

**CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, September 27, 2022**

The regular meeting of the Common Council of the City of Marshall was held September 27, 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, Steve Meister, John DeCramer, and James Lozinski. Absent: Russ Labat. 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; Jim Marshall, Director of Public Safety; Karla Drown, Finance Director; Quentin Brunsvold, Fire Chief; Ilya, Gutman, Plans Examiner; Amanda Beckler, Community Education Coordinator; and Steven Anderson, City Clerk.

The Pledge of Allegiance was recited at this time.

Consider Approval of the Minutes from the Regular Meeting and Budget Work Session Held on September 13, 2022

Motion Made by Councilmember DeCramer, Seconded by Councilmember Meister to approve the minutes from the regular and budget work session held on September 13, 2022. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 6-0.**

Public Hearing on Ice and Snow Removal and Weed Elimination from Private Property in the City of Marshall. 1) Conduct a Public Hearing. 2) Consider a Resolution Adopting the Assessment

City Clerk Steven Anderson introduced the resolution for snow/ice and mowing to the council for unpaid city services. Per city ordinance and state statute unpaid city services can be assessed to a parcel and must be certified with the Lyon County Auditor/Treasurer. Anderson did note that 315 S. 1st Street was paid today, and the resolution would need to be amended. Mayor Byrnes opened the public hearing to the public. Leroy Affolter, 302 Jean Ave., had concerns with the wording on notification letters sent to property owners. Discussion was had between councilmembers and Mr. Affolter regarding notices and the contents of letters sent. Mr. Affolter also brought up questions regarding fees and procedures. Councilmember Meister pointed out that ordinance 62-2 Ice and Snow on Public Sidewalks and Private Streets classifies snow and ice remaining upon public sidewalks or private streets a public health and safety hazard and must be removed within 24 hours after snow/ice has ceased to fall. No additional public comment was had.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to close the public hearing. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 6-0.**

Motion made by Councilmember Schafer, Seconded by Councilmember Meister to approve a resolution adopting the assessments with the exclusion of the property located at 315 S. 1st Street. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 6-0.**

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

Ilya Gutman, Plans Examiner explained the background and need for the ordinance. State Building Code requires a building permit for practically all Heating, Ventilation, and Air Conditioning (HVAC) work with few exceptions. This includes all furnaces and A/C replacements, the most common type of HVAC work. However, unlike residential and plumbing contractors, HVAC contractors do not need a state license, only a bond is required. Which means that the State doesn't have any way of dealing with non-compliances. Consequently, staff has no recourse in cases when HVAC contractors do not apply for building permits or do not call for inspections, which is common. Legislative and Ordinance Committee did meet and recommended that it be approved.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to close the public hearing. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 6-0.**

Motion made by Councilmember Meister, Seconded by Councilmember Schroeder to adopt the HVAC License ordinance. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 6-0.**

Approval of the Consent Agenda

Councilmember DeCramer asked that agenda item number 11 Project SWM-002: Legion Field Stormwater Improvements Project-Phase II - Parkway Basin - Consider Approval of BNSF Agreement be pulled from consent.

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

- Consider Authorization to Declare Vehicles as Surplus Property for the Marshall Police Department
- National Highway Safety Grant
- Repurpose Surplus (DWI Forfeiture) Vehicle To Be Used at the MERIT Center
- Consider Approval of a Temporary On-Sale Liquor License for the Marshall Area Chamber of Commerce at the Red Baron Arena
- Consider Approval of a LG220 Gambling Application for Exempt Permit for the United Way of SW MN at Brau Brothers Brewery on January 27, 2023
- Wastewater Treatment Facilities Improvement Project - Consider Payment to Bolton & Menk, Inc.
- Project AP-003: Airport Snow Removal Equipment (SRE) Building - Consider Resolution Authorizing Execution of MnDOT Agreement No. 1051776 for Funding of Site and Building Design
- Call for Public Hearing for an On-Sale and Sunday Liquor License Application for Atlantic Place
- Call for Public Hearing for an On-Sale Liquor License Application for The Gambler
- Consider Approval of the Bills/Project Payments

Approval of Items Pulled from Consent

Councilmember DeCramer had questions regarding the permit costs to BNSF. Jason Anderson, Director of Public Works/City Engineer explained that BNSF permits were generally expensive, citing experience on previous projects. Two minor changes still need to be made to the agreement and the city is waiting for the changes from BNSF.

Motion made by Councilmember DeCramer, Seconded by Councilmember Schafer to approve the agreement with BNSF pending the changes in progress. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 6-0.**

- Project SWM-002: Legion Field Stormwater Improvements Project-Phase II - Parkway Basin - Consider Approval of BNSF Agreement.

Consider Approval of 2022-2023 League of Minnesota Cites Insurance Trust Property/Casualty and Liability Insurance

Karla Drown, Finance Director talked about the annual renewal coverage period of October 1, 2022, through September 30, 2023, for the City of Marshall. The insurance covers the City, MMU and Marshall-Lyon County Library. The premiums are also paid by all three entities. Drown introduced Joel Quam from Bremer Insurance to go over Property/Casualty and Liability Insurance details. Mr. Quam talked about the various coverages and changes as part of the insurance renewal. The total premium increased \$24,638 or 5.2% for next year. Councilmembers had questions regarding the equipment breakdown and cyber line items that were presented.

Motion made by Councilmember Schafer, Seconded by Councilmember Schroeder to approve the insurance renewal. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 6-0.**

Fire Department Purchase of Two (2) Grass Rig Skid Units

The Marshall fire dept. has two grass/brush trucks that currently have Heiman skid units in the back of them, that hold 300 gallons of water, have a gas small engine pump, and 1" rubber hose on a mechanical reel, to extinguish grass, brush, and small trash fires. The current units that are in use are at the end of their lives and are being held together by radiator hoses and hose clamps. The age of the current units is unknown and were purchased when Fire Chief Dave Marks was around. Based on that information it is estimated that the units are 25 to 30 years old. Two manufacturers were approached for replacement units, Heiman Fire Equipment and Alex Air Apparatus. It is the preference of the Marshall Fire Department and the recommendation from the Equipment Review Committee to purchase the skid units from Heiman Fire Equipment.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to purchase two grass rig skid units and to approach Lyon County for additional funding through ARPA money. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 6-0.**

Consider a Resolution Calling for the Increase and Improvement of Pollinator Habitat

Amanda Beckler, Community Education Coordinator gave a presentation to the council regarding the City of Marshall's achievement of step 4 and step 5 in the Minnesota GreenStep Cities program. The next goal identified by the Marshall GreenStep Cities program is the improvement and increase of pollinator habitats. As part of the program, private and commercial lots do count towards the City of Marshall goal. Concern was brought up with city ordinances around weed removal and grass height. Community Services and Public Works are working closely with each other to make sure wording will be acceptable and comply with current ordinance requirements.

Motion made by Councilmember Schroeder, Seconded by Councilmember Lozinski to accept a resolution for an increase and improvement of pollinator habitats. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 6-0.**

Consider Appointments to Various Boards, Commission, Bureaus, and Authorities

Mayor Byrnes recommended Thomas Meulebroeck be appointed to the Adult Community Center Commission. The interview for the commission was had earlier in the day.

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

Commission/Board Liaison Reports

Byrnes	No report.
Schafer	No report.
Meister	No report.
Schroeder	Planning Commission discussed some ordinance changes that will be moving forward to the Legislative and Ordinance Committee.
DeCramer	MMU is currently undertaking a wage study.

Lozinski No report.

Councilmember Individual Items

Councilmember Lozinski had concerns with the speed of semi-truck traffic going down Main Street.

Councilmember DeCramer commented on sign placement on city rights-of-way which would also include realtor/garage sale signs.

Councilmember Schafer expressed his concern with hedges and bushes adjacent to sidewalks. Much like signs, hedges and bushes should not impede sidewalks and should be properly cut and trimmed so everyone can have access without needed to walk on boulevards or the street.

City Administrator

City staff has had discussions internally about signs and distances. Several Minnesota cities use 10 ft from the street as a standard. On Monday September 26th an Indoor Rec Study stakeholders meeting took place and a lot of good feedback was received.

Director of Public Works/City Engineer

Verizon Wireless is in the process of building a new tower off US Highway 59 on City property through a conditional use permit that had already been granted. Lyon Street/Block 100 is looking promising, and the hope is to have the street open to traffic by the end of the week. Greeley Street has concrete work being done as well as Halbur Road. As we move further into fall several road projects are finally ending.

City Attorney

Helena Chemical building is finally down and graded. The annexation of Western MN Municipal Power Agency was finalized and approved by the MN Office of Administrative hearing on September 22, 2022. The MN Attorney Generals office is proposing mediation with Broadmoor Valley and some additional meetings will be needed. A proposed purchase agreement was received for possible new location of the aquatic center and is being reviewed and is contingent on approval from a future legislative session for funding.

Information Only

There were no questions on the informational items.

Upcoming Meetings

There were no questions on the upcoming meetings.

Adjourn

At 6:44 P.M. Motion made by Councilmember Schroeder, Seconded by Councilmember Lozinski to adjourn the meeting. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 6-0.**

Mayor

Attest:

City Clerk