

**CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, April 28, 2020**

The regular meeting of the Common Council of the City of Marshall was held April 28, 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, 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 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 of the Local Board of Appeal and Equalization meeting held on April 7, 2020.

Motion made by Councilmember Lozinski, Seconded by Councilmember Labat that the minutes of the Local Board of Appeal and Equalization meeting held on April 7, 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**

Consider approval of the minutes of the regular meeting held on April 14, 2020.

Motion made by Councilmember Lozinski, Seconded by Councilmember DeCramer that the minutes of the regular meeting held on April 14, 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**

Approval of the Consent Agenda

Councilmember Labat requested that item number 4, Consider Declaration of Surplus Items from Public Works Department, 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 Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

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

Approval of the bills/project payments

Consider Declaration of Surplus Items from Public Works Department.

Councilmember Labat asked a clarifying question on ground packer listed in agenda item. Director of Public Works/City Engineer provided the information on the agenda item.

Motion made by Councilmember Lozinski, Seconded by Councilmember Labat that the Council declare the following items from the Wastewater Department as surplus property: - Rear mount tractor snowblower - Plow hitch - One-way snow plows (2) - Building bar joist from former salt shed - Walk bridge cement forms (from TH 23 overpass) - Boom sprayer - Digger (3-point) - Grass seeder - Ground packer – Warning siren. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Project Z76: South 1st Street Reconstruction Project - 1) Remove from Table - Resolution Ordering Improvement and Preparation of Plans; 2) Resolution Ordering Improvement and Preparation of Plans; 3) Resolution Approving Plans and Specifications and Authorize Advertisement for Bids.

Motion made by Councilmember Meister, Seconded by Councilmember Schafer that the Council remove the “Resolution Ordering Improvement and Preparation of Plans” 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**

This project consists of reconstruction and utility replacement on South 1st Street generally between Southview Drive and George Street. Water, sanitary sewer, and storm sewer catch basins will be replaced along South 1st Street in this area. Sidewalk is proposed to be installed along the west side of South 1st Street from Southview Drive to a point approximately 215 ft. north of George Street. In addition to the utility replacement and street reconstruction on South 1st Street, sanitary sewer force main improvements are proposed at the intersection of South 1st Street and DeSchepper Street.

A public informational meeting was held on March 12, 2020 at 6:30 p.m. at Marshall Municipal Utilities.

Due to the ongoing developments resulting from the COVID-19 (coronavirus) and the resultant recommendations to limit the size of public gatherings, an updated notice was sent to property owners indicating the City is encouraging input for the public hearing on improvement for the Project Z76: South 1st Street Reconstruction Project to be provided by phone, e-mail, or by mail. To provide enough time for residents to offer input, the public hearing on improvement was initiated at the March 24, 2020 City Council meeting and continued to the April 14, 2020 City Council meeting. Property owners affected by the above-referenced project were notified of the hearing dates.

The public hearing then continued and closed at the April 14, 2020 meeting.

The attached “Resolution Ordering Improvement and Preparation of Plans” was prepared for the April 14, 2020 meeting. This resolution is necessary if the City Council decides to proceed with the project. After discussion and several motions, action was tabled on this resolution to the April 28, 2020 meeting.

In order 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 plans and specifications have been prepared by City staff for the above-referenced project. If the City Council decides to proceed with this project, the attached “Resolution Approving Plans and Specifications and Ordering Advertisement for Bids” has been prepared.

Director of Public Works/ City Engineer Jason Anderson provided the background information on the agenda item. Director Anderson provided a summary of the project and its development over the last two meetings.

Councilmember Meister provided additional input and discussed a compromise on the project.

Ben Walker, 609 S. 1st Street mentioned that he is opposed the project and that the majority of residents in the project area do not want the project to move forward as proposed.

Ed Carberry, 700 S. 1st Street discussed the width of streets in the area as well as the condition of the sidewalks. Director Anderson commented that the additional sidewalk north of the project is not included in this project. Mr. Carberry also mentioned snow removal from the sidewalks and that it would be burdensome.

Councilmember Labat provided further discussion on the project.

Councilmember Bayerkohler provided further discussion on the project.

There was further discussion by council.

Motion made by Councilmember Bayerkohler, Seconded by Councilmember Schafer that the Council adopt RESOLUTION NUMBER 4726, SECOND SERIES, which is the "Resolution Ordering Improvement and Preparation of Plans" for Project Z76: South 1st Street Reconstruction Project, Proposal Number 2, 38' road width, 5' boulevard and 5' sidewalk. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Lozinski. Voting Nay: Councilmember Labat. The motion **Passed. 6-1**

Director of Public Works/ City Engineer Jason Anderson provided a timeline of events for moving the project forward.

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer that the Council adopt RESOLUTION NUMBER 4727, SECOND SERIES, which is the "Resolution Approving Plans and Specifications and Ordering Advertisement for Bids" for Project Z76: South 1st Street Reconstruction Project. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Lozinski. Voting Nay: Councilmember Labat. The motion **Passed. 6-1**

Consider the Resolution Number 4728, Second Series, a Resolution Accepting a Donation

The Marshall Somali Community has donated \$3,000 to the City of Marshall to use how it deems necessary in its response to COVID-19. They City of Marshall is grateful and honored to receive the donation from the Marshall Somali Community.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer that the Council approve Resolution Number 4728 Second Series, A resolution accepting a donation. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Consider Resolution Number 4729, Second Series, A Resolution Extending a Declared Emergency.

On Tuesday, March 17, 2020, Mayor Robert Byrnes declared a state of emergency for the City of Marshall.

On Friday, March 20, 2020, the city council met in special session to extend the declared emergency by Mayor Byrnes until April 30, 2020.

This is a Resolution enacted under authority of Minnesota Statutes Sections 12.29 and 12.37 to extend the period of a declared local emergency.

Motion made by Councilmember DeCramer, Seconded by Councilmember Schafer that the Council approve Resolution Number 4729, Second Series, A resolution Extending a Declared Emergency. 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 - Introduce Preliminary Plat and Call for Public Hearing.

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 (Out lot 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.

Motion made by Councilmember Schafer, Seconded by Councilmember Labat that the Council call for public hearing on the Preliminary Plat of Buffalo Ridge Concrete Addition to be held at the May 12, 2020 City Council meeting, as per the recommendation of the Planning Commission. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Consider a proposal for architectural services for the Main Street Plaza.

On April 14, 2020 the city council took action to begin the process of demolishing the former Marshall Hotel building. On April 22, 2020 the City Hall Committee met and reviewed options for a downtown plaza. Attached is a proposal from Engan Associates for the Main Street Plaza. The fee is for predesign only.

Motion made by Councilmember DeCramer, Seconded by Councilmember Lozinski that the Council approve the proposal for services with Engan Associates for the Main Street Plaza. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski
Voting Nay: Councilmember Bayerkohler. The motion **Passed. 6-1**

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

Mayor Byrnes recommended the following appointments:

Airport Commission

Leland Sorum to an unexpired term to expire 5/31/2023

Andrew Kindshi to an unexpired term to expire 5/31/2023

Cable Commission

Richard Herder to an unexpired term to expire 5/31/2023

Motion made by Councilmember Schafer, Seconded by Councilmember Meister for approval of appointments to the various boards, commissions, bureaus and authorities. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Commission/Board Liaison Reports

Byrnes No Report

Schafer No Report

Meister No Report

Bayerkohler Planning Commission met and approved the preliminary plat for buffalo ridge concrete and an approved a request for exterior finishing request of a downtown business.

DeCramer Economic Development Authority met and reviewed the façade improvement program. Member DeCramer also commented that the EDA president’s term will be expiring at the end of May. The EDA will also be holding a public hearing to approve the sale of land to UCAP.

Marshall Municipal Utilities Commission met and reviewed their preparedness plan in regard to COVID-19. There were also 11 streetlights installed without lights as the original bulbs were rejected. The MMU audit report received the diamond rating from the American Public Power Association

Labat Convention and Visitors Bureau met and will likely be adjusting their budget in response to COVID-19.

Lozinski City Hall Committee met and reviewed the option of demolition the former Marshall Hotel resulting in the possible adjustment to design of the building that may result in a cost reduction to city hall.

Councilmember Individual Items

Councilmember Meister suggested installing and enforcing parking rotations and snow emergencies effectively remove snow from city streets.

Councilmember Bayerkohler thanked Councilmember Meister on his compromise on the South 1st Street project.

Councilmember Lozinski also suggested that the Legislative and Ordinance Committee review snow emergency ordinance.

Councilmember Labat suggested that the Legislative and Ordinance Committee review the sidewalk policy.

Councilmember DeCramer asked Director Anderson to review and present the assessment amounts after the city receives bids on the South 1st Street project.

Mayor Byrnes commented on the sidewalk north of the project area and that the city has a policy in place to cost share on sidewalk replacements.

City Administrator

City Administrator Sharon Hanson provided an update on work being done around COVID-19. Administrator Hanson discussed some services offered by the City and staff workload have been altered due to COVID-19.

Director of Public Works

Director of Public Works/ City Engineer Jason Anderson provided an update on construction projects in the City. Director Anderson mentioned that the Airport is eligible for grant funding through the FAA. Anderson will also review and provide recommendations to snow and parking regulations as requested by the Council.

City Attorney

City Attorney Dennis Simpson provided an update on the Helena Chemical property. Attorney Simpson is estimating the closing date will happen later this fall or winter.

Information Only

There were no questions on the information items.

Upcoming Meetings

There were no questions on the upcoming meetings.

Councilmember Labat asked for an update on the 2020 Census. Mayor Byrnes provided information on communications the city has had with the Census Bureau to help ensure on campus students are counted in the census. City Clerk Kyle Box provided an update on the 2020 Census for the City of Marshall.

Councilmember DeCramer asked for an update on what precautions large manufacturing and processing plants have taken in response to COVID-19. City Administrator provided a brief update on conversations with large employers within the community to ensure additional precautions are in place.

Adjourn

At Motion made by Councilmember DeCramer, Seconded by Councilmember Lozinski 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