

**CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, May 25, 2021**

The regular meeting of the Common Council of the City of Marshall was held May 25, 2021, 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, Steve Meister, Don Edblom, 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; Quentin Brunsvold, Fire Chief; Ilya Gutman, Plan Examiner/ Assistant Zoning Administrator; Lauren Deutz, Economic Development Director 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 from previous work sessions and the regular meeting held on May 11, 2021.

Motion made by Councilmember Meister, Seconded by Councilmember Lozinski that the minutes of the Local Board of Appeal and Equalization held on April 19, 2021, the Local Board of Appeal and Equalization Reconvene held on May 4, 2021, the work session and regular meeting held on May 11, 2021, and work session held of May 19, 2021 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 Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Sounds of Summer 2021 – 1. Public Hearing on Private Use of Public Streets and Parking Lots (August 19-23, 2021); 2. Approval of Private Use of Public Streets and Parking Lots (August 19-23, 2021); 3. Approval of Parade (August 21, 2021).

The following request is from the Sounds of Summer Committee requesting permission for the following:

1. Use of Whitney Lot (08/19-08/23/2021 (Th-M)): Use of Whitney Parking Lot from Thursday, August 19, 2021 to Monday, August 23, 2021. The Committee officers met with the Downtown Business Association on 05/05/2021 regarding the use of the parking lot during this time frame. Actual start and end times are to be determined. Per Committee officer Brock Klaith, no objections were received from the DBA.
2. Closure of West College Drive (TH 19) (08/20-08/22/2021 (Fri-Sat)): Closure of West College Drive from the corner of Main Street to Saratoga Street, and also closure of Marvin Schwan Memorial Drive from West College Drive (TH 19) to South 1st Street on Friday, August 20, 2021 from 3:00 p.m. to approximately 10:00 pm, and again on Saturday, August 21, 2021 from 6:00 am to Sunday, August 22, 2021, to approximately 3:00 am. to allow adequate time for clean up after the Saturday evening activities.
3. Parade Line-Up (08/21/2021 (Sat)): Closure of East Lyon Street, beginning at the corner of Nuese Lane to Jewett Street on Saturday, August 21, 2021 starting at approximately 12:00 noon to approximately 5:00 pm. Line-up would begin at 2:00 pm.

4. Parade (08/21/2021 (Sat)): Closure of East Lyon Street from South Bruce Street to Main Street and closure of Main Street from East Lyon Street to North 6th Street Saturday, August 21, 2021 from 3:00 pm to approximately 6:00 pm. Parade would start at 4:00 pm with an estimated 5:30 pm end time.

In accordance with Section 62-6 of the Marshall City Code, any private use of public streets and parking lots on either a temporary or permanent basis should be considered by the Marshall City Council.

In the past, the City's Public Safety and Public Works Departments have worked with applicants on the issues and public safety concerns that would have to be addressed as part of this request.

Due to the magnitude of the proposed event and potential impact to the businesses adjacent to the areas that are being requested to be blockaded, a public hearing will be conducted at this evening's meeting. In addition, a representative from the Committee will be present at the hearing to provide a brief overview of the activities and events that are going to occur during the celebration.

There will be costs involved for overtime for personnel for set-up and take-down of the detours, barricades, traffic control and street sweeping. Staff is proceeding with plans not to charge fees for this event based on past practice. Costs for operations attributed to the parade only are estimated at less than \$5,000.

Director of Public Works/ City Engineer Jason Anderson provided the background information on the agenda item.

Marc Klaith, Sounds of Summer Committee member discussed the change of location from the Schwan's parking lot to the Whitney parking lot due to the Schwan's campus continuing to be closed.

Motion made by Councilmember Meister, Seconded by Councilmember Lozinski to close the public hearing. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Motion made by Councilmember DeCramer, Seconded by Councilmember Schafer that the Council approve the private use of public streets and parking lots for Sounds of Summer (August 19-23, 2021). Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Lozinski. Voting Abstaining: Councilmember Labat. The motion **Passed. 6-0-1**

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski that the Council approve the Sounds of Summer Parade to be held Saturday, August 21, 2021, subject to Mn/DOT approval. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Lozinski. Voting Abstaining: Councilmember Labat. The motion **Passed. 6-0-1**

309 Brussels Ct. – 1) Public Hearing regarding a home property tax abatement request 2) Consideration of a resolution approving home property tax abatement.

On May 11, 2021 a public hearing was called for and to be held on May 25, 2021 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 309 Brussels Ct. with an estimated market value of \$203,900 with the difference of

improvement being \$191,900. The approximate amount of assistance is \$1,059 a year or \$2,118 over a maximum period of 2 years as a Homestead.

City Clerk Kyle Box provided the background information on the agenda item.

Motion made by Councilmember Edblom, Seconded by Councilmember Labat to close the public hearing. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Motion made by Councilmember Schafer, Seconded by Councilmember Labat to approve Resolution Number 21-044, a resolution approving a home property tax abatement. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat. Voting Abstaining: Councilmember Lozinski. The motion **Passed. 6-0-1**

Consider Approval of the Consent Agenda.

Councilmember DeCramer requested that item number 5, Consider authorization to declare bicycles as surplus property for the Marshall Police Department, be removed from the consent agenda for further discussion.

Councilmember Labat requested that item number 8, MERIT Center Lease with Minnesota West Community and Technical College, be removed from the consent agenda for further discussion.

Councilmember Lozinski requested that item number 6, Consider authorization to declare vehicles as surplus property for the Marshall Police Department, be removed from the consent agenda for further discussion.

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

Approval to declare unclaimed evidence as surplus property.

Approval to call for a Public Hearing Regarding proposed Property Tax Abatement at 600 Elizabeth St.

Approval for a Transient Merchant License for KT's Fireworks.

Approval of a Temporary On-Sale Intoxicating Liquor License for Holy Redeemer Church for August 18, 2021.

Approval of three LG220 Application for Exempt Permits for Holy Redeemer Church.

Approval of a request for out of State travel.

Approval of a request for Southwest Minnesota State University for Homecoming Parade (Saturday-October 9, 2021).

Approval of the bills/project payments

Consider authorization to declare bicycles as surplus property for the Marshall Police Department.

There are 45 bicycles that have been abandoned or seized by the Marshall Police Department and have gone through the notification processes and required periods for disposal.

Councilmember DeCramer requested that the bicycles are provided to kids and others through various programs rather than be disposed.

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

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

These vehicles have been abandoned or seized by the Marshall Police Department and have gone through the notification processes and required periods for disposal. These vehicles will be auctioned on-line at the state site, sold, or will be taken to Alters for disposal.

Councilmember Lozinski asked a clarifying question on the surplus vehicle process. Director Marshall provided additional insight on the City's process. Typically, vehicles in process are taken possession due to being abandon, keyless and in unknown condition.

Motion made by Councilmember Lozinski, Seconded by Councilmember Meister That these vehicles be declared as surplus property by the City of Marshall. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

MERIT Center Lease with Minnesota West Community and Technical College

The existing lease with MN West Community and Technical College at the MERIT Center expires on June 30th, 2021.

Councilmember Labat asked a clarifying question regarding the storage of hazmat equipment which has moved to the Fire Department. Director Marshall commented that those items are not related to this agreement, but the CAT Team has transitioned its operations to the Fire Department but can still use the MERIT Center for storage of its equipment if needed.

The proposed Lease Agreement gives MN West Community and Technical College the exclusive use of identified office space and the right to reserve classrooms, driving track and props through the scheduling software. The annual amount of rent for office space and right to reserve classroom space is \$25,000. This annual amount will be paid quarterly (\$6,250.00)

The Lease Agreement is a two (2) year agreement with it ending on June 30th, 2023. Total amount of the Lease Agreement will be \$50,000.00 over the two- year agreement.

City of Marshall is to receive \$50,000.00 over the two- year Lease Agreement from Minnesota State Colleges and Universities system.

Motion made by Councilmember Labat, Seconded by Councilmember DeCramer Approve the Lease Agreement with Minnesota State Colleges and Universities system. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Consider a MOU between the City of Marshall and Bird Scooters

The City of Marshall was approached by Bird Scooters to bring a fleet of 50-75 electric scooters to Marshall at no cost to the city. Bird's mission is to make cities more livable and bring communities together by providing an affordable, environmentally friendly transit alternative. The program would be administered on a trial basis during the Summer and Fall of 2021 and facilitated by a fleet manager hired directly by Bird.

Staff has spoken with stakeholders both internally and externally on the proposal and supports pursuing the trial period. Internally, we have discussed several factors of the program including policing, safety, and utilization. Staff agreed that the trial period would allow us to determine if the program would a good fit for the community long term.

Externally we spoke with SMSU, UCAP, and MDBA. SMSU would support the project and feel the scooters would be helpful their on-campus student population. UCAP did not feel the program would have an impact on its transportation options. MBDA did not feel as though the program would benefit downtown businesses but were not opposed to moving forward with a trial period.

Similar communities including Albert Lea and New Ulm recently adopted Scooter programs.

Motion made by Councilmember Lozinski, Seconded by Councilmember Meister Council approve the MOU provided by Bird to begin trial period in the Summer of 2021. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Request for a Variance Adjustment Permit by Todd and Barbara Raske at 400 West Southview Drive.

The existing lot is 66 feet deep and required rear yard is 25% of the lot depth or about 16.5 feet. The house is located about 14 feet from the front property line; the original deck extended 8 feet from the house. The Ordinance allows decks to project 8 feet into required front and rear yards so both the house and the deck were projecting 2.5 feet more into required yards than permitted. The house was built in 1909 and the deck was originally added in 1991. It was redone in 2011.

To grant a variance, City Ordinance would require the presence of practical difficulties. The term "practical difficulties," as used in connection with the granting of a variance means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality.

Based on the above information and considering that there are no decks nearby that are close to the front property lines, staff does not believe that there are practical difficulties in this case and therefore recommends that the variance be denied.

Prior to a public hearing at the Planning Commission meeting, a neighbor sent a letter requesting the variance be denied. The variance regulations and procedures are found in Section 86-29.

At the Planning Commission meeting on May 12, 2021, a public hearing was held and Muchlinski MADE A MOTION, SECOND BY Knieff to recommend to City Council to grant the variance as requested. Motion failed with 3 - 3 with Knieff, Carstens and Muchlinski in favor and Lee, Fox, and Schroeder against.

Fox proposed to make the deck 2-feet shorter, in essence, building same size deck but allowing the stairs to project towards the front sidewalk. Muchlinski MADE A MOTION, SECOND BY Fox to recommend to City Council that new deck is 2 feet shorter than asked but the stair goes to the street. ALL VOTED IN FAVOR OF THE MOTION.

There was continued discussion by the Council. The applicants, Todd and Barbara Raske were in attendance. Mr. Raske provided additional information regarding his property. Mr. Raske asked to be allowed to return his deck to its original size prior to his home renovation.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer that the Council approve the request by Todd and Barbara Raske for a Variance Adjustment Permit for building a 4-foot deck within required front yard with the stairs going towards the street Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Edblom, Councilmember Lozinski. Voting Nay: Councilmember Meister, Councilmember DeCramer, Councilmember Labat. The motion **Passed. 4-3**

At 6:24 P.M., Councilmember Meister excused himself from the remainder of the meeting.

Request for Conditional Use Permit / Daycare Facility by The Church of the Holy Redeemer at 501 South Whitney Street.

This request by the Church of the Holy Redeemer is for a Conditional Use Permit to operate a daycare facility serving 57 individuals at 501 South Whitney Street.

The daycare facility is in the Holy Redeemer school building, which is in an R-1 One Family Residence District. A daycare facility serving more than 14 individuals is a conditional use in this district. This daycare has been located there for some time, possibly before the current Ordinance took effect. The Department of Human Services requested that the City confirm the daycare's compliance with the Ordinance, so a conditional use permit is required for full compliance. To avoid a need for more Conditional Use Permits in the future in case the number of kids increases, the staff suggested a reference to permitted number of kids rather than specific number. There have never been any complaints on file for current operations.

The conditional use permit regulations are found in Section 86-46.

At the Planning Commission meeting on May 12, 2021, after a public hearing, a motion was made by Fox, seconded by Knieff, to recommend approval as recommended by city staff to City Council. ALL VOTED IN FAVOR

Motion made by Councilmember DeCramer, Seconded by Councilmember Edblom to approve the request of the Church of the Holy Redeemer for a Conditional Use Permit for a daycare facility at 501 South Whitney Street with the following conditions applied:

1. That the regulations, standards, and requirements as set forth in the City Code and as pertains to the class of district in which such premises are located shall be conformed with.
2. That the City reserves the right to revoke the Conditional Use Permit if any person has breached the conditions contained in this permit provided first, that the City serve the person with written notice specifying items of any default and allow the applicant a reasonable time in which to repair such default.
3. That the property is maintained to conform to the Housing Code, Zoning Code, Building Code, and not cause or create negative impacts to adjacent existing or future properties.
4. The use must be licensed by the State of Minnesota.
5. The use is limited to serving no more than the number of individuals permitted by State Licensing Agency.

Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

Request for Conditional Use Permit / school in R-1 One Family Residential District

This request of the Church of the Holy Redeemer is for a Conditional Use Permit to operate a school at 501 South Whitney Street. The building is in an R-1 One Family Residence District and the Ordinance requires a Conditional Use Permit for schools there. This school has been located there for long time before the current Ordinance took effect. The school is grandfathered in but if an addition or significant remodeling will take place, a Conditional Use Permit will be required. Since they are applying for a Conditional Use Permit for a daycare, it made sense to run a Conditional Use Permit for a school concurrently.

The conditional use permit regulations are found in Section 86-46.

At the Planning Commission meeting on May 12, 2021, after a public hearing, a motion was made by Schroeder, seconded by Lee, to recommend approval as recommended by city staff to City Council. ALL VOTED IN FAVOR.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer Planning to approve the request by Church of the Holy Redeemer for a Conditional Use Permit for a school in an R-1 One Family Residence District at 501 South Whitney Street with the following conditions applied:

1. That the regulations, standards, and requirements as set forth in the City Code and as pertains to the class of district in which such premises are located shall be conformed with.
2. That the City reserves the right to revoke the Conditional Use Permit in the event that any person has breached the conditions contained in this permit provided first, that the City serve the person with written notice specifying items of any default and allow the applicant a reasonable amount of time in which to repair such default.
3. That the property is maintained to conform to the Housing Code, Zoning Code, Building Code, and not cause or create negative impacts to adjacent existing or future properties

Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

Consider signing a contract with SRF for City of Marshall 2021 Comprehensive Plan

At its November 24, 2020 meeting, the City Council authorized staff to advertise a request for proposal for the new City of Marshall Comprehensive Plan. The Request for Proposal was posted on the City's website and social media and advertised on the League of Minnesota Cities website. At its January 26, 2021, the Council Established the Comprehensive Plan Proposal Review Committee for review of proposals, which were due on February 3, 2021. The established Committee included two Council members (Dr. Steve Meister and Don Edblom), one Planning Commission member (Amanda Schroeder), one EDA Board member (Dan Herrmann), One Chamber of Commerce representative (Eric Eben), and two city staff (Laurent Deutz and Ilya Gutman). Five proposals were received by the due date: They were from Bolton & Menk, Short Elliott Hendrickson Inc. (SEH), SRF Consulting Group, MSA Professional Services, Inc., and Praxis Strategy Group.

The Committee first met on February 19, 2021 and reviewed the scoring sheet compiled by staff. All proposals were sent out shortly thereafter and scored by the Committee members based on merit and technical issues only. Each firm included a separate cost envelope along with their proposals; however, these cost envelopes were not open until after the first round of scoring. At the next meeting on March 8, 2021, the Committee discussed all proposals and summarized all evaluations. Proposal from one firm was unanimously found to be too weak and not worth consideration. The other four proposals were all deemed very close; in fact, the difference in scores between them was within 3 percent. The next Committee meeting took place on March 10, 2021; this time discussion included costs considerations, but three proposals suggested almost identical cost and the fourth one was just slightly more expensive. The discussion centered on proposals' inclusions and additional costs. At the end, the decision was to limit consideration to just two firms, mostly based on the number of hours they included in their proposals and covered Plan components. Finally, at its March 17, 2021 meeting, the Committee decided to recommend SRF Consulting Group to the Council.

At its March 23, 2021 meeting, the City Council authorized staff to enter into contract negotiations with SRF with additional \$5,000 allowance to provide for flexibility with the type and number of meetings and some additional Plan inclusions. In a follow up phone conversation, staff conveyed Council's approval to SRF and requested an updated summary of work with included additional services that were authorized by the Council. That updated summary was received by staff and reviewed a few days later; in its review, staff noticed that the number of hours listed was significantly lower than the number of hours listed in the original proposal. Subsequently, SRF provided an explanation that the number of hours listed in their proposal was in error and offered to increase the number of hours, in part by reassigning tasks. The proposed contract reflects the new increased number of hours, which is still lower than originally proposed.

Staff reached out to the Proposal Review Committee asking their opinion on SRF mistake and further actions but have heard only from a few members with one selection committee member questioning SRF's attention to detail and ability to deliver on behalf of the city following their errant tabulation of hours on the project. Staff believe that SRF made an honest error in their proposal, and that SRF has made a good, honest attempt to compromise and increase the number of hours that they intend to provide on this project. Staff also negotiated some aspects of the scope of work and requested that several changes and additions to scope of work be made. Staff believe that SRF is a firm that is very capable of delivering a quality product, giving us a Comprehensive Plan that the City can use as a guide for the next 15-20 years.

The last complete City of Marshall Comprehensive Plan was done in 1996. It was partially updated in 2004 and has not been touched since. General recommendation is to update comprehensive plans every 10 to 15 years and our Plan is over 16 years old even if we consider the update. Out of all comparable cities, Marshall seems to have the oldest Comprehensive Plan. It is becoming increasingly difficult to conduct zoning operations, development, and enforcement, considering how much conditions in the City have changed since 1996 and even since 2004. According to the League of Minnesota Cities, a comprehensive plan is an expression of the community's vision for the future and a strategic map to reach that vision. It is an important tool to guide future development of land to ensure a safe, pleasant, and prosperous environment. The process of its adoption also creates an extensive opportunity for residents to participate in guiding community's future and all proposals include extensive public participation provisions.

The schedule proposed by SRF calls for final Plan to be ready by April 2022.

Motion made by Councilmember Schafer, Seconded by Councilmember Edblom that the Council approves the contract and scope of work for the new City of Marshall Comprehensive Plan from SRF Consulting Group with the cost of \$64,955 with additional \$5,000 contingency Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Edblom, Councilmember DeCramer, Councilmember Lozinski. Voting Nay: Councilmember Labat. The motion **Passed. 5-1**

US Army Corps of Engineers Betterments Project Authorization.

In spring-summer 2019, City staff brought forward six different locations where some level of slope failure was occurring along our US Army Corps of Engineers (USACE) flood control project. High water events in summer 2018 and spring 2019 resulted in some areas of significant damage to our flood control project. After reviewing the locations with USACE St. Paul District staff, it was determined that four of the six locations may be eligible for federal assistance in rehabilitation under Public Law 84- 99 (PL 84-99).

At the September 24, 2019 meeting, the City Council entered into an agreement with the USACE for city participation in "betterments" associated with the flood control project repairs. At the time, City staff was informed that the federal government would pay for costs associated with repairing the flood control project to its preexisting/pre-flood damage condition, and the city would be responsible for all costs associated with improving the project to make the system more resistant to similar damage in the future. In the agreement, the City's estimated cost participation for these "betterments" is \$150,483.

Recently, USACE staff completed project plans and are nearly ready to prepare the project for bid with a 2021 construction schedule. Along with completed plans, the USACE sent over an updated cost proposal. The updated cost proposal reflected a city cost participation of \$440,919, which was significantly greater than the \$150,483 cost participation that the City Council had previously agreed to. City staff initiated conversation with USACE staff and held multiple meetings to discuss the discrepancy and the lack of communication to get to this point.

In reviewing the cost estimate City staff learned that the USACE was proposing to cover the costs of site #2 in its entirety, with the city covering the costs of all other project sites (Sites #1, #3, and #6) in their entirety. The thought process from the USACE was that the failure at site #2 was directly compromising the flood protection project and the other three sites were not immediately hazardous to the integrity of the flood control project. City staff disagreed with this proposal and presented our argument to the USACE staff. City staff shared some

historical aerial imagery as well as some local river and project knowledge and following further discussion, USACE staff have now proposed to cover all project costs for Sites #1 and #2, with the city being entirely responsible for Sites #3 and #6. The cost estimates for Sites #3 and #6 were \$82,342.63 and \$128,323.55, respectively.

At the January 26, 2021 meeting, the City Council authorized City staff to advise USACE officials to bid Sites #3 and #6 as alternates for City consideration upon receipt and tabulation of bids. On May 18, 2021, the USACE opened bids for the levee project four bids were received, with one bid from a local contractor. The low bid was provided by Kovilic Construction of Franklin Park, Illinois.

The construction cost for Site #3 is \$72,300 and the construction cost for Site #6 is \$125,000, for a total of \$197,300. After removing \$20,821.01 for USACE engineering design services, the City has \$129,661.99 balance remaining with the USACE. To complete both Sites #3 and #6, the City would need to contribute an additional \$67,638.01, plus an estimated 10% for construction administration and inspection, resulting in an additional contribution of \$19,730. This is summarized below: If the City does not view the costs as favorable, we may choose to not cost participate and not complete work at Sites #3 and #6. By choosing this route, the City will very likely need to expend funds at these two locations in the future to protect and manage the flood control project. These locations will very likely be continually flagged on our inspection reports which will require the City to utilize our funds to maintain the project. The benefit of waiting is that there may be another high-water event that clearly causes significant damage to the project and these sites may be eligible for federal cost participation at that time.

After reviewing bid costs and the washout locations at Sites #3 and #6, City staff believes we can complete some smaller maintenance and rehabilitation operations for a lesser cost that can stabilize the washout areas and delay further degradation of the USACE Flood Control Project. The washouts at these locations are not as near the levee and therefore, are a lesser threat to the City's flood protection.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski that the Council reject the bid alternates as proposed by the USACE for Sites #3 and #6 and authorize city staff to utilize some of the funds that we receive back from the USACE to complete a more minor stabilization project. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

Consider Collection of 2021 On-Sale Intoxicating Liquor Fees.

During 2020 On-Sale licenses holders were reimbursed for each day they were not able to use their license as well as in correlation with capacity restrictions put in place by Governor Walz's Executive Orders. On-Sale license reimbursement totaled \$23,290.12 in 2020.

At the November 24, 2020 council meeting Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to waive the On-Sale License fees for the 1st half of 2021 and to reconvene in May of 2021 to discuss the collection for the 2nd half of license fees. The motion Carried. 7-0

At this time no fees for 2021 On-Sale licenses have been collected.

If the Council chooses to collect the remaining 6 months of On-Sale license fees correspondence will be provided to each license holder requesting that all fees are paid in full by June 30, 2021.

For future reference 2022 fees will be requested as normal beginning in the fall of 2021 and are due before a new license can be issued.

City across the region and state have taken several different approaches in regard to 2021 On Sale license fees. Cities have chosen to request the full amount in 2021, continue to prorate license fees, or forgive the entire license fee amount.

Motion made by Councilmember Lozinski, Seconded by Councilmember Edblom to direct staff to begin collection of the 2nd half or remaining 50% of On-Sale License fees owed for 2021 and that fees are to be paid by June 30, 2021. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Edblom, Councilmember DeCramer, Councilmember Lozinski. Voting Nay: Councilmember Labat. The motion **Passed. 5-1**

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

Mayor Byrnes made the follow nomination.

Economic Development Authority – Stacy Frost, to an unexpired term to expire 5/31/27

Motion made by Councilmember DeCramer, Seconded by Councilmember Schafer to approve the appointment to the Economic Development Authority. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

Commission/Board Liaison Reports

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| Byrnes | <u>Southwest Regional Development Commission</u> held their annual public hearing reading their levy. |
| Schafer | No Report |
| Edblom | <u>Planning Commission</u> met and acted on the items brought up in the Council meeting. |
| DeCramer | <u>Marshall Municipal Utilities</u> met and discussed that MRES will be providing a refund to MMU in the amount of \$435,000. These funds will be used to call an upcoming bond and pay it off early. MMU also elected new officers. |
| Labat | <u>Convention and Visitors Bureau</u> met and reviewed office space options at the Red Baron, the recent successful Shades of the Past event and also began hosting its traveling trivia again.

<u>Marshall Area Transit Committee</u> met and began working on a new mission and vision statement. |
| Lozinski | No report |

Councilmember Individual Items

Councilmember Lozinski thanked staff for the early jump on construction projects this year.

Councilmember Labat also was appreciative of the progress of this year's construction timeline.

Councilmember Edblom thanked staff for providing additional committee minutes in the council packets.

City Administrator

City Administrator Sharon Hanson discussed future work surrounding aquatic center financing, and a community survey.

Director of Public Works

Director of Public Works/ City Engineer Jason Anderson provided a general update on construction updates. Mill and overlay work should be completed within the next week. Director Anderson also reminded everyone to adjust their water softeners to eight grains of hardness.

City Attorney

City Attorney Dennis Simpson provided an update on a future EDA meeting to close on the sale of a previously discussed property in the Parkway Addition as well as a future public hearing for BSE on June 8. Attorney Simpson will be attending a Use of Force seminar and provided that information to the Director of Public Safety.

Information Only

Councilmember Lozinski provided an update on the City Hall project. Member Lozinski commented that the project is behind schedule as not all life safety issues have been addressed. Conversations have been had with the Architect to encourage the General Contractor to complete the project as soon as possible. At this time there is a 50/50 chance the council will meet in City Hall on June 8, 2021.

Councilmember DeCramer provided a brief update on the Audio-Visual equipment. Installation and programming will continue throughout the next week and is moving along nicely.

City Administrator Hanson provided an update on furniture for the City Hall project. There were a few delays with specific items, but the remaining items should arrive and be installed within the week.

Councilmember Labat thanked Ray Henriksen, Chief Building Official/ Building Services Coordinator for his continued work on the City Hall project.

Upcoming Meetings

There were no questions on the upcoming meetings.

Adjourn

At 7:07 P.M., Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to adjourn.
Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Edblom, Councilmember DeCramer,
Councilmember Labat, Councilmember Lozinski the motion **Carried. 6-0**

Mayor

Attest:

City Clerk