00 A.M. on Sunday, August 18, 2019. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Lozinski.

Voting Abstaining: Councilmember Labat. The motion **Passed. 6-0-1**

Consider approval of four Temporary On-Sale Intoxicating Liquor Licenses for SMSU.

Temporary On-Sale Liquor License for the SMSU to use at Southwest Minnesota State University, 1501 State Street, Marshall, Minnesota on September 7, 2019, October 10-11, 2019, December 6, 2019 and January 31, 2020.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to approve four Temporary On-Sale Liquor License for the SMSU to use at Southwest Minnesota State University, 1501 State Street, Marshall, Minnesota on September 7, 2019, October 10-11, 2019, December 6, 2019 and January 31, 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 No Report

Schafer MERIT Center Commission met and provided the number of individuals and trainings that have been provided there over the last few months. 6,924 participants moved through the MERIT Center in over the last year. There has also been a revised lease agreement proposed with Minnesota West.

Meister No Report
Bayerkohler Public Housing Commission met and approved the 2020 budget and an audit contract.
DeCramer No Report
Labat No Report
Lozinski No Report

Councilmember Individual Items

None

City Administrator

City Administrator Sharon Hanson commented on the 2020 Budget and levy that will be presented in work session.

Director of Public Works

No Report

City Attorney

MMU water improvement contracts have been approved and the cable franchise agreements between the City and Charter/Spectrum should be resolved soon.

Administrative Report

There were no questions on the administrative report.

Information Only

There were no questions on the information items.

Upcoming Meetings

There were no questions on the upcoming meetings

Adjourn Meeting

At 7:19 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**

Mayor

Attest:

City Clerk