

**CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, April 23, 2019**

The regular meeting of the Common Council of the City of Marshall was held April 23, 2019 in the Professional Development Room at the Marshall Middle School, 401 South Saratoga 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, Steven Meister, Glenn Bayerkohler John DeCramer, Russ Labat and James Lozinski. Absent: None. Staff present included: Sharon Hanson, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Jason Anderson, Assistant City Engineer/Zoning Administrator; Ilya Gutman, Plan Examiner/Assistant Zoning Administrator; Annette Storm, Director of Administrative Services; Sheila Dubs, Human Resource Manager; Dave Parsons, City Assessor; Preston Stensrud and Kyle Box, City Clerk.

The Pledge of Allegiance was recited at this time.

With consensus from the Council Mayor Byrnes requested to remove item number 7, Consider Amendments to the Fund Balance Policy, to be referred to the Ways and Means Committee.

Consider approval of the minutes of the work session and regular meeting held on April 9, 2019.

Motion made by Councilmember Schafer, Seconded by Councilmember Meister that the minutes of the work session and regular meeting held on April 9, 2019 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 local board of appeal and equalization hearing held on April 15, 2019.

Motion made by Councilmember Labat, Seconded by Councilmember Lozinski that the minutes of local board of appeal and equalization hearing held on April 15, 2019 be approved as filed with each member and that the reading of the same be waived. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. Voting Abstaining: Councilmember Meister. The motion **Passed. 6-0-1**

Project Z51-2019: Bituminous Resurfacing on Various City Streets - Consider Resolution Accepting Bid.

Bids were received on April 16, 2019 for the above-referenced project. Duininck, Inc. of Prinsburg, Minnesota, was the lowest responsible bidder as shown on the attached resolution. Attached is a map showing the proposed affected street segments. The "Resolution Accepting Bid" awarding the contract to Duininck, Inc. of Prinsburg, Minnesota, in the amount of \$537,234.20, with a maximum of \$575,000.00. The engineer's estimate for the bituminous overlay was approximately \$582,600. At the CIP work session on April 9, 2019, approximately \$575,000 was approved.

Motion made by Councilmember DeCramer, Seconded by Councilmember Schafer to adopt Resolution Number 4608, Second Series, which is the "Resolution Accepting Bid (Award Contract)" for Project Z51-2019: Bituminous Overlay on Various City Streets to Duininck, Inc. of Prinsburg, Minnesota, in the amount of \$537,234.20, with a maximum of \$575,000.00. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Project Z74: Huron Road/Superior Road Reconstruction Project - Consider Resolution Accepting Bid.

Bids were received on April 18, 2019 for the above-referenced project. R&G Construction Co. of Marshall, Minnesota, was the lowest responsible bidder as shown on the attached resolution. MMU has reviewed the bids and has concurred with a recommendation to award the contract to R&G Construction Co. MMU will be responsible for all watermain, services up to and including the curb stop/valve, and all base and surfacing costs above these items. The "Resolution Accepting Bid" awarding the contract to R&G Construction Co. of Marshall, Minnesota in the amount of \$787,018.00. The estimated total project cost including 5% allowance for contingencies and 16% for engineering and administrative costs is \$958,587.92 funded from Account #260-60211-5570. The engineer's estimate for the project was approximately 1,038,800.00.

Motion made by Councilmember Schafer, Seconded by Councilmember Meister to adopt Resolution Number 4609, Second Series, which is the "Resolution Accepting Bid (Award Contract)" for Project Z74: Huron Road/Superior Road Reconstruction Project to R&G Construction Co. of Marshall, Minnesota in the amount of \$787,018.00. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Consider Bids for Award of Liberty Park Restroom project

Liberty Park currently has no permanent restroom facility. In the Parks Restroom replacement schedule, this park was identified as the 2019 priority for implementing a unit at Liberty. Two proposals were received. The purchase of this unit will be funded from Account #401-70276-5520 (Capital-Parks Department-Buildings).

Parks Superintendent Preston Stensrud presented the item to Council.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to award the bid to Doom & Cuypers Construction, Inc. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. Voting Nay: Councilmember Meister. The motion **Passed. 6-1**

CONSENT AGENDA

Councilmember Bayerkohler requested that item number 8, Consider Approval of Amendments to Interfund Loan Resolution for TIF 1-5 for Marshall Hotel Project, be removed for further discussion. Councilmember Lozinski requested that item number 11, Consider authorization to declare vehicles as surplus property for the Marshall Police 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**

Approval of a Refuse Haulers License for West Central Sanitation, INC. of Willmar, MN.

Approval of Transient Merchant License for Frankie's Hot Dogs, LLC

Approval of Commerce Industrial Park Farm Lease - 2019.

Acceptance of a HMEP Grant and Resolution Number 4611, Second Series, for the Southwest Chemical Assessment Team and to authorize the Director of Public Safety/Police Chief Jim Marshall to administer the grant.

Approval of an application for an On-Sale Intoxicating Liquor License for Marshall Convention and Visitors Bureau for May 17, 2019.

Approval of the bills/project payments

Consider Approval of Amendments to Interfund Loan Resolution for TIF 1-5 for Marshall Hotel Project.

On February 28, 2017 City Council adopted resolution 4355 allowing an interfund loan from TIF District 1-11 to cover expenses related to infrastructure improvements for the Marshall Hotel Acquisition & Redevelopment up to \$350,000.

On February 26, 2019 City Council awarded a bid for removal of hazardous materials and miscellaneous debris in the amount of 72,468.53 for the Marshall Hotel. This amount along with the acquisition costs for the Marshall Hotel exceeds the \$350,000 maximum.

The proposed resolution amendments align the resolution and the redevelopment plan's authorized expenses for the Marshall Hotel Project. Previous resolutions reference TIF District 1- 11 but the authority is within TIF District 1-5's Redevelopment Plan.

Councilmember Bayerkohler pulled the item for further discussion.

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer to approve amendments to Interfund Loan Resolution for TIF 1-5 for Marshall Hotel Project. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. Voting Nay: Councilmember Bayerkohler. The motion **Passed. 6-1**

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

These vehicles have been abandoned or seized by the Marshall Police Department and have gone through the notification processes and required periods for disposal.

Councilmember Lozinski pulled the item for further discussion on surplus and forfeiture property.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer that the vehicles be declared as surplus property by the City of Marshall. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Introduce the request for map amendment (rezone) of James Carr, Marshall, MN, at 701, 703, 705, 800, 801, 802, 803, 804, 805, 806, 807, 900, 901, 902, 903, 904 and 905 Andrew Street.

This is a request by James Carr, Marshall, MN to rezone properties at 701, 703, 705, 800, 801, 802, 803, 804, 805, 806, 807, 900, 901, 902, 903, 904 and 905 Andrew Street from R-1 One Family Residential District to R-2 One to Four Family Residential District.

To permit construction of tri-plex structures, as the owner desires, the lots must be rezoned to an R-2 One to Four Family Residential District. The adjacent land south of the zoning area is zoned R-2 One to Four Family Residential District.

Rezoning procedures are described in Section 86-30 Amendments.

At the April 10, 2019, Planning Commission meeting, a public hearing was held, and a motion was made by Carstens, second by Steen to recommend approval to City Council to rezone the property as recommended by staff. Motion passed Fox abstained. Planning Commission minutes are attached under the "Information Only" agenda item.

Motion made by Councilmember Labat, Seconded by Councilmember Lozinski. To introduce the attached ordinance to rezone 701, 703, 705, 800, 801, 802, 803, 804, 805, 806, 807, 900, 901, 902, 903, 904 and 905 Andrew Street from R-1 One Family Residential District to R-2 One to Four Family Residential District. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Request for map amendment (rezone) 1213, 1215 and 1217 West Main Street.

This is a request by Douglas and Peggy Anderson, Marshall, MN to rezone properties at 1213, 1215 and 1217 West Main Street from B-3 General Business District to a I-2 General Industrial District. The owner intends to build an addition to his building (Marshall Machine Shop); that addition will be built on the north side and will extend into the lots along West Main Street. The use of the building is manufacturing, and it is not permitted in a B-3 General Business District, which the three lots to be rezoned currently are. To permit building an addition, they must be rezoned to an I-2 General Industrial District.

The adjacent land south of these lots is presently zoned I-2 General Industrial District and the land across Main Street is zoned I-1 Limited Industrial District, so the requested rezoning is consistent with the zoning of surrounding areas. However, the 1996 City Comprehensive plan shows the corridor along Main Street as a commercial use rather than industrial. Nevertheless, the staff's opinion is that at this time the requested change is acceptable considering the age of the Comprehensive plan, the use of the neighboring properties and the location of major commercial development areas within the city.

Rezoning procedures are described in Section 86-30 Amendments

At the March 13, 2019, Planning Commission meeting, a public hearing was held, and a motion was made by Carstens, second by Ruud to recommend approval to City Council to rezone the property as recommended by staff. All voted in favor. The Ordinance Amendment to rezone 1213, 1215 and 1217 West Main Street from B-3 General Business District to I-2 General Industrial District was introduced at the March 26, 2019, City Council meeting.

Motion made by Councilmember Schafer, Seconded by Councilmember Meister to adopt Ordinance Number 736, Second Series, to rezone 1213, 1215 and 1217 West Main Street from B-3 General Business District to I-2 General Industrial District. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The

motion **Carried. 7-0**

Legion Field Stormwater Study - Report Update from Bolton & Menk, Inc.

At the September 25, 2018 meeting, the City Council authorized entering a professional services agreement for Legion Field Road Stormwater Study with Bolton & Menk, Inc.

The study proposed drainage improvements for the industrial and residential areas north of West College Drive and west of Legion Field Road and for the residential area east of Legion Field Road and generally north of the BNSF Railway, including Parkway III.

Josh Stier of Bolton & Menk, Inc., the City's consultant will present the attached PowerPoint relating to the study.

2018 Marshall Area EDA Annual Report

Director of Economic Development Tara Onken will present the 2018 Annual Economic Development Authority Report.

Consider the annual adoption of a Resolution Declaring the Sounds of Summer as a Community Festival.

Sounds of Summer Committee has submitted a letter requesting that the City declare "The Sounds of Summer" celebration as a Community Festival. The Sounds of Summer is scheduled for Thursday, August 15, 2019 through Sunday, August 18, 2019.

Motion made by Councilmember Lozinski, Seconded by Councilmember DeCramer to adopt Resolution Number 4612, Second Series, a resolution declaring the Sounds of Summer as a Community Festival. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Lozinski. Voting Abstaining: Councilmember Labat. The motion **Passed. 6-0-1**

Call for Public Hearing for Private Use of Public Streets and Parking Lots for Sounds of Summer – August 16-18, 2019.

In accordance with Section 62-6 of the Marshall City Code, any private use of public streets and parking lots on either a temporary or permanent basis should be considered by the Marshall City Council. Due to the magnitude of the proposed event and potential impact to the businesses adjacent to the areas that are being requested to be blockaded, City Staff would recommend that the City Council hold a public hearing on this request prior to granting final approval. In the past, the City's Public Safety and Public Works Departments have been worked with applicants on the issues and public safety concerns that would have to be addressed as part of this request. In addition, it would be City Staff's intent to have a representative from the Committee present at the hearing to provide a brief overview of the activities and events that are going to occur during the celebration.

There will be costs involved for overtime for personnel for set-up and take-down of the detours, barricades, traffic control and street sweeping. Staff is proceeding with plans not to charge fees for this event based on past practice. Costs for operations attributed to the parade only are estimated at less than \$5,000.

Motion made by Councilmember Schafer, Seconded by Councilmember Meister to call for a public hearing to be held on May 14, 2019 for the private use of public streets and parking lots for Sounds of Summer (August

16-18, 2019).

Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Lozinski. Voting Abstaining: Councilmember Labat. The motion **Passed. 6-0-1**

Consider approval of a letter of support for the Marshall Cemetery Association.

The Marshall Cemetery Association is requested a letter of support from the City Council regarding Minnesota House of Representatives Bill H.F. 2620 and Minnesota senate Bill S.F. 2647 – Charitable Farmland Property Tax Exemption.

Motion made by Councilmember Meister, Seconded by Councilmember Lozinski to approve and submit a letter of support for the Marshall Cemetery Association. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Commerce Industrial Park Second Addition Dedication of Public Roadway and Utility Easements.

Recent as-built survey has indicated slight discrepancies between the location of the constructed roadway and the roadway as previously platted. It appears that the intersections with Michigan Road and the various avenues within Commerce Industrial Park Second Addition do not meet at true 90° angles. There is a slight curvature at each intersection. As such, it is necessary to require a land transfer and subsequent dedication of public roadway and street uses. HRA has previously executed a deed describing land descriptions and easement descriptions. HRA has deeded the described property to the City of Marshall with the understanding that the property would be dedicated for public roadway and utility easement purposes. City staff is recommending that the appropriate resolution be approved dedicating roadway and utilities and requiring that the resolution be recorded in the office of the Lyon County Recorder for verification of dedicated roadway and utilities.

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer to approve Resolution No. 4613, Second Series authorizing dedication of City-owned property for public roadway and street use purposes forever and dedicating utility easements for public use forever. 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 Regional Development Commission met and discussed strategic planning.

Fire Relief Association met, and funds are doing well.

Schafer No Report

Meister No Report

Bayerkohler No Report

DeCramer Utilities Commission met to discuss the 2018 Audit.

Labat Police Advisory Committee met and conducted interviews for the Police Captain position.

Lozinski No Report

Councilmember Individual Items

Councilmember Schafer discussed work completed by the Public Works Department near the fair grounds.

Councilmember Labat commented that he did a ride along with the City Building Inspector.

City Administrator

City Administrator Sharon Hanson commented on bids for the Waste Water Treatment Facility project. Administrator Hanson discussed the Transient Merchant License approved in an earlier action.

Director of Public Works

Director of Public Works/City Engineer Glenn Olson discussed issues with the sanitary sewer in residential areas.

City Attorney

City Attorney Dennis Simpson discussed continued work on several items.

Information Only

There were no questions on the information items.

Upcoming Meetings

There were no questions on the upcoming meetings.

Adjourn Meeting

At 7:14 P.M., Motion made by Councilmember Schafer, 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