

**CITY OF MARSHALL  
CITY COUNCIL MEETING  
M I N U T E S  
Tuesday, July 11, 2023**

The regular meeting of the Common Council of the City of Marshall was held June 27, 2023, 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, Amanda Schroeder, John Alcorn, See Moua-Leske and James Lozinski. Absent: None. Staff present included: Sharon Hanson, City Administrator; Pamela Whitmore, City Attorney; Jason Anderson, Director of Public Works/ City Engineer; E.J. Moberg, Director of Administrative Services; Lauren Deutz, Economic and Development Director; Dean Coudron, Public Ways Supervisor; Scott Truedson, Wastewater Superintendent; and Steven Anderson, City Clerk.

The Pledge of Allegiance was recited at this time.

There was a consensus to operate under the current agenda.

**Approval of the Minutes from the Regular Meeting Held on June 27, 2023**

There were no requests for amendments to the minutes from June 27, 2023.

Motion made by Councilmember Schafer, Seconded by Councilmember Schroeder to approve the minutes as read. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

**Project ST-032: Lot 2, Block 1, Schwan's Corp I Addition Parking Lot Repaving Improvement Project (Ralco) - 1) Resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds; 2) Resolution Accepting Bid (Awarding Contract).**

Jason Anderson gave a summary of the project that consisted of the installation of new 6" concrete pavement surface over the existing aggregate base section. To accommodate the new pavement surface, the existing bituminous pavement surface will be removed, and the spot-removal of existing curb and gutter will be completed as needed to ensure positive drainage. The existing curb and gutter and drainage structures would remain in-place to the maximum extent practicable. Additional aggregate base may be added to the in-place aggregate base section as needed to ensure proper grade on the new parking lot surface. Additional curb and gutter and concrete sidewalk replacement may be completed on the southeast side of the parking lot area to provide better definition between the parking and walking areas, and to promote positive drainage.

On July 6, 2023, four bids were received. The low bid was from D&G Excavating, Inc. of Marshall, Minnesota, in the amount of \$221,243.20. The engineer's estimate for the construction portion of the project was \$234,374.00. The concrete construction project will be 100% assessed to the owner, Knochenmus Enterprises, LLC with the special assessments paid back over eight years and bearing interest at a rate of two points over the bond rate. The assessment period and interest rate are consistent with existing special assessments and the fee schedule, respectively. A portion of the 2023 abatement bonds issued were for this parking lot project. The estimated total project cost including 5% allowance for contingencies and 16% for engineering and administrative costs is \$269,474.22.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to approve Resolution 23-052 and Resolution 23-053 awarding the contract to D&G Excavating. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

**Replace Exterior Siding of Airport Hangar Located at 1622 W College Drive**

Jason Anderson provided background information. The project consisted of a complete re-tin of exterior sidewalls and renew two walk doors on hangar 1622 at the Marshall Airport by furnishing all labor, materials, and equipment. The building size is 90'x80'x 20' high. The north end of the hangar has a 20'x60' bi-fold door which will also be re-tinned.

Three quotes were received, and the low quotation was from E&K Construction Inc. of Redwood Falls, Minnesota, in the amount of \$68,055.00. This project is included in the City's 10-year CIP in the amount of \$80,000 funded by Capital Equipment Fund Levy.

Councilmember Lozinski asked if it was possible to accept the bid from the local contractor instead since the amounts were close. Anderson stated that the city has typically always awarded projects to the lowest bidder regardless of location to ensure the process is consistent and fair. Attorney Whitmore clarified that this was a request for quotes because of the amount so there was a bit more leeway for council to make that decision to go with the local contractor.

Motion made by Councilmember Meister, Seconded by Councilmember Alcorn to accept the intent to accept the low bid. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Motion made by Councilmember Alcorn, Seconded by Councilmember Meister to accept the bid from E&K Construction in the amount of \$68,055.00. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske. Voting Nay: Councilmember Lozinski. The motion **Carried. 6-1.**

#### **Project WW-005: Highway 23 Lift Station Improvements Project - Pump Selection**

Jason Anderson provided summary information. At the May 9, 2023, meeting the City Council rejected the single bid for the Highway 23 Lift Station Improvement Project and directed staff to proceed with phases one & two. Phase two included the purchase and installation of two submersible pumps on the existing guide rail systems. Budget estimate for this work was \$135,000. Two quotes for replacement pumps were received. One quote was submitted by Electric Pump and include Flygt pumps, and another quote was submitted by Minnesota Pump Works and include ABS/Sulzer pumps. Phase two from BMI's memo identifies the purchase of two submersible pumps to be installed on the existing guide rail systems. The estimate for this phase is \$135,000. The Wastewater Treatment Facility currently has Flygt pumps at this lift station and have had very good service life from them. Two of the pumps are from 1993 and two are from 2003. Flygt pumps have very durable components with stainless steel lifting handles, superior "wet ends" with high chrome content impellers and built in cooling jackets to reduce motor operating temperatures. The motors are highly efficient which reduces electrical operating costs. The quote for purchasing two Flygt pumps was \$101,904. The second quote is for two Sulzer pumps and, while the cost is lower at \$55,335.83, the Sulzer pumps are not as robust as the Flygt pumps. The motors are less efficient and are estimated to cost an additional \$1,900/year in energy costs to operate. Cooling jackets are not included and are an additional \$2,500 per pump. The "wet ends" are not as durable requiring bi-annual impeller adjustments and an estimated \$7,900 for a rebuild midway through the life of the pump. Cast iron lifting handles would need to be replaced with staff manufactured stainless steel.

The Wastewater Department has \$350,000 in the 2023 budget for Hwy 23 lift station improvements which has now been broken into four phases over multiple years. Leftover funds will be built into the 2024 CIP for phases 3 & 4.

Councilmember Schafer mentioned his support of the Flygt pumps and the reliability of them that will serve the city well.

Motion made by Councilmember Schafer, Seconded by Councilmember Moua-Leske to award the pump selection to Electric Pump to purchase Flygt pumps. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

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

Motion made by Councilmember Meister, Seconded by Councilmember Schroeder to approve the items on the consent agenda. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder,

Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

- Consider Liability Coverage – Waiver for 2023-2024 League of Minnesota Cities Insurance Trust Property/Casualty and Liability Insurance
- Consider Approval for a Raffle Permit for Tracy Area Animal Rescue on September 9, 2023
- Consider Resolution for Signage for ADA Parking Stalls at 100 West College Drive
- Consider Approval of the Bills/Project Payments

**Adoption of Ordinance for Map Amendment (Rezone) of 1000, 1010, 1020, & 1030 East Southview Drive**

This was a request by Vesta, LLC, of Marshall, MN to rezone property at 1030 East Southview Drive from a B-4 Shopping Center Business District to B-3 General Business District. Since shopping centers are not a common use anymore, staff believe that B-4 zoning district has become obsolete. Staff also suggest rezoning the other B-4 properties in this area to B-3 as well at this time. All properties around this area are currently zoned B-3 General Business District. The new Comprehensive Plan shows this entire area as commercial. All businesses in the rezone area are permitted uses in B-3 districts, so there would be no adverse impacts. At the June 14, 2023, Planning Commission meeting, a public hearing was held, and a motion was made to recommend approval to City Council to rezone the property as recommended by staff. The rezone was introduced at the City County Council meeting on June 27, 2023.

Motion made by Councilmember Schafer, Seconded by Councilmember Schroeder to adopt Ordinance 23-017 Re-Zoning 1000 – 1030 Southview Drive to a B-3 General Business District. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

**Adoption of Ordinance for Map Amendment (Rezone) at Various London Road Properties**

This was a request by the City of Marshall to rezone the area as shown on the attached map from B-1 Limited Business District to R-4 Higher Density – Multi Family Residence District for potential future development of multi-unit residential building. The new Comprehensive Plan shows this entire area as Neighborhood Mix use with intent to allow for both commercial and residential uses. At the June 14, 2023, Planning Commission meeting, a public hearing was held, and a motion was made to rezone the B-1 Limited Business District to R-4 Higher Density – Multi Family Residence District and leave the R-1 One Family Residence District strip along London Road as a buffer between the new R-4 Higher Density – Multi Family Residence District and the single-family homes on the other side of London Road. The rezone was introduced at the City Council Meeting on June 27, 2023.

Councilmember Schroeder shared that the concerns from the Planning Commission were addressed with the Paris Road extension. Councilmember Moua-Leske asked for clarification on where the single-family homes were being placed. Councilmember Meister shared a letter that he received asking for additional amenities such as underground parking for the possible project.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to adopt Ordinance 23-018 Re-Zoning a portion of London Road to R-4 Higher Density Multi Family Residence District. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

**Broadmoor Valley Paving Project - Consider City Cost Participation**

The owner of the Broadmoor Valley Community, Schierholz and Associates, had been awarded a \$500,000 grant through Minnesota's Manufactured Home Community Redevelopment Program. This grant was awarded to improve the conditions of the street and utilities. Schierholz and Associates has hired Bolton & Menk (BMI) to complete construction plans for resurfacing of Timberlane Drive, a portion of Lilac Drive, and Ash Drive in the manufactured home community. The reconstruction will result in 20-FT bituminous street, with 5-FT gravel shoulders on each side. The street is proposed

to be signed for no parking on both sides. Park ownership explained that parking was not allowed on the street, so City staff advised that the street should be signed to be certain that park residents were aware of the restriction. Identifying the street parking restrictions was a key consideration for City staff to approve the narrower paved street section. In addition to the paving of the streets, the project included the installation of approximately 628-FT of 36” RCP storm sewer pipe. The piping system is city drainage that passes through the park and drains some of the park area. City staff had identified this pipe replacement as a need for the city. Staff would propose to participate in the project by expending Surface Water Management Utility funds to replace the existing 18” pipe with a 36” pipe. It is proposed that city cost participation mirrors the way city utilities typically participate in street reconstruction projects—by also paying for the street section above the pipe. The City’s consultant, Bolton & Menk, Inc., has estimated the cost at \$156,000. The city will pay actual bid prices for our cost participation.

Mayor Brynes asked for clarification on where the city storm sewer passes through. Council also asked where the ditch currently drains and if the residents on Genesis Avenue would benefit. Anderson stated the ditch would not affect Genesis as the ditch drains into Tiger Pond near Windstar.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to approve Resolution 23-055 city cost participation for the Broadmoor Valley Paving Project. Voting Yea: Mayor Brynes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

**Salaries and Compensation of Mayor and Councilpersons**

Chapter 2, Sec. 2.07 of the City of Marshall Charter requires salaries of the Councilmembers and Mayor to be discussed as an agenda item at the first council meeting in July of each year. Minnesota State Statute 415.11 allows for the governing body fix their own salaries by ordinance in such amount as they deem reasonable. No change in salary shall take effect until after the next succeeding municipal election. In 2022 City Council adopted Ordinance 22-008 setting council salaries for 2023 and 2024.

Administrator Hanson mentioned that in 2022 consultation was provided by Kennedy & Graven on Ordinance 22-008 that was passed. Based on the data from comparable cities the Mayor and Council salaries fall into the middle of the data sets. Councilmembers discussed salaries and how compensation is needed to attract people to the position for time needed to be on council.

**Commission/Board Liaison Reports**

- Brynes                      Fire Relief Association Board of Trustees will have their quarterly meeting soon. On July 13 the SWRD will hold their annual meeting.
- Schafer                    No report.
- Meister                    No report.
- Schroeder                No report.
- Alcorn                     No report.
- Moua-Leske              The DEI Commission met and discussed engagement and the purpose of the commission. Library Board met and approved budgets.
- Lozinski                    Joint LEC held their annual meeting, and no items were on the agenda.

**Councilmember Individual Items**

Councilmember Moua-Leske expressed her concern with the vandalism on the Highway 23 overpass bridge.

Councilmember Schafer mentioned how well the Fourth of July celebration went and encouraged citizens to attend Tunes on the Terrace when available.

Mayor Brynes gave a brief update on the Emerald Ash Borer situation in Marshall and options for residents.

**City Administrator**

Fourth of July was successful, and a future item will be coming to council for a multi-year contract with the firework provider. The Terrace 1872 is still under construction and plans to be finished by Sounds of Summer. Hanson gave a presentation to the Minnesota Association of City Attorneys on Marshall's DEI Commission. The Chamber of Commerce favors the Aquatic Center and submitted a letter of support.

**Director of Public Works/City Engineer**

Project updates were given on: SRE Building at the Airport, JAZB called for a public hearing on a new airport zoning ordinance, mill & overlay will begin on July 17, and the Legion Park/Parkway Addition retention pond will begin before the end of July.

**City Attorney**

Thanked Administrator Hanson for attending and presenting at the MACA conference. The rental code ordinance committee met July 11 and is progressing on their refinements. An administrative penalties policy will be presented to council soon along with an ordinance prohibiting cannabis use in public spaces.

**Administrative Brief**

There were no questions on the Administrative Brief.

**Information Only**

There were no questions on the Information Only items.

**Upcoming Meetings**

There were no questions on the Upcoming Meetings.

**Adjournment**

At 6:17 PM Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to adjourn the meeting. Voting Yea: Mayor Brynes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Attest:

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City Clerk

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Mayor