

**CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, August 25, 2020**

The regular meeting of the Common Council of the City of Marshall was held August 25, 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; Scott VanDerMillen, Director of Community Services; Ilya Gutman, Plan Examiner/ Assistant Zoning Administrator 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 regular meeting held on August 11, 2020.

Motion made by Councilmember Meister, Seconded by Councilmember DeCramer that the minutes of the regular meeting held on August 11, 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 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 Payment of Invoice 1302153 to American Engineering Testing, Inc.; 2) Consider Payment of Invoice 0254307 to Bolton & Menk, Inc.

Approval for the Vacation of Utility Easement in Carr Subdivision I -- Receive Petition for Vacation of Utility Easement and Call for Public Hearing.

Approval to Authorize the Appropriate Officials to Execute an Amendment to Declaration, Which Document Defines Property Within Commerce Industrial Park Second Addition, Which Will Remain Restricted Property Pursuant to State of Minnesota BDPI Grant No. BDPI-17-0003-0-FY1A.

Approval of the bills/project payments

College Drive/TH 19 Update and Look Ahead.

Gene East, MnDOT project manager, presented feedback to the City Council about what both MnDOT and SEH have heard from public input on intersection changes being considered along the College Drive corridor as part of their 2025 reconstruction project. Project Manager East also discussed the path forward and what steps lie ahead for community engagement, project scoping, and design.

Request for a Variance Adjustment Permit by Steven W Mohwinkel and Jacki D Knigge at 310 West Redwood Street.

The property owner desires to add a new four-season porch to the corner of the house located at the intersection of West Redwood Street and North 4th Street. Currently, the existing front yards are 10 feet off N. 4th Street and 12 feet off West Redwood Street, so the house is already projecting into required 25-foot front yards. The new addition is proposed to project even more leaving just 5 and 8 feet between the proposed addition and sidewalks. This location will also interfere with the visibility triangle defined by 25-foot legs along the property lines starting at the property corner.

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

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

At the meeting, Mr. Mohwinkel presented a drawing showing wide boulevards which, in his mind, allowed for unobstructed sight of view at the intersection.

The variance regulations and procedures are found in Section 86-29.

At the Planning Commission meeting on August 12, 2020, a public hearing was held and a motion was made by Fox, second by Knieff to recommend approval to the City Council of the request by Steven W Mohwinkel and Jacki D Knigge for a Variance Adjustment Permit for construction of a four-season porch within required front yard. All voted in favor of the motion.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to approve the request by Steven W Mohwinkel and Jacki D Knigge for a Variance Adjustment Permit for building a porch within required front yard. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried.**
7-0

Request for a Variance Adjustment Permit by Ryan & Angela Strampe at 202 East Lyon Street

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

To grant a variance, City Ordinance would require the presence of practical difficulties. The term "practical difficulties," as used in connection with the granting of a variance means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance, the plight of the landowner is

due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality.

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

Prior to a public hearing at the Planning Commission meeting, a neighbor asked about implications for his property and stated his indifference to the variance decision after hearing that it would not affect him.

The variance regulations and procedures are found in Section 86-29.

At the Planning Commission meeting on August 12, 2020, a public hearing was held and a motion was made by Knieff, second by Lee to recommend approval to the City Council of the request by Ryan & Angela Strampe for a Variance Adjustment Permit to build a deck in the required rear yard. All voted in favor of the motion.

Motion made by Councilmember Schafer, Seconded by Councilmember Labat approve the request by Ryan & Angela Strampe for a Variance Adjustment Permit for building a deck within required rear yard. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat. Voting Abstaining: Councilmember Lozinski. The motion **Passed. 6-0-1**

Consider Adoption of the City of Marshall ADA Transition Plan for Public Sidewalks & City Rights-of-Way.

The Americans with Disabilities Act (ADA), enacted on July 26, 1990, is a civil rights law prohibiting discrimination against individuals on the basis of disability. ADA consists of five titles outlining protections in the following areas:

1. Employment
2. State and local government services
3. Public accommodations
4. Telecommunications
5. Miscellaneous Provisions

Title II of ADA pertains to the programs, activities and services public entities provide. As a provider of public transportation services and programs, City of Marshall must comply with this section of the Act as it specifically applies to public service agencies. Title II of ADA provides that, "...no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity." (42 USC. Sec. 12132; 28 CFR. Sec. 35.130).

This document has been created to specifically cover accessibility within the public rights of way and does not include information on City of Marshall programs, practices, or building facilities not related to public rights of way.

As required by Title II of ADA, 28 CFR. Part 35 Sec. 35.105 and Sec. 35.150, the City of Marshall has conducted a self-evaluation of its public infrastructure within public rights of way and has developed this Transition Plan detailing how the organization will ensure that all of those facilities are accessible to all individuals. This

document serves as a supplement to City of Marshall Comprehensive ADA Transition Plan covering buildings, services, programs and activities.

A public hearing was held at the August 11, 2020 meeting. Public input was received and incorporated into the plan.

Motion made by Councilmember Schafer, Seconded by Councilmember Meister to adopt the City of Marshall ADA Transition Plan for Public Sidewalks & City Rights-of-Way. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Consider Proposal for Comprehensive Stormwater Modeling Services from Bolton & Menk, Inc.

This project includes the development of a city-wide hydrologic and hydraulic model of the existing city stormwater infrastructure. This model will be capable of quantifying existing storm sewer capacity, stormwater basin performance, and water quality improvements provided by existing infrastructure. The model will serve as a benchmark of existing conditions as it currently exists and will be a valuable tool when managing the City MS4 permit and developing capital improvement plans.

City staff will provide all the input data and Bolton & Menk will be tasked with entering the data and creating and calibrating the model. Once the model is created, city staff will have an extremely powerful tool to help identify the most cost-effective solutions to city drainage concerns. The model will be created using Autodesk Storm and Sanitary Analysis, which is a program that city engineering staff uses and will have the ability to access and edit in the future if needed.

Total project cost (hourly, not-to-exceed) in the amount of \$48,800 providing watershed delineation, stormwater management model, meetings/review. Additional services including model output/reporting in the amount of \$7,800. The 2020 Surface Water Management Utility budget includes \$50,000 for these services.

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer that the City Council accept the proposal from Bolton & Menk, Inc. for stormwater modeling services in an amount not-to-exceed \$50,000.00. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Consider Proposal for Architectural and Engineering Services for Madrid Street Bridge Rehabilitation from TKDA.

In 2009, the City retained TKDA for the design of the Madrid Street Bridge over the Redwood River Diversion Channel. The bridge was assigned Bridge No.42566 by the State of Minnesota Department of Transportation Bridge Office. Construction of the bridge was completed in 2011 and opened to traffic.

A recent bridge safety inspection performed at the City's direction revealed distress and spalling in the Type P-1 barrier concrete along the sidewalk. City staff is concerned with the spalling and would like to hire TKDA to inspect, identify a repair, and prepare a repair plan and cost estimate for future City Council consideration. Once TKDA has an opportunity to evaluate the structure, we can better identify the severity and cause of the delamination and identify a proper repair and timeline for repair.

A Proposal for Architectural and Engineering Services from TKDA for Council review and consideration including special inspection, preparation of repair plans, and site observations during construction. Staff is proposing to accept the proposal from TKDA for Tasks A and B in the proposal; Bridge Special Inspection and Construction Document preparation. Staff will evaluate the need for construction administration services and confirm direction with Council as needed at a later date.

Motion made by Councilmember DeCramer, Seconded by Councilmember Meister that the Council accept Tasks A and B Proposal for Architectural and Engineering Services for Bridge 42566 Rehabilitation (Madrid Street Bridge) in an amount not-to exceed \$6,500. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Lozinski. Voting Nay: Councilmember Labat. The motion **Passed. 6-1**

Commission/Board Liaison Reports

Byrnes No Report

Schafer No Report

Meister Community Services Advisory Board met to discuss the status of the pool and how it has dealt with COVID-19

Bayerkohler Planning Commission met and discussed agenda items number 8 and 9.

Public Housing Commission met and found out that they are not eligible for HUD short fall funding but did receive CARES act funding. The Commission also signed contracts for architectural firm to upgrade the fire alarm and elevator system

DeCramer Economic Development Authority will be reviewing applications for the CARES Grant program.

Labat No Report

Lozinski City Hall Committee met and after review with the demolition contractor, staff and the committee have elected to remove the entire foundation of the hotel. After the foundation has been removed, it should end all demolition on sight.

Councilmember Individual Items

Councilmember Lozinski asked a clarifying question about the City's checking account.

Councilmember DeCramer provided additional information on COVID-19 housing assistance program.

City Administrator

City Administrator Sharon Hanson provided information on a joint session with Lyon County to discuss a potential EDA program.

Director of Public Works

Director of Public Works/ City Engineer Jason Anderson provided an update on construction projects throughout the city.

City Attorney

City Attorney Dennis Simpson provided a report on Commerce Industrial Park, Legion Field Storm Water project and an update on criminal prosecution matters within the City.

Information Only

There were no questions on the information items.

Upcoming Meetings

There were no questions on the upcoming meetings.

Adjourn

At 6:57 P.M., Motion made by Councilmember Meister, 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