

**CITY OF MARSHALL  
CITY COUNCIL MEETING  
M I N U T E S  
Tuesday, December 14, 2021**

The regular meeting of the Common Council of the City of Marshall was held December 14, 2021, 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, 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; Scott VanDerMillen, Director of Community Services; Quentin Brunsvold, Fire Chief; Sheila Dubs, Human Resource Manager; Dave Parsons, City Assessor, Preston Stensrud, Parks Superintendent; Lauren Deutz, Economic Development Director, and Kyle Box, City Clerk.

The Pledge of Allegiance was recited at this time.

There was a general consensus to operate under the amended agenda.

**Consider approval of the minutes from the work session and regular meeting held on November 23, 2021.**

Motion made by Councilmember Edblom, Seconded by Councilmember Lozinski that the minutes from the work session and regular meeting held on November 23, 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**

**Project ST-003: South 1<sup>st</sup> Street/Greeley Street/Williams Street Reconstruction Project - 1) Improvement Hearing; 2) Consider Resolution Ordering Improvement & Preparation of Plans.**

Property owners affected by the above-referenced project have been notified, according to law, that a hearing would be held on December 14, 2021. A public presentation will be made followed by any discussion.

- The project limits include:
- South 1st Street (George Street to Greeley Street)
- Greeley Street (W. College Drive to E. Saratoga Street)
- Williams Street (George Street to W. Maple Street)

The proposed project is included in the 2022 capital improvement plan (CIP) for complete reconstruction of the street, curb, driveways, water system, storm water system, and sanitary sewer collection system. This project will tie-in near George Street where the 2020 South 1st Street project finished. Nearly the entire project area consists of 4" ductile iron water main, which is undersized and does not provide adequate fire protection. The sanitary sewer reconstruction will replace clay sewer pipe with PVC pipe, and the storm water reconstruction will largely consist of replacing inlets at existing capture points. It is likely that the number and size of inlets will be increased to help improve storm water intake due to large contributing drainage areas. The street width of South 1st and Greeley Street is proposed to be 38-FT as measured from back of curb; this is equivalent to the 2020 South 1st Street project. The street width of Williams is proposed to be 29-FT as measured from back of curb; this matches the existing width.

This item was presented to the Public Improvement/Transportation Committee on November 22, 2021. A public informational meeting was held on December 7, 2021. Information was provided to all those in attendance.

If the City Council decides to proceed with the project, the attached resolution has been prepared ordering the improvement and the preparation of plans.

To proceed with this project, adoption of the resolution ordering improvement requires a “super-majority” vote, meaning the council can only adopt the resolution by a four-fifths vote of all members of the Council.

The engineer’s estimate for the construction portion of the project is \$1,930,000. The total estimated project cost, including 10% allowance for contingencies and 16% for engineering and administrative costs is \$2,463,000. All improvements will be assessed according to the current Special Assessment Policy, including but not limited Item 2. to participation from Marshall Municipal Utilities, Wastewater Department, Surface Water Management Utility Fund and Ad Valorem. Final approval of the project must include determination of funding sources.

Motion made by Councilmember Schafer, Seconded by Councilmember Edblom that the Council close the public hearing on improvement for Project ST-003: South 1st Street/Greeley Street/Williams Street Reconstruction Project. 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 Lozinski, Seconded by Councilmember Edblom that the Council adopt RESOLUTION NUMBER 21-090, which is the “Resolution Ordering Improvement and Preparation of Plans” for Project ST-003: South 1st Street/Greeley Street/Williams Street Reconstruction Project. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

**Project ST-004: Halbur Road Reconstruction Project - 1) Improvement Hearing; 2) Consider Resolution Ordering Improvement & Preparation of Plans.**

Property owners affected by the above-referenced project have been notified, according to law, that a hearing would be held on December 14, 2021. A public presentation will be made followed by any discussion. The project limits include: Halbur Road (Michigan Road to Erie Road/CR 33) The proposed project is included in the 2022 capital improvement plan (CIP) for complete reconstruction of the street, curb, driveways, storm water system, and sanitary sewer collection system. The street pavement condition is poor and City staff believes a reconstruction is necessary. A street section consisting of 7” concrete is being proposed, equivalent to the Michigan and Superior Road projects. Sanitary sewer reconstruction will replace clay sewer pipe with PVC pipe, and the storm water reconstruction will largely consist of replacing inlets at existing capture points. It is likely that the number and size of inlets will be increased to help improve intake due to large contributing drainage areas with significant impervious ground cover. There is no sidewalk in this area currently and none being proposed; in fact, there is no sidewalk north of the Diversion Channel in Marshall.

The street width of Halbur Road is proposed to be 38.34-FT as measured from back of curb. The existing street width is 43-FT. The purpose of the narrowing is to reduce costs for this assessment project. This

road is a “destination” street in that it carries limited through traffic. Because the traffic volumes are low, staff believes we can narrow this street significantly. Staff considered even further narrowing, but it is important to ensure that semi-truck traffic can negotiate turning movements into and out of each driveway to reach loading and unloading areas.

This item was presented to the Public Improvement/Transportation Committee on November 22, 2021. A public informational meeting was held on December 7, 2021. Information was provided to all those in attendance.

If the City Council decides to proceed with the project, the attached resolution has been prepared ordering the improvement and the preparation of plans. To proceed with this project, adoption of the resolution ordering improvement requires a “super-majority” vote, meaning the council can only adopt the resolution by a four-fifths vote of all members of the Council.

The engineer’s estimate for the construction portion of the project is \$1,145,000. The total estimated project cost, including 10% allowance for contingencies and 16% for engineering and administrative costs is \$1,462,000. All improvements will be assessed according to the current Special Assessment Policy, including but not limited to participation from Marshall Municipal Utilities, Wastewater Department, Surface Water Management Utility Fund and Ad Valorem. Final approval of the project must include determination of funding sources.

Motion made by Councilmember Meister, Seconded by Councilmember DeCramer that the Council close the public hearing on improvement for Project ST-004: Halbur Road Reconstruction Project. 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 Lozinski that the Council adopt RESOLUTION NUMBER 21-091, which is the “Resolution Ordering Improvement and Preparation of Plans” for Project ST-004: Halbur Road Reconstruction Project. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

#### **Consider Award of Bids for Loader Mounted Snow Blower for Street Department.**

The City of Marshall Street Department owns two loader-mounted snow blowers for use in blowing windrowed snow from downtown areas, blowing back snow in drifting areas, and blowing snow in some parking lot applications. The snow blowers are critical pieces of our snow removal operations, and they experience significant duty time following snow events.

We currently have a 1996 SnoGo MP-3 and a 1976 SnoGo MP-3D. The 1976 unit is smaller, belt-driven, and slightly underpowered for the work that we perform. The blower is very old and finding parts to make necessary repairs is difficult.

It is very critical for the Street Department to have dependable snow removal equipment to ensure that we can quickly and efficiently clear our streets of snow and ice. Replacing our 1976 SnoGo blower with a new 2021 SnoGo MP-300 will ensure that we have two capable blower units to move snow quickly and

efficiently. Replacing the older unit will help protect the city from equipment down time for decades to come.

This item was presented to the Equipment Review Committee on 11/23/2021 with recommendation for Council approval.

The purchase price of this unit is \$227,996.50 and MacQueen Equipment is offering \$12,256.50 for trade-in value toward our current 1976 SnoGo unit. The 2021 capital budget includes \$200,000 for this purchase, which includes trade-in value. This purchase will cost \$215,740 once trade-in value is considered. The Finance Department has verified that funding is available in the capital budget for this purchase because some other items have come in under the budgeted amount.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer that the Council authorize the purchase a SnoGo MP-300 at the State Contract price of \$215,740, less trade, from MacQueen Equipment of St. Paul, Minnesota. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Edblom, Councilmember DeCramer, Councilmember Lozinski. Voting Nay: Councilmember Meister, Councilmember Labat. The motion **Passed. 5-2**

#### **Consider Approval of the Consent Agenda**

Councilmember Lozinski requested that item 5, Consider approval of the 2022 Wage Schedule for Temporary and Seasonal Employees, be removed for further discussion.

Councilmember Labat requested that item number 8, Consider Approval of Various Liquor License and Tobacco License Renewals, and item number 17, Introduction of amendments and revisions to various Ordinance Sections, be removed for further discussion.

Motion made by Councilmember Meister, Seconded by Councilmember Schafer 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 of a Temporary On-Sale Intoxicating Liquor License for the Marshall Area Chamber of Commerce.

Approval of Taxicab License Renewals

Approval of the 2022-2023 Health Care Savings Plan Memorandums of Understanding

Approval to Declare Equipment Surplus from the Parks Department

Approval of the Wastewater Treatment Facilities Improvement Project – Consider Payment of Invoice 0280011 to Bolton & Menk, Inc.

Approve to Declare Surplus Item for the Street Department.

Approval of Resolution Number 21-092, a resolution Accepting Additional Coronavirus Local Fiscal Recovery Funds.

Approval of Resolution Number 21-093, a resolution Decertifying Tax Increment Financing District 1-12

Approval of the Reinstatement of the Façade Improvement Program

Approval of the Introduction of Ordinance - Amendment of Ordinance Sec. 74-130(b) and (c) regarding parking regulations.

Approval of the bills/project payments

**Consider approval of the 2022 Wage Schedule for Temporary and Seasonal Employees**

On an annual basis, the Council reviews the wage schedule for temporary/seasonal employees.

The Personnel Committee reviewed the proposed 2021 wage schedule at their November 9th meeting and recommend unanimous approval.

The majority of amendments are in the Community Services division. The estimated 2022 budget impact for all positions would not exceed \$3,200.

Amendments to the schedule:

- The majority of amendments on the schedule reflect a new State minimum wage adjustment; effective January 1, 2022, the minimum wage in Minnesota will be increasing from \$10.08 to \$10.33 per hour.
- The other proposed amendments are explained in the supporting staff memos attached in the background information.
- Implementation date of 01/01/2022

Council member Lozinski reviewed the wage schedule and was concerned with the wages being proposed. Human Resource Manager Sheila Dubs provided an overview of the agenda item. Member DeCramer provided insight from the Personnel Committee meeting with concerns of filling positions and wage compression.

Motion made by Councilmember Lozinski, Seconded by Councilmember DeCramer That the Council approves the 2022 Wage Schedule for Temporary and Seasonal Employees. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

**Consider Approval of Various Liquor License and Tobacco License Renewals**

All liquor and tobacco licenses are approved to expire each calendar year. All 2021 licenses will expire at midnight, December 31, 2021.

Included in the packet is a list of various liquor licenses to be renewed for 2022. A total of 62 licenses are recommended for renewal in 2022, the types of licenses include On-Sale Liquor, On-Sale 3.2% Malt Liquor, Off-Sale 3.2% Malt Liquor, Wine, Taproom, Off-Sale Growler, Sunday Liquor and Tobacco Licenses.

After Council action each liquor license is given final approval by the Minnesota Department of Public Safety – Alcohol and Gambling Enforcement.

Pursuant to the fee scheduled a total of \$49,770.00 will be collected for 2022 license fees.

Councilmember Labat asked for a percentage reduction in license fees for 2022.

Motion made by Councilmember Lozinski, Seconded by Councilmember Meister to approve On-Sale Liquor, On-Sale 3.2% Malt Liquor, Off-Sale 3.2% Malt Liquor, Wine, Taproom, Off-Sale Growler, Sunday Liquor and Tobacco Licenses for 2022 pending all requirements being met and to prepare a comparison for liquor license fees with Marshall's comparable cities for the 2023 renewals. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Lozinski. Voting Nay: Councilmember Labat. The motion **Passed. 6-1**

### **Introduction of amendments and revisions to various Ordinance Sections**

These revisions were inspired by zoning issues and are related to them. Lack of building numbers (addresses) is a big problem for the City Fire Department and, most likely, for other emergency services, let alone pizza delivery. An amendment will require an address at the back of the building facing an alley, which will provide a helpful reference point. Staff is trying to encourage address numbers placement on all buildings and requires them with all building permits. When sign ordinance revisions are adopted in the near future, it will be easier to complete this work.

The street names come up often in the permitting process. Proposed changes will make the naming system more consistent and easier to implement in the future for new subdivisions. Of course, all existing names will stay and will not be changed.

Parking regulations for trailers and boats are always a point of contention. These provisions overlapped with similar zoning regulations, which have been recently changed to just referencing Article V of Chapter 74 Stopping, Standing, and Parking to avoid duplication and possible inconsistency. The proposed changes are relaxing some requirements for RV's parking in residential areas by allowing to park them on the street for 48 hours rather than 24 hours, while extending their use season deeper into fall and spring; they will also allow parking in the front yard on one's driveway provided an RV doesn't project into public right of way. Additionally, staff recommends removing several locations from the 'no parking' listing. These changes were reviewed with, and approved by, the City police and street departments.

Finally, a new section is added that requires that dead and damaged trees be removed and gives the city the right to remove them if the owner refuses to do it, similar to the ordinance about tall grass.

At the meeting on December 7, 2021, these changes were presented to the Legislation and Ordinance Committee, which recommended approval to the council with a couple minor revisions.

Councilmember Labat provided discussion on the enforcement of ordinances throughout the city. There was further discussion by the Council on the staff enforcement, public engagement and knowledge of the ordinances, and the ability to remain anonymous when reporting a concern or a violation.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski that the Council introduce the Ordinance amending Section 18-1 Building numbers, Section 66-104 Street names and subdivision names, 74-118 Overnight parking in residential area, Section 74-130 Snow emergency routes, winter

parking regulations, and other parking regulations, and Section 74-131 Parking and storage of boats, trailers, recreational vehicles, and others on residential lots, and adding Section 82-2 Dead trees and call for Public Hearing to be held on December 28, 2021. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

#### **Acceptance of Donations to Parks Department for Fiscal Year 2021**

The Parks Department receives generous donations from many entities each year that allow for improvements to our facilities. The donations to the department this year are from:

- Marshall Area Youth Baseball Association in the amount of \$15,000.00 for the purchase and installation of new batting cages at Independence Park.
- Marshall United Soccer Association in the amount of \$1,500.00 to be used toward the soccer field renovations at Channel Parkway Complex.
- American Legion Post #113 in the amount of \$3,455.00 for the purchase and installation of a flagpole near City Hall.
- American Legion Post #113 in the amount of \$2,900 for the purchase and installation of a flagpole at Justice Park.
- Marshall Area Crime Fund in the amount of \$3,442.16 for the purchase of security cameras to be installed in various parks.

The Parks Department also continues to receive donations for Memorial Park. This year an additional \$12,256.00 have been donated and an additional 38 brick orders have been received.

Park. "Cultivating the Best in Play" Inclusive Playground Component Initiative In 2021 city staff worked towards implementing inclusive playground components for at Legion Field Park. Total costs for this project were around \$35,000 for the purchase of 2 inclusive components and the installation of synthetic turf surfacing for around the equipment. Donating to help fund this initiative were:

- Marshall Sunrise Rotary Club - \$6,000
- Marshall Community Foundation - \$5,000
- The Schnoor Family - \$5,000
- Hy Vee - \$5,000 United Way of Southwest Minnesota - \$2,500
- The Deutz Family - \$500
- Hess Concrete – Labor, forming, and pouring of all concrete donated in full. These \$62,553.16 in donations and the generosity of our community continue to make lasting impacts on our community and our parks.

Motion made by Councilmember Meister, Seconded by Councilmember Edblom to approve the Resolution Number 21-094 – 21-106, various resolutions accepting donations. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

#### **Acceptance of donations made to Marshall Fire Department for FY 2021**

The Marshall Fire Department has received many generous donations over the past year to be publicly recognized:

- \$500 donation made by Lake Marshall Township that was used toward the purchase of a new Thermal imaging camera.
- \$150 donation from O'Reilly Auto Parts that was used toward the purchase of a new Thermal Imaging camera.
- \$2,000 donation from the Marshall American Legion Post #113 that was used toward the purchase of a new Thermal imaging camera.
- \$5,000 donation from Mongeau – Tholen VFW post #742, Marshall, toward the purchase of 4 – new 4 gas monitors.
- \$1,000 donation from MDU Resources Foundation (Great Plains Natural Gas) toward the purchase of 4 – new 4 gas monitors.
- \$6,825 donation from Archer Daniels Midland (ADM) toward the purchase of new Elkhart Brass Nozzles and premium 1 ¾" and 2 ½" anti-kinking fire hoses on all apparatus.
- \$7,212 donation from Flint Hills Resources that will be used to purchase 2 – new Elkhart Brass Ground Monitors.

Total of all donations made to the Marshall Fire Dept.: \$22,687.00 These donations will make a significant impact on how the fire department tactically responds to incidents and will make our community and our fire department safer and more efficient.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to approve the Resolution Number 21-107 – 21-113, various resolutions accepting donations. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

**1.) Consider Approval of the Annual Contract between the City of Marshall and Convention and Visitor Bureau. 2) Annual Convention and Visitor Bureau Update**

The City of Marshall contract with the Convention & Visitors Bureau for the Red Baron Arena Contract is up for a renewal. 1 year contract at \$7,000 per month. Visit Marshall Director Cassi Weiss provided an annual report for the Convention and Visitors Bureau and events held at the Red Baron Arena.

Motion made by Councilmember Labat, Seconded by Councilmember Schafer.  
Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski

**Acceptance of MN DNR Preparing for EAB Grant for the Parks Department**

As Emerald Ash Borer continues to get closer to Marshall and it's potentially devastating change to the landscape of Marshall, the city needs to be prepared for the potential costs associated with removing Ash Trees as well as continue to plant new trees to allow them time to grow before EAB get to Marshall, helping us diversify our trees species and populations.

Because of the know costs, time, and high population of Ash trees we currently have, Parks Superintendent, Preston Stensrud applied for and has been awarded a Preparing for EAB Grant by the MN DNR pending Council approval. This grant will provide \$93,390 in funding to be used for removing Ash trees in our parks and replacing each Ash tree with 2 new trees. Additionally, this grant requires a 25% match via cash match (\$15,090) and/or in-kind match (\$8,960) bringing the total project to \$117,440.00 and the City's contribution to \$24,050. The project deadline for completion is June 30, 2023.



All expenses for the project will need to be paid by the city and then reimbursed by the MN DNR.

Parks Superintendent Stensrud will be on hand to provide additional data, project scope, and answer any questions regarding the grant.

\$15,090 for the cash match plus incidentals as needed to be paid out of Parks Department Budget.

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer to Authorize Staff to Accept the Preparing for EAB Grant from the MN DNR on behalf of 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**

### **Truth in Taxation Public Meeting (at or after 6:00 PM)**

The following taxing authorities are required to hold a meeting at which the budget and levy will be discussed, and the public allowed to speak.

- Counties
- Cities with a population over 500
- School districts
- Metropolitan special taxing districts
- Fire protection and emergency medical services special taxing districts established under chapter 144F
- Regional library authorities established under section 134.201

The meeting must be after Nov. 24 and no later than Dec. 28 and held at 6:00 p.m. or later. This meeting may be part of a regularly scheduled meeting. If a regular meeting is not scheduled after Nov. 24 and no later than Dec. 28 at 6:00 p.m. or later, it will be necessary to schedule a special meeting for this purpose.

No later than December 28, 2021 Cities with a population over 500, counties, the Metropolitan Council, the Metropolitan Airports Commission, and the Metropolitan Mosquito Control District adopt their final payable 2022 property tax levies and their payable 2022 budgets.

Staff is recommending the final levy be approved at the December 14, 2021 Council meeting.

### **Consider Resolution Adopting Tax Levy for 2022**

MN State Statute 412.711 Consideration of Budget; Tax Levy states "The council shall also adopt a resolution levying whatever taxes it considers necessary within statutory limits for the ensuing year for each fund."

At the August 25th council work session, staff proposed a general levy increase of \$730,709 or 10.07%. The main contributing factors for this increase were an increase for the street capital revolving fund, increased salary, and health care costs.

Staff were directed by the Council to reduce this increase for the preliminary levy that that was set on September 14, 2021. The 2022 preliminary levy was set at 7,689,100, which was an increase of \$435,093 or 6.00% from the 2021 levy.

Staff are recommending that the final 2022 levy be set at 7,566,100, which is an increase of \$312,093 or 4.30% from the 2021 levy.

Motion made by Councilmember Lozinski, Seconded by Councilmember DeCramer Approve Resolution Number 21-114, a Resolution Adopting Tax Levy for 2022. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Lozinski. Voting Nay: Councilmember Labat. The motion **Passed. 6-1**

#### **Consider Resolution Adopting a Budget for 2022**

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to approve Resolution Number 21-115, a Resolution Adopting a Budget for 2022. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Lozinski. Voting Nay: Councilmember Labat. The motion **Passed. 6-1**

#### **Consider Approval of the 5 Year Capital Improvement Plan (CIP)**

Attached is the 5-year (2022 – 2026) Capital Improvement Plan (CIP). The 5-year CIP serves as a guide that lays out capital expenditures over the next 5 years by department as well as by the funding sources. The CIP is meant as a guide for Council and Management and does not give authorization for the projects until formally approved based on the City's Purchasing Policy.

The 5-year CIP is a fluid document that is updated on an annual basis. Some projects get pushed back to later years, some projects drop off and some projects move up in years depending on priorities. Ultimately, the funding is a major factor in determining which projects within the 5- year CIP get completed.

Motion made by Councilmember DeCramer, Seconded by Councilmember Edblom to approve and adopt the 5 Year Capital Improvement Plan. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Lozinski. Voting Nay: Councilmember Labat. The motion **Passed. 6-1**

#### **Presentation of 2021 Community Park and Recreation Survey Results**

Earlier this year the City of Marshall approved an agreement with Baker Tilly to perform a scientific survey of registered voters on questions related to parks and recreation projects and funding. The survey was completed in early to mid-October with just over 300 respondents.

Director Don Lifo with Baker Tilley Municipal Advisors provided an overview of the data collected from the survey responses via PowerPoint. City Administrator Sharon Hanson provided a brief overview on the next steps that the City will need to take regarding sales tax.

**Consider Approval of Ralco Storage Building Lease Agreement Early Termination**

Previous agreements/amendments between the City of Marshall and Ralco were to purchase the Ralco 8th Street Storage Building while leasing a portion of the building until final payment from the City of Marshall as stipulated in the agreement. A 2019 agreement terminated the purchase and stipulated the lease arrangements through 2022.

The City received a request to vacate the Ralco 8th Street Storage Building early. Since the City has acquired other storage, and has as of December 1, 2021, vacated the Ralco 8th Street Storage Bldg., the request by Ralco is possible.

\$52,000 refund revenue to the City based on the value of the 2019 lease agreement.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski Approve the early termination of the 2019 Ralco Storage Building Lease Agreement between the City of Marshall and Knochenmus Enterprises LLC via the Lease Agreement Cancellation Notice, effective November 30, 2021 and authorize signatures. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

**Consider Authorization Approving the Memorandum of Agreement Between the State of Minnesota and Local Governments and Authorizing Participation in National Opioid Settlements.**

On Thursday, December 9, 2021, the League of Minnesota Cities held an informational webinar concerning the national settlement regarding opioid issues. The webinar included presentations from Minnesota Attorney General Keith Ellison, and representatives from the League of Minnesota Cities and the Coalition of Greater Minnesota Cities. Those entities and others have been negotiating the terms for participation in the national settlement regarding opioid matters. It is recommended by all participating agencies and groups that cities in Minnesota opt into the settlement agreement and support settlement agreements. The League and the Coalition are both recommending that individual cities approve a resolution authorizing city officials to participate in the settlement and to sign local Resolution, Memorandum of Agreement and Settlement Agreements with the distributor and manufacturer Johnson & Johnson. In support of the resolution, various documents from the Minnesota Attorney General's office are provided. Enclosed are the following:

1. 1-page letter from Attorney General Keith Ellison dated December 8, 2021 requesting support of the settlement.
2. The 30-page Minnesota Opioids State-Subdivision Memorandum of Agreement. The agreement indicates that the 75% of the total settlement funds will be distributed to all 87-counties, litigating cities, cities over 30,000 population and cities with public health departments. The remaining 25% of the funds will be forwarded to the State of Minnesota. Maximum funds available for distribution could total a maximum of \$296,000,000.00. Funds would be available to all cities through grants from county and state.
3. 4-page Minnesota Opioid Settlement Executive Summary.
4. 1-page Opioid Settlement Agreement Overview.
5. 7-page Frequently Asked Questions Regarding the Opioid Settlement from Attorney General's Office
6. 1-page Frequently Asked Questions from the League of Minnesota Cities.

City staff believes that the recommendation from the League, the Coalition, and the Attorney General's office is appropriate, and that the City should sign the necessary documents to participate in settlement. Immediate action is necessary as the documents must be approved by January 2, 2022.

There is potential for future grants under the settlement agreement. Grants can only be accessed if the City participates and therefore it is recommended that the City authorize the appropriate officials (Mayor and Public Safety Director) to sign necessary documents.

Motion made by Councilmember DeCramer, Seconded by Councilmember Labat to approve Resolution Number 21-116 and to authorize the Mayor and Public Safety Director to sign any documents necessary to participate in the opioid settlement matter. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

**Project SWM-002 Legion Field Stormwater Improvements Project--Phase II - Consider Award of Proposal from Bolton & Menk, Inc**

In 2019, Bolton & Menk completed the Legion Field Stormwater Study to identify solutions for the frequent flooding that occurs in the Legion Field Road area. The area is marked by significant development and land coverage with minimal stormwater management facilities and undersized piping. The study identified three different phases of improvements, including the 2020 Phase I Legion Field ponding improvement that included a detention basin between the homes on Legion Field Road and Buffalo Ridge Concrete and a basin in Legion Field Park.

The proposed Phase II improvements include a new pipe crossing of the railroad tracks and a ponding improvement north of the tracks and south of the Parkway Addition to manage the stormwater runoff from the developed land south of the BNSF railroad tracks. The developed industrial area south of the railroad tracks has been nearly completely covered by impervious surfacing for many years, and the development pre-dated current requirements for on-site stormwater management. This resulted in development that sheds stormwater quickly without managing the volume of stormwater runoff that is generated.

City staff is proposing to hire Bolton & Menk for the creation of the project plan set for this project. The city would coordinate all surveying and permitting efforts, including permitting through BNSF, to help reduce project design costs.

This item was presented to the Public Improvement/Transportation Committee on 11/22/2021 with a recommendation to City Council for approval.

The proposal submitted by Bolton & Menk is an hourly, not to exceed, contract in the amount of \$27,500.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski that the Council award the proposal to Bolton & Menk, Inc. of Mankato, Minnesota, for an hourly, not to exceed, contract in the amount of \$27,500 for the above-referenced project. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat,

Councilmember Lozinski. The motion **Carried. 7-0**

**Consider Resolution Removing Parking - 1) Charles Avenue between S Minnesota Street and S Hill Street; 2) Portions of South Minnesota Street, South Hill Street, and South Whitney Street.**

**Charles Avenue:**

City staff is proposing to remove parking on both sides of the street on Charles Avenue between South Minnesota Street and South Hill Street.

At times, there can be significant on-street parking on this block due to its proximity to the Avera campus. Each direction of traffic is separated by a center median. Therefore, each travel lane becomes quite narrow when a car is parked on the block. Beyond the impacts to the traveling public, this narrowing effect of the roadway can be especially difficult for City maintenance equipment to navigate.

Avera has recently paved the nearby parking lot north of Charles Avenue and bounded by College Drive and Bruce Street. With this additional paved parking area there should be enough parking space for the Avera staff and public to park off street while visiting the Avera campus. City staff has discussed this proposal with Kevin Schroeder of Avera, and we do have his support and understanding with this request.

The two residential property owners on the north side of Charles Avenue were notified by mail of the pending removal of parking. One of the property owners has reached out via e-mail to express their desire to keep parking on the north side of Charles Avenue in front of their house. It should be noted to the Council that each property owner has allowable on-street parking on the other side of their properties.

This item was presented to the Public Improvement/Transportation Committee on 11/22/2021 with a recommendation to City Council for approval.

**South Minnesota Street, South Hill Street, and South Whitney Street:**

City staff is proposing to remove parking on both sides of South Minnesota Street, South Hill Street, and South Whitney Street in the locations identified below:

- S. Minnesota Street: from E. College Drive to a point approximately 70-FT south of E. College Drive.
- S. Hill Street: from E. College Drive to a point approximately 75-FT south of E. College Drive.
- S. Whitney Street: from E. College Drive to a point approximately 100-FT south of E. College Drive.
- All measurements are from the southern limits of MnDOT right of way for E. College Drive.

The purpose of removing parking on these streets near MnDOT right of way is to eliminate City staff concerns will navigability of snow removal equipment in the winter, obstruction to general traffic flow on and off E. College Drive, and future alterations of these roadways that is proposed for the 2025 College Drive Reconstruction project that would likely require parking to be removed at that point in time. Included in the packet are 2025 College Drive layouts that show the changes that will be proposed. This item was presented to the Public Improvement/Transportation Committee on 11/22/2021 with a recommendation to City Council for approval. Per the direction of the Committee, letters were sent to affected property owners/tenants regarding these parking revisions.

City staff has received comment from one property owner that is opposed to the removal of parking on Hill Street. The property owner owns a corner rental. It should be noted to the Council that parking is not allowed by State Statutes within 20-FT of a crosswalk or 30-FT of a stop sign.

Motion made by Councilmember Lozinski, Seconded by Councilmember Labat that the Council adopt RESOLUTION NUMBER 21-117, which is the “Resolution Providing for Signage in the City of Marshall” for removal of parking on Charles Avenue between South Minnesota Street and South Hill Street and the removal of parking along portions of South Minnesota Street, South Hill Street, and South Whitney Street.as shown on the attached map.

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

**Consider Appointments to Various City Boards, Commissions, and Authorities.**

Mayor Byrnes nominated the following individuals:

Linda Baun, Library Board, to an unexpired term set to expire on 12/31/2024

Dereck Deutz, Planning Commission, to an unexpired term set to expire 05/31/2024

Dean Knutson, Public Housing Commission, to an unexpired term set to expire 05/31/2023

Motion made by Councilmember Edblom, Seconded by Councilmember Meister to approve the nominations to various City Boards, Commissions, and Authorities. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

**Commission/Board Liaison Reports**

Byrnes Southwest Regional Development Commission held a meeting to review end of year business items. A MnDOT area partnership meeting was also held to present the recommendations for the upcoming Corridors of Commerce program.

Schafer No Report

Meister No Report

Edblom No Report

DeCramer No Report

Labat No Report

Lozinski No Report

**Councilmember Individual Items**

Councilmember Meister discussed putting a light up in the dog park.

Councilmember Lozinski discussed a letter he received from Greg Taylor regarding a vacant property on East College Drive. Member Lozinski also asked a procedural question on staff operations with snow removal/ salt application and whether or not salt should be applied to the road surface before its plowed. Public Ways Superintendent Coudron commented that applying salt does help the snow from making contact with the road surface.

Councilmember Labat commented on the enforcement of ordinances with abandon or homes that are not maintained.

Councilmember DeCramer discussed employee and council communication moving forward and requested that the Council and staff meet to ensure that all members are on the same page. DeCramer also recommended that the City Administrator meet with staff to ensure that the city as a whole is moving in the same direction.

Mayor Byrnes asked for the Council to consider a future work session retreat for council and staff. Byrnes also mentioned a positive conversation was held with a major local employer and another with the Minnesota DEED Commissioner Steve Grove.

**City Administrator**

City Administrator commented on a future discussion or work session regarding the status on the strategic plan. Administrator Hanson also discussed a future work session will be called to discuss the compensation plan and labor negotiations. Hanson discussed liquor license fees and having a municipal liquor store.

**Director of Public Works**

Director of Public Works/ City Engineer Jason Anderson provided an update on the City's Comprehensive Plan.

**City Attorney**

No Report

**Information Only**

There were no questions on the information items.

**Upcoming Meetings**

There were no questions on the upcoming meetings.

There was further discussion on scheduling the next regular meeting and if there would be a quorum on the Council. Staff will follow up with the Council to make that determination.

**Adjourn**

At 8:25 P.M., Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to adjourn. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

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Mayor

Attest:

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City Clerk