

**CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, September 08, 2020**

The regular meeting of the Common Council of the City of Marshall was held September 8, 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: Steven Meister, Glenn Bayerkohler, John DeCramer, Russ Labat and James Lozinski. Absent: Craig Schafer. 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; Karla Drown, Finance Director 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 work session held on August 18, 2020.

Motion made by Councilmember Meister, Seconded by Councilmember Labat that the minutes of the work session held on August 18, 2020 be approved as filed with each member and that the reading of the same be waived. Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember Bayerkohler, Councilmember Labat, Councilmember Lozinski. Voting Abstaining: Councilmember DeCramer. The motion **Passed. 5-0-1**

Consider approval of the minutes of the work session and regular meeting held on August 25, 2020.

Motion made by Councilmember DeCramer, Seconded by Councilmember Labat that the minutes of the work session and regular meeting held on August 25, 2020 be approved as filed with each member and that the reading of the same be waived. Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

Vacation of Utility Easement in Carr Subdivision I – 1) Public Hearing on Resolution Granting Petition to Vacate Utility Easement; 2) Consider Resolution Granting Petition to Vacate Utility Easement.

A signed petition for vacation of a utility easement has been received from the owners of all the real property that includes the proposed area for utility easement.

Prior to the public hearing and adoption of the resolution granting a petition for vacation, all utility companies were contacted. MMU currently has a street light wire on this easement that serves a streetlight on Andrew Street. If the vacation of easement would be approved, a new easement would need to be established and MMU would need to be compensated to install a new street light circuit and relocate the existing streetlight.

Director of Public Works/ City Engineer Jason Anderson provided the background information on the agenda item.

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

Motion made by Councilmember Decramer, Seconded by Councilmember Meister that the Council adopt RESOLUTION NUMBER 4743, Second Series, which is the Resolution Granting Petition to Vacate Utility

Easement, contingent upon James Carr granting new utility easements to MMU. Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember Bayerkohler, Councilmember Decramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

Project Z81: MERIT Center Outfall Project – Consider Resolution Accepting Bid (Award Contract).

Bids were received on September 3, 2020 for the above-referenced project. Six bids were received. Towne & Country Excavating LLC of Garvin, Minnesota, was the lowest responsible bidder.

This project consists of the following: Construction of open drainage ditch, stormwater piping and other miscellaneous improvements. Construction of a field approach with culvert will be required. The project will occur on the MERIT Track property (Parcel ID 27-622001-0) and 290th Street. The “Resolution Accepting Bid” awarding the contract to Towne & Country Excavating LLC of Garvin, Minnesota, in the amount of \$251,297.00. The engineer’s estimate was \$291,480.00. The project will be funded from the Surface Water Management Utility fund.

Motion made by Councilmember Meister, Seconded by Councilmember Lozinski that the Council adopt RESOLUTION NUMBER 4744, Second Series, which is the “Resolution Accepting Bid (Award Contract)” for Project Z81: MERIT Center Outfall Project to Towne & Country Excavating LLC of Garvin, Minnesota, in the amount of \$251,297.00. Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

Consider approval of the Consent Agenda

Councilmember Lozinski requested that item number 9, Consider a Resolution Designating Uniform Election Dates and Polling Locations, be removed for further discussion.

Motion made by Councilmember Meister, Seconded by Councilmember DeCramer to approve the consent agenda. Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

Approval of Wastewater Treatment Facilities Improvement Project – 1) Consider Application for Payment No. 14 to Magney Construction, Inc.; 2) Consider Payment of Invoice 1302213 to American Engineering Testing, Inc.; 3) Consider Payment of Invoice 0255361 to Bolton & Menk, Inc.

Approval of employee vision insurance agreement with EyeMed effective 01/01/2021.

Approval of Resolution Number 4745, Second Series calling for a public hearing on the proposed assessments for ice, snow and weed elimination.

Approval of Resolution Number 4746, Second Series certifying unpaid fire service charges.

Approval of Resolution Number 4747, Second Series Accepting a Surrender of a Conditional Use Permit.

Approval of the bills/project payments.

Consider a Resolution Designating Uniform Election Dates and Polling Locations.

By December 31 of each year, the governing body of each municipality and of each county with precincts in unorganized territory must designate by ordinance or resolution a polling place for each election precinct. The polling places designated in the ordinance or resolution are the polling places for the following calendar year. Councilmember Lozinski asked staff to look at relocating the Ward 1 polling location for 2022.

Motion made by Councilmember Lozinski, Seconded by Councilmember Meister to adopt Resolution Number 4748, Second Series Designating Uniform Election Dates and Polling Locations. Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember Bayerkohler, Councilmember Decramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

2021 Budget Request for the Marshall-Lyon County Library

Marshall-Lyon County Library Director Michele Leininger presented the library's 2021 budget request.

Sounds of Summer Community Contribution Request

Marc Klaith, Sounds of Summer representative presented the Sounds of Summer budget request for 2021.

Consider Resolution Approving the changes to the 2021 Fee Schedule

Ways & Means Committee reviewed the changes to the Fee Schedule at their meeting on August 28, 2020. Staff and Ways & Means Committee are recommending Council approval of the changes/updates to the 2021 Fee Schedule.

There was continued discussion by Council and staff on the surface and wastewater rates for 2021.

Motion made by Councilmember DeCramer, Seconded by Councilmember Bayerkohler to approve Resolution Number 4749, Second Series approving specific fees to be charged by the City of Marshall. Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat. Voting Nay: Councilmember Lozinski. The motion **Passed. 5-1**

Project Z51-2020: Bituminous Resurfacing on Various City Streets Project - Consider Change Order No. 1 (Final) and Acknowledgement of Final Pay Request No. 2.

The items on Change Order No. 1 (Final Reconciling Change Order) for the above project are the result of final measurements and changes in item quantities during construction. All work has been completed in accordance with the specifications. The final payment in the amount of \$30,004.81, including the final change order and release of retainage, will be paid from Account #495-43300-55170 (Public Improvement Revolving Fund-Streets-Infrastructure) per Finance.

Motion made by Councilmember Lozinski, Seconded by Councilmember DeCramer that the Council approve Change Order No. 1 (Final) with Duinink, Inc. of Prinsburg, Minnesota, resulting in a contract increase in the amount of \$1,184.02 and acknowledge Final Pay Request (No. 2) in the amount of \$30,004.81 for the above-referenced project. Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

Consider Resolution Adopting Preliminary Levy for 2021.

At the August 18th work session, staff proposed a levy increase of \$456,585 or 6.47%. The main contributing factors for this increase are an increase levy item for street mill and overlays, increased salaries and health care costs.

Staff have been directed by the Council to reduce this increase for the preliminary levy to 3.5%. All cities must adopt proposed budget by resolution and certify proposed tax levy to the county auditor on or before September 30th.

Final levies may be lower than the proposed levy but may not exceed the proposed levy that is adopted in September. Staff is recommending a 2021 preliminary levy increase of \$246,894 or 3.5%.

The proposed 2021 preliminary general fund budget currently has a deficit of 179,581.72. Of this amount 125,000 is planned use of reserves on one-time expenditures. The remaining amount is due to unknown health insurance costs – which are being budgeted at a 7% increase from 2020. This amount will not be known until October 1st and will be adjusted for the final budget approval in December.

The City Council is required to hold a public meeting for the proposed levy and certify to the County Auditor the date, location and start time at the same time the proposed levy is certified. Currently in the resolution this date is being proposed Tuesday, December 8th at 6:00pm located at the MERIT Center.

Motion made by Councilmember Meister, Seconded by Councilmember DeCramer to approve Resolution Number 4750, Second Series a Resolution Adoption Preliminary Levy for 2021 in the amount of 7,303,007. Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember DeCramer, Councilmember Lozinski. Voting Nay: Councilmember Bayerkohler, Councilmember Labat. The motion **Passed. 4-2**

At 6:55 P.M., Councilmember Bayerkohler excused himself from meeting.

Commission/Board Liaison Reports

Byrnes Southwest Regional Development Commission met to view a presentation of CARES Funds.

Meister No Report

Bayerkohler No Report

DeCramer Economic Development Authority took part in a joint meeting with Lyon County as well as continuing to process CARES Grant funding requests.

Labat No Report

Lozinski City Hall Committee met and after reviewed a changed order for the east wall of the city hall building as a result of the hotel building coming down. The Committee review cost saving options to reduce the cost of the change order.

Councilmember Individual Items

Councilmember Meister extended his thanks and appreciation for first responders. Mayor Byrnes asked City Administrator Sharon Hanson to provide input on the tax deferral program.

City Administrator

City Administrator Sharon Hanson commented that the City of Marshall will be opting out of the tax deferral program for its employees. Administrator Hanson also mentioned the Council's attendance of the joint EDA meeting.

Director of Public Works

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

City Attorney

City Attorney Dennis Simpson provided an update on the MAHA Contract and that they would take action on the contract at a future meeting. Attorney Simpson discussed that the city farm leases would be extended with the current lease holders. Simpson also commented that the Helena project has moved into phase 3 of inspection.

Administrative Report

There were no questions on the admin brief.

Information Only

There were no questions on the information items.

Upcoming Meetings

There were no questions on the upcoming meetings.

Adjourn

At 7:10 P.M., Motion made by Councilmember Lozinski, Seconded by Councilmember DeCramer. Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 5-0**

Mayor

Attest:

City Clerk