

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

The regular meeting of the Common Council of the City of Marshall was held March 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, Steven 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; Jim Marshall, Director of Public Safety; 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 two work sessions and regular meeting held on March 10, 2020.

Motion made by Councilmember Schafer, Seconded by Councilmember Meister that the minutes of the two work sessions and regular meeting held on March 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 Z76: South 1st Street Reconstruction Project - Public Hearing on Improvement.

A public informational meeting was held on March 12, 2020 at 6:30 p.m. at Marshall Municipal Utilities. Property owners affected by the above-referenced project have been notified regarding the public hearing, according to law, that a hearing would be held on March 24, 2020. A public presentation will be made followed by any discussion.

This project consists of: 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.

Due to the ongoing developments resulting from the COVID-19 (coronavirus) and the resultant recommendations to limit the size of public gatherings, an updated notice was sent to property owners indicating the City is encouraging input for the public hearing on improvement for the Project Z76: South 1st Street Reconstruction Project to be provided by phone, e-mail, or by mail. To provide enough time for residents to offer input, the public hearing on improvement will be conducted over two City Council meetings. The hearing will begin at the City Council meeting, as originally advertised, on Tuesday, March 24, 2020 at 5:30 pm and the hearing will be continued at the City Council meeting on Tuesday, April 14, 2020 at 5:30 pm.

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 the project must include determination of funding sources.

Director of Public Works/ City Engineer Jason Anderson provided the background information on the agenda item. Director Anderson indicated that his office received input on the project prior to the meeting and that those communications were provided to the council.

Mike Braithwaite, 513 South First Street, asked why the street was being narrowed by four feet from the current street width.

Director Anderson provided the background on residential street width.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to continue the public hearing until the next regular council meeting on April 14, 2020 beginning at 5:30 PM.

Councilmember DeCramer asked what the difference in cost would approximately be on the narrowing the road four feet. Director Anderson estimated a \$30,000 to \$40,000 difference within the project. Director Anderson also addressed a petition that was received by the city that was signed by multiple property owners within the project area that were against the sidewalk addition located on the west side of the street.

Councilmember Labat also addressed concerns brought up by residents. Member Labat asked what the standard road width in new developments would be. Director Anderson mentioned that historically, road widths have been consistent with State Aid guidelines of 40 feet for residential areas. Director Anderson also mentioned that the State Aid Guidelines have changed to 28-34 feet.

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

Consider Entering into a Professional Services Agreement with TKDA for Engineering, Architecture and Planning Services at the Airport.

At their meeting on March 3, 2020, the Airport Commission recommended entering into a Professional Services Agreement for Engineering, Architecture and Planning Services with TKDA of St. Paul, Minnesota, relating to Marshall Airpark East at the Southwest Minnesota Regional Airport as per the attached Request for Statement of Qualifications dated February 28, 2020. The City of Marshall, Minnesota requested qualifications from consulting airport architectural / engineering / planning firms to provide services associated with airport improvements, with the intent to retain the selected firm for five (5) years or until completion of the CIP items listed in the RFQ and as identified in the SFY2021-2025 CIP. One submittal was received from TKDA of St. Paul, Minnesota, as attached. Attached for your review, is a copy of the Professional Services Agreement with TKDA for the period March 24, 2020 through March 24, 2025. The agreement defines the terms and conditions of their services and allows the use of individual authorizations for specific projects. The agreement defines the terms of TKDA's services to be provided and will remain in effect as long as the City wishes. Individual projects will require additional individual contracts to come before both the Airport Commission and City Council for approval. This agreement has been provided to City Attorney Dennis Simpson for his review.

There are no dollar amounts associated with this general Agreement. Again, the agreement defines the terms of TKDA's services to be provided and will remain in effect for five (5) years or until completion of the CIP items listed in the RFQ and as identified in the SFY2021-2025 CIP.

Motion made by Councilmember DeCramer, Seconded by Councilmember Labat that the Council authorize entering into the attached Professional Services Agreement for Engineering, Architecture and Planning Services with Toltz, King, Duvall, Anderson and Associates, Incorporated (TKDA) of St. Paul, Minnesota for Airport development. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion Carried. 7-0

Project Z50-2020: Chip Sealing on Various City Streets –Consider Resolution Number 4715, Second Series, a Resolution Accepting Bid (Award Contract).

Bids were received on March 17, 2020 for the above-referenced project. Five bids were received as shown on the attached resolution awarding contract. The low bid was received from Pearson Bros., Inc. of Hanover, Minnesota, in the amount of \$116,347.05.

The engineer's estimate for the bituminous chip sealing project is \$131,500. \$154,300 has been included in the 2020 budget or funded as follows: \$140,000 Street Department 2020 budget for bituminous chip sealing on various city streets and will be funded under Account #101-60211-2227 (General Fund- Street Department- Other Repairs & Maintenance) \$14,300 Red Baron Arena & Expo parking lot.

Motion made by Councilmember Meister, Seconded by Councilmember Schafer that the Council adopt RESOLUTION NUMBER 4715, SECOND SEIRES which is the "Resolution Accepting Bid (Award Contract)" for Project Z50-2020: Bituminous Chip Sealing on Various City Streets to Pearson Bros., Inc. of Hanover, Minnesota, in the amount of \$116,347.05, with a not-to-exceed expenditure of \$154,300. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer. Voting Nay: Councilmember Labat, Councilmember Lozinski. The motion **Passed. 5-2**

Project Z51-2019: Bituminous Resurfacing on Various City Streets - Consider Resolution Number 4716, Second Series, a Resolution Accepting Bid (Award Contract).

Bids were received on March 19, 2020 for the above-referenced project. Duininck, Inc. of Prinsburg, Minnesota, was the lowest responsible bidder as shown on the attached resolution. Attached is a map showing the proposed affected street segments. Attached is the "Resolution Accepting Bid" awarding the contract to Duininck, Inc. of Prinsburg, Minnesota, in the amount of \$598,912.10, with a maximum of \$625,000.00

The engineer's estimate for the bituminous overlay was approximately \$624,300. The 2020 Public Improvement Revolving Fund includes \$625,000 for this project.

Motion made by Councilmember Schafer, Seconded by Councilmember Meister that the Council adopt RESOLUTION NUMBER 4716, SECOND SERIES, which is the "Resolution Accepting Bid (Award Contract)" for Project Z51-2020: Bituminous Overlay on Various City Streets to Duininck, Inc. of Prinsburg, Minnesota, in the amount of \$598,912.10, with a maximum of \$625,000.00. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Lozinski. Voting Nay: Councilmember Labat. The motion **Passed. 6-1**

Consent Agenda

Motion made by Councilmember Meister, Seconded by Councilmember Schafer 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 of Surplus Items from Public Works Department.

Authorization for City Staff to apply for various grants to be utilized for an Inclusive Playground

Approval of Resolution Number 4717, Second Series, Declaration of Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds.

Approval of Resolution Number 4718, Second Series, Declaration of Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds.

Approval of a Temporary 3.2 Percent Malt Liquor Licenses for the Marshall Baseball Association.

Approval of Resolution 4719, Second Series, a Resolution Calling Public Hearings on Street Reconstruction Plan, Tax Abatements, and Issuance of Bonds.

Approval of the bills/project payments.

Consider Request for a Conditional Use Permit to have an apartment in a B-2 Central Business District at 326 West Main Street.

This is a request by the City of Marshall for a Conditional Use Permit to allow construction of a 12- unit apartment in B-2 Central Business District and within the limits of the Downtown District at 238- 240 West Main Street. Apartment buildings are a Conditional Use in a Central Business District.

This building is currently vacant and was acquired by the City about a year ago because it was blighted. The goal was to find a way to improve the building or take it down. The City currently has a potential buyer who wants to make sure his desired use is feasible. The apartments are proposed on the second and third floors and the first floor will be used for office and retail space.

The City is promoting the development of apartments within and in close proximity to the downtown business area and believes development would have a positive effect. However, parking in downtown has always been a concern. Based on the types of apartments proposed in the building, 20 parking spaces would be needed for this development outside of the Downtown District, based on the City parking regulations. It is significant that any use of this building will result in additional parking. In fact, all other uses will require more parking, for example, office or retail use will need 40 spaces. However, all uses within the Downtown District are exempt from off-street parking.

In the past, the requests for conditional use permits for apartments in downtown were granted with a condition of providing a dedicated parking lot for renters elsewhere. However, it seems unlikely that residents would park cars three or four blocks away; most likely, they actually parked on available downtown parking

lots and streets. Moreover, maximum demand for parking for apartments is evenings and nights, the opposite of daytime demand of other businesses located in downtown, such as offices and stores. Central Business District regulations are located in Section 86-103 and Parking requirements can be found in Sections 86-201 and 86-230. The conditional use permit regulations are found in Section 86-46 and the Standards for Hearing are found in Section 86-49.

City Staff recommended approval of the request to allow not more than 12-unit apartment with the conditions to include a downtown map with parking lots indicated in the lease.

At the Planning Commission meeting on March 11, 2020, a motion was made by Fox, seconded by Steen, to deny the request. Motion passed 6 – 1 Carstens voting Nay.

Motion made by Councilmember Labat, Seconded by Councilmember Schafer to table until the next regular council meeting. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried**.
7-0

Project Z75/SAP 139-124-004: South 4th Street Reconstruction Project -- Consider Resolution No. 4720, Second Series for Municipal State Aid Street System (MSAS) 2020 Advance Funds.

The current MSAS construction account balance as of 02/17/2020 is (\$1,837,376.36). The total maximum MSAS advance, set by Minnesota Commissioner of Transportation is the lesser of \$4,000,000 or five (5) times the City annual construction apportionment. The 2020 City of Marshall annual construction apportionment is \$837,453.00, which times 5 results in an amount of \$4,187,265.00. Therefore, the maximum amount of MSAS advance for the City is \$4,000,000.00

Total State Aid advance is requested in an amount up to \$4,000,000.00 required to be repaid in accordance with the regulations established by Mn/DOT from future MSAS disbursements.

Motion made by Councilmember DeCramer, Seconded by Councilmember Schafer that the Council adopt RESOLUTION NUMBER 4720, SECOND SERIES, which is the “Resolution for Municipal State Aid Street Funds Advance” requesting an advance of Municipal State Aid System (MSAS) funding in the amount of up to \$4,000,000.00. 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 Memorandum of Agreement between AFSCME and the City of Marshall

The Laboratory Specialist at our wastewater treatment facility has submitted a resignation notice with his intent to retire on May 29, 2020. Whenever we have a vacancy in a position, we review the job description prior to posting the position and starting a recruitment process. The Wastewater Treatment Facility Superintendent and the Director of Public Works/City Engineer performed a review of the job description and determined that a revision was necessary to the minimum and desirable qualifications sections. The essential functions of the position remain the same. Due to the amendment of the minimum and desirable qualifications, the position was submitted to our Hay Consultant for re-pointing.

The Hay pointing resulted in a decrease in points from 281 to 238. The decrease in points impacts the union contract’s wage schedule in Appendix A for this position, in that the pointing moves the position to a lower

pay band. Therefore, Staff are requesting Council consideration and approval of a memorandum of agreement with AFSCME that amends “Appendix A” of the union agreement—which is the wage schedule for the union positions.

We anticipate a brief transition period of 2 weeks or less, where our current employee will begin training in the new employee. Due to this potential overlap, we are proposing an implementation plan as follows:

- a.) Adjust the 2020 and 2021 wage schedules of Appendix A to reflect the revised pay band for the Laboratory Specialist position effective immediately.
- b.) Post, recruit, and hire into the position under the revised wage rates.
- c.) No adjustment is proposed to the current employee’s wage rate. This employee will retire on May 29, 2020. Proposed language to this effect is included in the attached memorandum of agreement.

Staff have met with the Union and reached tentative agreement on the memorandum of agreement. If approved, Staff will proceed with posting, recruitment, and hiring of a Laboratory Specialist. This position will be posted both internally and externally.

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer that the Council approves the Memorandum of Agreement between AFSCME and the City of Marshall. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Continuity of Operations Plan (Pandemic Disease)

A Pandemic Disease Continuity of Operations Plan for the City of Marshall has been completed to help city personnel plan for increased requirements likely to be placed upon the City of Marshall’s operations. City leadership has worked together in the development of the contingency plan to ensure the effectiveness and continuity of city operations and our local governments responsibilities to the people of the City of Marshall.

The plan puts measures in place to allow for management of city operations, establishment of rules of conduct, job assignments and ability to staff needed positions in order to provide essential services.

City leadership will implement this plan after a local State of Emergency related to a Pandemic Disease has been declared by the Marshall City Council. The plan clearly defines the chain of command within each department and puts in place the responsibilities of staff to ensure that all essential functions are maintained within the City of Marshall.

Motion made by Councilmember Meister, Seconded by Councilmember Schafer to approve the Continuity of Operations Plan for Pandemic Disease. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Consider the annual adoption of a Resolution Declaring the Sounds of Summer as a Community Festival.

Sounds of Summer Committee has submitted a letter requesting that the City declare “The Sounds of Summer” celebration as a Community Festival. The Sounds of Summer is scheduled for Thursday, August 20, 2020 through Sunday, August 23, 2020.

Motion made by Councilmember DeCramer, Seconded by Councilmember Schafer Consider adoption of RESOLUTION NUMBER XXXX, SECOND SERIES, a resolution declaring the Sounds of Summer as a Community Festival. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Lozinski. Voting Abstaining: Councilmember Labat. The motion **Passed. 6-0-1**

Commission/Board Liaison Reports

Byrnes No Report

Schafer No Report

Meister No Report

Bayerkohler Planning Commission met, and the agenda items were acted on during the regular council meeting.

DeCramer Economic Development Authority met and reviewed the current EDA report and general discussion.

Marshall Municipal Utilities met and discussed utilities locations along 4th Street and are reviewing applications for the General Manager position.

Labat Library Board has provided an update regarding the COVID-19 Pandemic.

Lozinski No Report

Councilmember Individual Items

Councilmember Lozinski commented on the importance of having patience with private businesses as they adjust to the situation regarding COVID-19.

Councilmember Labat thanked staff and community members for providing updates to the community.

Councilmember DeCramer commented on the updates staff and council provide to the community.

Councilmember Schafer discussed the Federal Government's plan to put money in people's hands and what some people may be able to do to help support local businesses.

Councilmember Meister commented on the pride he has to be in this community and to be leaders in the region and State. Member Meister also mentioned the discussion that he and Mayor Byrnes had with Marshall's Somali community regarding COVID-19 after they had approached Avera for information.

Mayor Byrnes commented on the multiple communications the city has done to help keep the public informed with correct information. Mayor Byrnes, along with city staff and other community representatives, took part in a conference call with local state representatives.

City Administrator

City Administrator Sharon Hanson discussed city operations surrounding COVID-19. Administrator Hanson also discussed Marshall's local businesses.

Director of Public Works

No Report

City Attorney

City Attorney Dennis Simpson provided an update on change order surrounding the MERIT Center Phase Two project. Attorney Simpson provided a summary of communication and is recommending no further action or litigation on behalf of the City.

Information Only

There were no questions regarding the information only items.

Upcoming Meetings

There were no questions regarding the upcoming meetings.

Adjourn Meeting

At 7:10 P.M., Motion made by Councilmember Schafer, Seconded by Councilmember Meister 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