

**CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, September 13, 2022**

The regular meeting of the Common Council of the City of Marshall was held September 13, 2022, 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: Craig Schafer, Amanda Schroeder, Russ Labat, John DeCramer, and James Lozinski. Absent: Steve Meister. Staff present included: Sharon Hanson, City Administrator; Dennis Simpson, City Attorney; Jason Anderson, Director of Public Works/City Engineer; E.J. Moberg, Director of Administrative Services; Sheila Dubs, Human Resource Manager; Jim Marshall, Director of Public Safety; Scott VanDerMillen, Director of Community Services; Karla Drown, Finance Director; Dave Parson, City Assessor; Quentin Brunsvold, Fire Chief; Ilya, Gutman, Plans Examiner; Ray Henriksen, Building Servers Coordinator; Preston Stensrud, Parks Supervisor; Police Sgt. Ben Rieke; Steven Anderson, City Clerk and the Marshall Volunteer Fire Department.

The Pledge of Allegiance was recited at this time.

Consider Approval of the Minutes from the Regular Meeting and Budget Work Session Held on August 23, 2022.

Motion made by Councilmember Schafer, Seconded by Councilmember Labat to approve the minutes from the regular meeting and budget work session held on August 23. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 6-0.**

Authorization to Purchase Wide Area Mower for Parks Department

Preston Stensrud, Parks Supervisor, presented the bids for the parks department wide area mower. The current mower is a 2015 model and has roughly 2700 hours of use time. The wide area mower is the most used mower in the park fleet. Council had questions and discussion on the extended warranty option. Additional questions were also raised regarding leasing and if the Equipment Review Committee had made a recommendation.

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer to purchase the wide area mower from Kibble Equipment without the extended warranty. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer, Councilmember Lozinski, Councilmember Schroeder. Voting Nay: Councilmember Labat. The motion **Carried. 5-1.**

Approval of the Consent Agenda

Councilmember Lozinski requested that HVAC License Ordinance – Chapter 22, Article 22-VII Mechanical and HVAC Construction, Sec. 22-211 Mechanical License – Introduction of Ordinance be removed from the consent agenda.

Motion made by Councilmember Labat, Seconded by Councilmember Schafer to approve the remaining consent agenda. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 6-0.**

- Consider Approval of a LG220 Gambling Application for Exempt Permit for Shades of the Past Located at Runnings, 1101 E. Main Street on June 3, 2023
- Consider approval of a LG220 gambling application for exempt permit for SMSU Baseball at SMSU, 1501 State Street on January 11, 2023
- Consider approval of a LG220 gambling application for exempt permit for SMSU Mustangs at SMSU, 1501 State Street on December 17, 2022
- Consider approval of a LG220 gambling application for exempt permit for SMSU Softball at SMSU, 1501 State Street on December 16, 2022
- Consider approval of a LG220 gambling application for exempt permit for SW MN Ducks Unlimited at the Marshall Golf Club, 800 Country Club Drive on October 14, 2022
- Consider approval of a temporary on-sale liquor license for SMSU for their SMSU Gala on November 5, 2022
- Surplus equipment for the Marshall Fire Department

- Approval of Grant Contract between the State of Minnesota and Marshall Fire Department
- Consider renewal of the MMUA service agreement for safety program services
- Consider approval of an amendment to the Personnel Policy Manual--Appendix B--Maximum Allowable Reimbursement/Per Diem Rates
- Project AP-003: Airport Snow Removal Equipment (SRE) Building - Acknowledgment of Acceptance of FAA Grant Agreement 3-27-0056-019-2022 for Funding of Site and Building Design
- Consider annual agreements for renewal with Lutheran Social Services & Marshall Area Senior Citizens for 2023
- State of Minnesota Joint Powers Agreement and Amendment to CJDN
- Consider Approval of a LG214 Premises Permit Application for the Milroy Baseball Assoc. at Tavern 507
- Consider approval of the bills/project payments

Approval of Items Pulled from Consent

Motion made by Councilmember Lozinski, Seconded by Councilmember Schroeder to approve the item removed from the consent agenda. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 6-0.**

- HVAC License Ordinance – Chapter 22, Article 22-VII Mechanical and HVAC Construction, Sec. 22-211 Mechanical License – Introduction of Ordinance and Call for Public Hearing.

Consider Resolution for Insurance Agent Services

E.J. Moberg, Director of Administrative Services, presented the request for insurance agent services. The City's insurance coverage for property, liability, automobile, and workers' compensation is provided by the League of Minnesota Cities Insurance Trust (LMCIT). LMCIT requires cities to use the services of an agent to assist and advise a city on their insurance coverage. The policy coverage period is an annual term, with property, liability, and automobile coverage effective October 1 each year and workers' compensation coverage effective January 1 each year. The current agent would complete the October 1, 2022, renewal and has worked with city staff on coverage values and review of the city's reported assets since May. Two responses to the RFP were received, Bremer Insurance and North Risk Partners. The Ways and Means Committee met on August 29th and recommend the change to North Risk Partners.

Motion made by Councilmember Labat, Seconded by Councilmember DeCramer to approve the resolution designating North Risk Partners as insurance agent. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 6-0.**

Consider Resolution Approving the changes for the 2023 Fee Schedule

Finance Director Karla Drown introduced three changes to the fee schedule that were recommended by the Ways and Means Committee on August 29, 2022. The changes were brought forward to match timelines with Marshall Municipal Utilities to send updated notices. Other recommended changes to the fee schedule would occur later. Clarification was added that the surface water fee was not being adjusted and remains at a 0% increase.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schroeder to approve the fee schedule as presented. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer, Councilmember Lozinski, Councilmember Schroeder. Voting Nay: Councilmember Labat. The motion **Carried. 5-1.**

Authorization for Project Acceptance of FY23 Outdoor Recreation Grant for Inclusive Play at Independence Park

Preston Stensrud presented the grant received from the MN DNR. The City of Marshall will need to match the DNR grant amount with a deadline for completion of June 30, 2024. The total estimated cost of the project is \$57,244, which includes installing three new inclusive playground components, sidewalk, and synthetic safety surfacing. Equipment for the playground is anticipated to arrive this fall or next spring. The new structure will be built in the southeast corner of the current playground. As a comparison the Legion Field inclusive playground was approximately 700 sq. ft. while the

Independence Park inclusive playground is planned to be around 1800 sq. ft. Most of the matching funds for the grant were received via donations.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to accept the Outdoor Recreation Grant for Inclusive Play at Independence Park. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 6-0.**

Marshall Fire Department Relief Association Benefit level increase request

The Marshall Fire Department Relief Associations' current annual benefit level is \$5,807. The maximum benefit level allowed per the Relief Association 2022 schedules is \$6,200. The last benefit level increase for the association was January 1st, 2017. If approved the benefit level would be a 6.8% increase since 2017 or an approximate 1.1% annual increase. Three scenarios were presented by Fire Chief Brunsvold and Ryan Serreyn, head of the Relief Association, in which all scenarios show that the contribution from the City of Marshall would be \$0. Discussion between the council was had regarding the fund. Ways and Means Committee recommended this item be brought forward to council.

Motion made by Councilmember Schafer, Seconded by Councilmember Schroeder. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer, Councilmember Lozinski, Councilmember Schroeder. Voting Abstaining: Councilmember Labat. The motion **Carried. 5-0-1.**

Consider approval of Joint Powers Agreement renewal with Marshall Public Schools

Scott VanDerMillen, Director of Community Services, presented the joint powers agreement with Marshall Public Schools. The agreement is reviewed annually by the City of Marshall and Marshall Public Schools. Some notable changes were replacing West Side Elementary with Southview Elementary, and the adjustment of the Adult Basic Education program to be placed under the Director of Business Services for Marshall Public Schools.

Motion made by Councilmember DeCramer, Seconded by Councilmember Lozinski. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer, Councilmember Lozinski, Councilmember Schroeder. Voting Nay: Councilmember Labat. The motion **Carried. 5-1.**

Project Z83: James Avenue/Camden Drive Reconstruction Project – 1) Resolution Declaring Cost to Be Assessed and Ordering Preparation of Proposed Assessment; 2) Resolution for Hearing on Proposed Assessment

This project consisted of the following: Reconstruction and utility replacement on James Avenue from the intersection of Camden Drive and James Avenue to the intersection of South 4th Street and James Avenue and on Camden Drive from the intersection of Camden Drive and James Avenue to the intersection of Camden Drive and South 4th Street; Sanitary sewer, watermain, and storm sewer replacement on James Avenue. Sanitary sewer and storm sewer replacement on Camden Drive. This project included new curb & gutter, driveway aprons, water services, and sewer services to the right-of-way, and new 7' sidewalk on both sides of James Avenue. The project also included new curb and pavement on Camden Drive and replacement of storm sewer from Camden Drive to the outfall at the Redwood River. The project cost amounted to \$995,218 with \$71,442 to be assessed to property owners.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to accept the resolution declaring costs to be assessed and ordering preparation of proposed assessment. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 6-0.**

The hearing date for the proposed assessments is set to be held on October 11, 2022.

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer to call for a public hearing on the proposed assessments. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 6-0.**

Project ST-001-2022: Bituminous Chip Sealing on Various City Streets - Consider Change Order No. 1 (Final) and Acknowledgement of Final Pay Request (No. 2)

Change Order No. 1 (Final) results in a contract decrease in the amount of \$15,453.10 and a total contract amount of \$207,002. The original contract amount, as authorized by the City Council at their meeting on February 22, 2022, was for an amount not-to-exceed the 2022 budgeted amount of \$210,581.00.

The 2022 budget for this project is \$210,581. This budget includes \$160,000.00 in line item 101-43300-53425, \$28,298 in MSAS funds, and \$22,283 received from penalties assessed on last year's Z88 MSAS Overlay project.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 6-0.**

Broadmoor Valley Manufactured Housing Community Redevelopment Program Grant Application City Support

The Manufactured Housing Community Redevelopment Program is a grant program to fund infrastructure improvements or acquisition of manufactured home parks to address the needs of aging manufactured home communities around the state. The program will prioritize projects based on health, safety, and critical need improvements, as well as projects that leverage support from local municipalities, and/or projects converting a community to a cooperative ownership model. Mr. Paul Schierholz, owner of Broadmoor Valley has requested city assistance to enhance the grant application.

The City of Marshall will also be putting forward staff time and labor towards improvements needed at Broadmoor Valley if the grant were to be awarded. Several criteria and conditions will continue from the current grant received to the new grant.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. Voting Abstaining: Councilmember DeCramer. The motion **Carried. 5-0-1.**

Approval of Joint Resolution for Orderly Annexation of Fairview Township Property

The City of Marshall has previously received a petition for annexation of 80.52 acres of property currently located in Fairview Township. The property is located within the 1982 Orderly Annexation Agreement as previously signed by the City of Marshall and Fairview Township. On July 26, 2022, the City of Marshall has previously approved a joint resolution for orderly annexation of the petitioned property. The City approved resolution was then forwarded to Fairview Township for approval. On August 1, 2022, City Attorney's office was notified that the Fairview Township Board objected to the joint resolution and indicated that Fairview Township would not sign the joint resolution as previously presented.

City Attorney Dennis Simpson had several discussions with the Municipal Boundary Adjustments Office in St. Paul, Minnesota. The Boundary Adjustments Office has advised the city to prepare a resolution asking that a hearing be held to address the annexation request. Prior to that hearing Fairview Township agreed to sign a joint resolution, if additional compensation was paid for lost tax revenue related to the property subject to annexation. Minnesota Statutes do allow for reimbursement of lost tax revenue for a period not to exceed 8 years. Over the 8-year period the City of Marshall would pay Fairview Township a total of \$2,202.

Motion made by Councilmember DeCramer, Seconded by Councilmember Schafer. Voting Yea: Mayor Byrnes, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 6-0.**

Consider Resolution Adopting Preliminary 2023 Levy

At the September 13th work session staff discussed the proposed levy increase. The primary factors for the current increase of 12.01% include: increased payroll, insurance, and fringe benefits; an increase due to the 2022 debt issuance; and inflation. The county board and governing body of each city or special taxing district must adopt its proposed property tax levy for taxes payable year 2023 and certify that amount to the home county auditor on or before September 30th. The proposed property tax levy certified should be the taxing jurisdiction's proposed property tax levy for all purposes, including debt service. Discussion about the 12.01% levy increase option and not increasing the tax rate was had between councilmembers. An additional option of 9.04% levy to keep the city tax rate the same as last year was also brought forth.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to adopt a 2023 preliminary levy increase of 9.04%. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. Voting Nay: Councilmember DeCramer. The motion **Carried. 5-1.**

Commission/Board Liaison Reports

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| Byrnes | Southwest Regional Development Commission met and discussed preliminary levies for various municipalities. |
| Schafer | No report. |
| Schroeder | Planning Commission meets on September 14 to discuss the comp plan. More information to come once the commission meets. |
| DeCramer | Diversity, Equity and Inclusion met and had a presentation from an individual and their experience with religious prejudice. Public Housing Commission resolved an ongoing issue from 2018. Snow removal bid will be accepted, and garbage contracts are still in progress for a three-year period. |
| Labat | Adult Community Center LSS contract approved but would like to investigate a multi-year agreement with small increases. Barb Lipinski retirement open house is on September 16. The library hired three new employees, one in Balaton and two in Marshall. Software for the Library has been updated to EnvisionWare and should improve the staff and public experience. Lyon County preliminary budget includes a 3.5% levy increase towards the library. Friends of the Library had a successful event from Sounds of Summer and raised \$3400 from the book sale. Prairie Jam Sept 29 th is hosted by Visit Marshall and features Tyler Farr. CVB would like to expand the resident area for board members to be the school district boundaries. |
| Lozinski | No report. |

Councilmember Individual Items

Councilmember Schafer commented on the event at Memorial Park for 9/11. Schafer also would like to have staff review agreements for rentals and use of city owned facilities.

Councilmember Lozinski wanted to remind citizens that school is in session and to slow down to allow children to get to schools safely.

Councilmember Labat brought up concerns at the Marshall Middle School that the turn arrow is causing confusion and having people turn into the bus only area. Feedback was received regarding the Marshall Community Services brochures not being mailed, but still being available online through the City of Marshall website.

Councilmember DeCramer wanted to announce Welcoming Week at Justice Park being on a different day and time. Something to investigate would be a “Welcome” sign when coming into the city other than the one on the pedestrian bridge across Highway 23. DeCramer also wanted to make the public aware of the sign ordinance within the city and the statute for highway right of ways. Please keep signs out of the right of way areas.

Mayor Brynes commented on the 150th Committee meeting and wanted to thank all the volunteers for their time and dedication.

City Administrator

Attended the new Border States Electric building grand opening and toured the facility. North Central International remodel looks great and the comments from NCI were encouraging for the Marshall area. Local sports groups, schools, and YMCA are going to meet on September 26th to review the indoor rec study.

Director of Public Works/City Engineer

Thanked all the people adjacent to recent street projects for their patience as the construction finishes up. Updates were given on the following projects: West Lyon Street, Greeley Street, and Halbur Road. The FAA will be in Marshall to discuss capital improvements. MPCA permit letter should arrive by the end of the week.

City Attorney

The approval of the Fairview Township annexation and submittal to the state the city can expect about 30 days to complete the annexation into the city. Attorney Generals Office is looking at retaining a mediator to settle issues with Broadmoor Valley, City of Marshall, and its residents. The Helena building appears to have started its asbestos abatement.

Administrative Brief

There were no questions on the administrative brief.

Information Only

There were no questions on the informational items.

Upcoming Meetings

There were no questions on the upcoming meetings.

Adjourn

At 7:06 P.M. Motion made by Councilmember Lozinski, Seconded by Councilmember Schroeder. Voting Yea: Mayor Brynes, Councilmember Schafer, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 6-0.**

Mayor

Attest:

City Clerk