

**CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, May 12, 2020**

The regular meeting of the Common Council of the City of Marshall was held April 14, 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 (5:35 P.M.), Glenn Bayerkohler, John DeCramer, Russ Labat and James Lozinski. Absent: None. Staff present included: Sharon Hanson, City Administrator; Dennis Simpson, City Attorney; Jason Anderson, Director of Public Works/ City Engineer; Annette Storm, Director of Administrative Services; Jim Marshall, Director of Public Safety; Glenn Olson, City Hall Owners Representative; Ilya Gutman, Plan Examiner/ Assistant Zoning Administrator and Kyle Box, City Clerk.

The Pledge of Allegiance was recited at this time.

Recognition of Glenn Olson, Public Works Director by United Community Action Partnership.

Members of United Community Action Partnership's Community Transit operation provided former Director of Public Works/ City Engineer Glenn Olson with the Community Transit 'Friends of Transit' plaque.

There was a consensus to operate under the current agenda.

Consider approval of the minutes of the regular meeting held on April 28, 2020.

Motion made by Councilmember Lozinski, Seconded by Councilmember Decramer that the minutes of the regular meeting held on April 28, 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**

Buffalo Ridge Concrete Addition – 1) Public Hearing on Preliminary Plat and Approval of Preliminary Plat; 2) Consider Resolution Approving the Final Plat.

The City of Marshall is working to resolve drainage concerns in the vicinity of the area of the proposed plat. To accommodate the construction of a normally dry ponding area and affiliated stormwater piping improvements, the City has reached out to Buffalo Ridge Concrete to discuss the acquisition of some land. This plat is required to identify property to be used for a future stormwater basin (Outlot A) while also creating proper access to city right of way as required by city ordinance.

At the Planning Commission meeting on April 15, 2020, Schroeder made a motion, seconded by Fox to recommend approval of the preliminary plat to the City Council. All voted in favor.

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

Motion made by Councilmember Schafer, Seconded by Councilmember Meister 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 Schafer, Seconded by Councilmember Decramer that the Council approve the preliminary plat of Buffalo Ridge Concrete Addition. 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 Schafer, Seconded by Councilmember Lozinski that the Council adopt RESOLUTION NUMBER 4731, SECOND SERIES which is the Resolution Approving the Final Plat of Buffalo Ridge Concrete Addition, contingent upon City Attorney review and approval. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember Decramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Consider Award of Bid for Demolition of Structure at 326 West Main Street.

This project involves the demolition and removal of the building structure and foundation at 326 West Main Street. Bids for the project were due by 10:00 am on Tuesday, May 5, 2020. One bid was received from LinnCo, Inc. of Sauk Rapids, Minnesota, in the amount of \$523,444.00.

The Contractor has submitted a list of cost savings that could be made to help reduce the amount of the contract. The total cost of all cost savings proposed is \$26,332.00.

In 2009, the City initiated a process for acquisition of the Marshall Hotel building. At that time, the building was considered a blighted structure within in downtown Marshall. Over the past 11 years, the City has considered many options and worked with multiple developers for the improvement of the building, including redevelopment, demolition, or combinations of those alternatives.

During the process of the renovation of City Hall, the existing condition of the adjacent wall of the Marshall Hotel was exposed and found to be in significant disrepair requiring substantial reconstruction costs if the building was to be renovated.

Prior to the April 8th City Hall Committee meeting, some of the committee members visited the site and pictures were taken of the existing walls of the adjacent Marshall Hotel building.

At the April 8th City Hall Committee meeting, discussion was held concerning alternatives for the hotel. After considerable discussion, a motion was made to recommend to City Council the demolition and removal of the Marshall Hotel building structure, foundation and materials of the building.

The ultimate use of the property is unknown at this time but could be reused for open greenspace, parking, or other uses as recommended by a future downtown committee or redevelopment group.

The approval of the demolition will necessitate a change to the construction plans of the southeast wall of City Hall, as well as some potential of improvement to the existing wall of the Main Stay Cafe. As you can see, this issue has been a prime topic of dialogue and debate for many years.

One bid was received from LinnCo, Inc. of Sauk Rapids, Minnesota, in the amount of \$523,444.00. Per Finance, the funding source is not final at this time.

Motion made by Councilmember Lozinski, Seconded by Councilmember Decramer that the Council award the project to LinnCo, Inc. of Sauk Rapids, Minnesota, in the amount of \$523,444.00, less any cost savings measures approved by City Council. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember

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

Consider Approval of the Consent Agenda.

Motion made by Councilmember Schafer, Seconded by Councilmember Meister 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 the Wastewater Treatment Facilities Improvement Project – 1) Consider Application for Payment No. 10 to Magney Construction, Inc.; 2) Consider Payment of Invoice 0249427 to Bolton & Menk, Inc.

Approval to apply for grant funding for Marshall Fire Department

Approval of the bills/project payments

SP 4210-56: TH 68 Ultra-Thin Bond Wear Course (UTBWC) Project – Consider Resolution Approving No Parking Along TH 68 (Channel Parkway to T.H. 59 North).

MnDOT design engineers approached City Engineering staff with a proposal to restripe West Main Street (TH 68) to include a center left turn lane between Channel Parkway and T.H. 59 North. The work would occur in 2022 in concurrence with an Ultra-Thin Bond Wear Course (UTBWC) project on T.H. 68 from Minneota to the junction of T.H. 59 North in Marshall.

Currently, the road is striped as a two-lane street with parking allowed on both sides. In its current condition, there is some on-street parking that occurs between T.H. 59 and 10th Street, which is a residential portion of the corridor. In the proposed striping, MnDOT includes a two-way center turn lane to go along with the two through lanes. There are two 6.5-ft shoulders that remain. MnDOT is proposing that no parking be allowed between Channel Parkway and T.H. 59 North.

This information was presented to the Public Improvement/Transportation Committee at their meeting on February 6, 2020.

At their meeting on April 14, 2020, the City Council tabled action on this item. City Council requested City staff to notify property owners adjacent to this segment of highway of the proposed striping change and allowing for public comment. A letter was mailed on April 20, 2020 to said property owners. One comment was received.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to remove the agenda item from the table. 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 Lozinski, Seconded by Councilmember Schafer that the Council adopt RESOLUTION NUMBER 4732, SECOND SERIES, which is the Resolution Approving “No Parking” Along TH 68 (Channel Parkway Street to TH 59 North) in connection with SP 4210-56: TH 68 Ultra-Thin Bond Wear Course (UTBWC) Project. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister,

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

Consider Resolution Providing for the Issuance and Sale of the City's General Obligation Bonds, Series 2020B

The issuance of the City's General Obligation Bonds, Series 2020B in the principal aggregate amount of \$2,650,000 currently includes the following;

- Street Reconstruction Bonds: \$1,215,000
 - S 4th Street Reconstruction: \$790,900
 - S 1st Street Reconstruction: \$424,100
- Abatement Bonds: \$130,000
 - Freedom Park Bathroom Replacement: \$130,000
- Equipment Certificates: \$385,000
 - SCBA Pack & Mask Replacement: \$234,580
 - Dump Truck: \$158,420
- Utility Revenue Bond: \$920,000
 - Legion Field Buffalo Ridge Basin: \$573,400
 - MERIT Dry Pond Outlet Piping: \$346,600

Director of Administrative Services, Annette Strom provided the background information on the agenda item. There was further discussion on the agenda item by council and staff.

Motion made by Councilmember Schafer, Seconded by Councilmember Decramer Approve Resolution Number 4733, Second Series, providing for the Issuance and Sale of the City's General Obligation Bonds, Series 2020B Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Bayerkohler, Councilmember Decramer Voting Nay: Councilmember Meister, Councilmember Labat, Councilmember Lozinski. The motion **Passed. 4-3**

Consider Resolution Declaring Building "Blighted" and "Substandard" for Redevelopment

On Tuesday May 12, 2020, Council will decide on accepting a bid for the demolition of the Marshall Hotel (located at 326 W Main Street). To keep funding source options open, staff are recommending that the council declare the building as "Blight" and "Substandard" for the ability to use a TIF Redevelopment District in the future if the sight becomes developed. The TIF Qualification Summary determines the eligibility of the building to meet state statute 469.174, Subdivision 10.

Motion made by Councilmember Lozinski, Seconded by Councilmember Decramer Approve Resolution Number 4734, Second Series Declaring Building "Blighted" and "Substandard" for Redevelopment. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember Decramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Review 2020 On-Sale Liquor License Fees.

On March 16, 2020, Executive Order 20-04 was issued ordering the closure of bars, restaurants, and other places of public accommodations.

In 2020, the City of Marshall issued 14 On-Sale Intoxicating Liquor Licenses, 13 On-Sale Intoxicating Sunday Liquor Licenses and 4 Combination Wine/On-Sale Malt Intoxicating Liquor Licenses. Sec. 6-56. - Fees. (a) The annual intoxicating liquor license fee shall be set by council resolution which fee shall be paid with the issuance of the license, unless it is a renewal fee as provided in this subsection. The renewal license fee for an intoxicating liquor license shall be set by council resolution, which shall be paid with the issuance of the license, unless the renewing licensee elects to make payments as follows: (1) One-half of the license fee on or before January 1 of the license year. (2) The last half of the license fee on or before June 1 of the license year.

Any renewing licensee that elects to make part payments, as provided in this subsection, who does not make the June 1 payment, may have his license revoked for nonpayment of the license fee effective July 1 of the license year.

Sec. 6-79. - Wine license fee. (a) The annual fee for a wine license shall be set by council resolution. (b) Each application for a wine license shall be accompanied by a receipt from the city clerk for payment in full of the license fee. All fees shall be paid into the general fund. If an application for a license is rejected, the city clerk shall refund the amount paid. (c) No refund of any wine license fee shall be made except as authorized by statute. State Law reference— Intoxicating liquor license fees and refunds, Minn. Stat. § 340A.408, subds. 2—4.

Motion made by Councilmember Lozinski, Seconded by Councilmember Meister to place a moratorium on the second half the 2020 On-Sale Intoxicating liquor licenses as well as prorate the annual license fees and reimburse each license holder for the days they are not able to use the On-Sale License. Reimbursement will be issued to the following licenses holders: On-Sale Intoxicating Liquor, Sunday Intoxicating, Wine/On-Sale Malt Liquor (Combination Only). Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember Decramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Introduction of Ordinance Amending Section 86-247 Landscaping and 86-248 Storage and Call for Public Hearing.

These changes are mostly technical in nature caused by the development of the City Tree Policy and creation of an Interim Use permit concept that allows temporary deviations from the Ordinance. It is similar to conditional use permit but allows time limits. It also cleans up some language and clarifies some concepts.

At the March 11, 2020, regular Planning Commission meeting, Schroeder made a motion, second by Lee to recommend to city council an approval as recommend by staff. All voted in favor of the motion.

At the meeting on April 30, 2020, Legislative and Ordinance Committee voted to recommend to council the approval of revisions to City Ordinance Sections 86-247 Landscaping and 86-248 Storage.

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

Introduction of Ordinance Amending Section 86-161 Height Modifications, 86-162 Yard modifications, 86-163 Accessory buildings, and 86-164 Accessory equipment and Call for Public Hearing.

These proposed changes are mostly based on staff experience with applications and voiced concerns. Some changes are purely technical in nature, some are a result of the development of the City Tree Policy, and others are related to the creation of an Interim permit concept that allows temporary deviations from the Ordinance. This opportunity was also used to clean up some language and clarify some concepts. Below are the most significant proposed changes.

- Allowing to build a front door landing without a variance even if a house is located too close to the street.
- Requiring at least 3 feet of clearance along alleys for snow removal and more for garages for cars parking in front of them.
- Clarifying yard requirements for three street corner lots, flag lots, and lots open to roadway easements rather than streets.
- Allowing larger accessory structures for smaller existing houses. ☐ Allowing motor-homes and RV's to be placed on driveways for longer than 10 days by an Interim Use permit, but limiting projection into the right of way.
- Allowing secondary detached garages without driveway and limiting required driveway pavement to the required front yard.
- Allowing accessory equipment in front yards if fully screened by the fence.

At the March 11, 2020, regular Planning Commission meeting, Fox made a motion, second by Knieff to recommend to City Council an approval as recommend by staff. All voted in favor of the motion.

At the meeting on April 30, 2020, Legislative and Ordinance Committee voted to recommend to council the approval of revisions to City Ordinance Sections 86-161 Height Modifications, 86- 162 Yard modifications, 86-163 Accessory buildings, and 86-164 Accessory equipment.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to table the agenda item. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember Decramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Consider a LG220 Application for Exempt Permit for SMSU Foundation for January 29, 2021.

Motion made by Councilmember Schafer, Seconded by Councilmember Decramer BE IT RESOLVED, that the City Council hereby (1) grants local unit of government approval to SMSU Foundation to hold a raffle on January 29, 2021, at Southwest Minnesota State University , 1501 State Street, Marshall, Minnesota, (2) acknowledges the receipt of LG220 Application of Exempt Permit, (3) waives the 30- day waiting period, and (4) authorizes and directs the appropriate city personnel to complete and sign the LG220 Application for Exempt Permit on behalf of the City of Marshall. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Decramer, Councilmember Labat, Councilmember Lozinski. Voting Abstaining: Councilmember Bayerkohler. The motion **Passed. 6-0-1**

Acknowledgement of a Closed Meeting for Labor Negotiations Strategy.

13D.03 CLOSED MEETINGS FOR LABOR NEGOTIATIONS STRATEGY. At 4:00 P.M., a closed meeting was held at the Minnesota Emergency Response and Training (MERIT) Center.

Commission/Board Liaison Reports

Byrnes No Report

- Schafer No Report
- Meister Economic Development Authority held a public hearing on the sale of lots in Parkway II, issued a loan to a downtown business and will move forward with UCAP in a Small Cities grant application.
- Bayerkohler Public Housing Commission met and implemented a lockdown of the building to protect 'at risk' tenants, approved the payment in lieu of taxes and discussed the moratorium on evictions and fees.
- DeCramer Ways and Means met and awarded a fire department scholarship.
Marshall Municipal Utilities have begun the next steps in the interview process in the hiring of the next General Manager.
- Labat Library Board update their response and daily actions regarding the COVID-19 Pandemic and are starting to review the 2021 budget.
- Lozinski City Hall Committee met and discussed the demolition action items in the agenda.

Councilmember Individual Items

Councilmember Schafer commented that he has been acting as a liaison to Avera's Incident Command Group.

Councilmember Meister discussed the importance of using a mask during the COVID-19 pandemic.

Councilmember Labat requested the status of the Freedom Park bathroom and asked for an update on the MAHA Contract.

Mayor Byrnes commented that the City of Marshall has received support from the League of Minnesota Cities in its continued efforts during COVID-19.

City Administrator

City Administrator, Sharon Hanson commented on the support of wearing masks and the current status of testing.

Director of Public Works

Director of Public works/ City Engineer, Jason Anderson provided an update on construction projects.

City Attorney

City Attorney Dennis Simpson provided an updated on the sale of lots in the Parkway II addition, work on the Legion Field Plat and is reviewing an agreement with MMU for the management of a windfarm.

Administrative Brief

There were no questions regarding the administrative brief.

Information Only

There were no questions regarding the information items.

Upcoming Meetings

There were no questions on the upcoming meetings.

At 7:15 PM, Motion made by Councilmember Lozinski, Seconded by Councilmember Decramer 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