

**CITY OF MARSHALL  
CITY COUNCIL MEETING  
M I N U T E S  
Tuesday, March 12, 2024**

The regular meeting of the Common Council of the City of Marshall was held March 12, 2024, at City Hall, 344 West Main Street. The meeting was called to order at 5:30 P.M. by Councilmember James Lozinski. In addition to Lozinski the following members were in attendance: Amanda Schroeder, John Alcorn, See Moua-Leske and Steve Meister. Absent: Mayor Robert Byrnes and Craig Schafer. Staff present included: Sharon Hanson, City Administrator; Pamela Whitmore, City Attorney (via Zoom); Jason Anderson, Director of Public Works/ City Engineer; E.J. Moberg, Director of Administrative Services; and Steven Anderson, City Clerk.

**Consider Approval of the Minutes from the Regular Meeting Held on February 27th**

There were no requested amendments to the minutes.

Motion made by Councilmember Moua-Leske, Seconded by Councilmember Alcorn to approve the minutes as submitted. Voting Yea: Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 5-0.**

**Issuance of Revenue Bonds by the South Dakota Health and Educational Facilities Authority for Avera Health to Finance a Project Located in the City of Marshall – 1) Public Hearing; 2) Consider Resolution Providing Host Approval for Issuance**

E.J. Moberg presided over the public hearing. Avera Health planned to remodel, renovate, and equip certain health care facilities located in the city owned by Avera Marshall, an affiliate of Avera Health and a Minnesota nonprofit corporation, through the issuance by the South Dakota Health and Educational Facilities Authority of one or more series of revenue bonds, of which an amount not to exceed \$3,000,000 will be applied to finance the Project. Since the Project to be financed by the bonds were in the city, Section 147(f) of the Internal Revenue Code of 1986, and regulations promulgated thereunder, require that prior to the issuance of the bonds the city, after conducting a public hearing must provide approval. The city was being asked to provide “host approval” for the issuance of tax-exempt conduit revenue bonds by the South Dakota Health and Educational Facilities Authority. With all conduit revenue bonds, the city has no obligation to pay the bonds even if the project encounters financial difficulties. The issuance of the bonds by the South Dakota Authority will not impact the city whatsoever. The Tax Equity and Fiscal Responsibility Act (TEFRA) hearing is an IRS requirement for any nonprofit borrower seeking tax-exempt bonds through a conduit issuer. The hearing is held to allow members of the public to comment, contest, oppose, or support the use of tax-exempt bonds for a non-profit borrower that is providing a public benefit. Avera Marshall has completed the City’s application for tax exempt financing and returned the completed form with a non-refundable application fee to the Director of Administrative Services. Christy Coudron and Tracy Deutz (VP Operations at Marshall) were in attendance on behalf of Avera Marshall. Kendall Kliewer representing Avera Health was also in attendance via Zoom. Tracy Deutz informed those in attendance that all the bonding money for Avera as a whole was still being planned but specifically for Marshall the money would be used for a pharmacy renovation.

Motion made by Councilmember Schroeder, Seconded by Councilmember Moua-Leske to close the public hearing. Voting Yea: Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 5-0.**

Motion made by Councilmember Schroeder, Seconded by Councilmember Alcorn to adopt Resolution 24-027 providing host approval for the issuance of revenue bonds for Avera Health. Voting Yea: Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 5-0.**

**Project ST-010: Lyon Circle Reconstruction Project - 1) Public Hearing on Improvement; 2) Consider Resolution Ordering Improvement and Preparation of Plans; 3) Consider Resolution Approving Plans and Specifications and Ordering Advertisement for Bids**

Project ST-010 consisted of reconstruction of the street, curb, gutter, and utility replacement work. The sanitary sewer would be replaced, along with service lines, storm sewer piping and intakes would be replaced at the intersection of

Lyon Circle and E. Lyon Street. Pavement removal, aggregate base, concrete valley gutter, and bituminous surfacing would also occur. Lyon Circle had been included in the 2024 Capital Improvement Plan for complete reconstruction. The newly constructed road would be narrower than the current circle, a reflection of the very low traffic demand for the dead-end circle. A public informational meeting was held on January 18, 2024. Notices were mailed to all owners and no property owners attended the meeting. To proceed with the project, adoption of the resolution ordering improvement required a “super-majority” vote, meaning the Council can only adopt the resolution by a four-fifths vote of all members of the Council. The engineer’s estimate for the construction portion of the project was approximately \$225,800. The total estimated project cost, including 10% allowance for contingencies and 16% for engineering and administrative costs is approximately \$275,000. All improvements would be assessed according to the current Special Assessment Policy, including but not limited to participation from Marshall Municipal Utilities, Wastewater Department, Surface Water Management Utility Fund and Ad Valorem.

Motion made by Councilmember Meister, Seconded by Councilmember Alcorn to close the public hearing. Voting Yea: Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 5-0.**

Motion made by Councilmember Moua-Leske, Seconded by Councilmember Alcorn to adopt Resolution 24-028 ordering the improvement and preparation of plans for project ST-010. Voting Yea: Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 5-0.**

Motion made by Councilmember Schroeder, Seconded by Councilmember Moua-Leske to adopt Resolution 24-029 approving plans and specifications and ordering advertisement for bids for project ST-010. Voting Yea: Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 5-0.**

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

No requests were made to remove an item from the consent agenda for additional discussion.

Motion made by Councilmember Meister, Seconded by Councilmember Schroeder to approve the items on the consent agenda. Voting Yea: Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 5-0.**

- Consider Approval of Event and Recurring Use Contracts for Use at the Adult Community Center
- Vacation of Utility Easement in Minnesota Corn Processors Industrial Park 1<sup>st</sup> Addition -- Receive Petition for Vacation and Call for Public Hearing
- Consider Requests of Shades of the Past Car Club – May 31, 2024, Cruise and June 1, 2024, Car Show
- Approval of Service Agreement for Concessionaire at Amateur Sports Complex
- Liberty Park Bandshell Project - Approve Resolution of Support to Apply for Minnesota DNR Outdoor Recreation Grant
- Consider Approval of the Bills/Project Payments

#### **Channel Parkway Addition - 1) Approval of Preliminary Plat; 2) Resolution Approving the Final Plat**

The Economic Development Authority had been working with the Southwest West Central Service Cooperative (SWWC) to determine a new location for the agency’s administrative offices. SWWC was in the former Market Street Mall and had explored several relocation and redevelopment opportunities. It was determined that a new facility would best meet the needs of the organization, including the addition of training facilities for staff and the community. SWWC’s proposal included the construction of a 16,000 sq ft facility on the city-owned property located near Parkway Addition at the corner of London Road and Channel Parkway. SWWC employed 459 people with 52 staff on-site in Marshall and encompasses an 18-county service area. SWWC supports schools, cities, counties, and government

agencies with educational and administrative services. Which included learning centers, special education services, enrichment programming, professional development, and technology services. The property that is being considered for development was located at the intersection of Channel Parkway and London Road. Creation of a parcel for this proposed development required a platting process because that land had never been platted and City Ordinance required land to be platted prior to the subdivision and sale of land. Per city ordinance public hearings on preliminary plats are now conducted at a Planning Commission meeting instead of at the City Council meeting. At their meeting on February 14, all voted in favor of the preliminary plat.

Motion made by Councilmember Schroeder, Seconded by Councilmember Moua-Leske to approve the preliminary plat of Channel Parkway Addition. Voting Yea: Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 5-0.**

Motion made by Councilmember Meister, Seconded by Councilmember Alcorn to adopt Resolution 24-031 approving the final plat of Channel Parkway Addition. Voting Yea: Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 5-0.**

**Consider Resolutions Providing for the Issuance and Sale of General Obligation Bonds, Series 2024A and General Obligation Grant Anticipation Notes, Series 2024B**

This series was proposed to include Street Reconstruction Bonds (South Whitney project), Abatement Bonds (parks projects at Legion Field and Independence Park), Improvement Bonds (Lyon Circle), and Airport Bonds (instrument landing system and snow removal equipment building). The resolution included authority provided to staff, the City's Municipal Advisor (BakerTilly) and the City's Bond Counsel (Kennedy & Graven) for the Council to consider proposals on the bonds and/or take any other appropriate action with respect to the Bonds at 5:30 PM on Tuesday, April 9, 2024. Staff continued to work with BakerTilly and new bond amounts were provided for series 2024A. The amount provided in the packet of \$3,785,000 had been changed to \$3,875,000 with bond allocations as follows:

- Street Reconstruction: \$1,570,000
- Airport: \$1,415,000
- Abatement: \$600,000
- Improvement: \$290,000

For series 2024B the need for the grant anticipation notes was because of the need to wait for receipt of state and federal grants for various projects. The projects would need to be paid for before funding would be available. Councilmember Lozinski asked if the interest would need to be paid entirely by the city or would there be any payback from the Feds for having to float the money until the grant money comes in. Moberg agreed that the city would end up absorbing the interest payment to ensure the projects stayed on track. Projected interest for the bonds was 3.22%.

Motion made by Councilmember Meister, Seconded by Councilmember Moua-Leske to adopt Resolution 24-032 for the issuance and sale of GO Bonds Series 2024A with revised estimated aggregate principal amount of \$3,875,00 and adopt Resolution 24-033 issuance and sale of GO grant anticipation notes Series 2024B. Voting Yea: Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 5-0.**

**Commission/Board Liaison Reports**

Byrnes	Absent.
Schafer	Absent.
Meister	No report.
Schroeder	The Housing Commission discussed their five-year capital fund program and planned to remove sheds and add garages at four locations and replace doors at one location.

Alcorn	No report.
Moua-Leske	The library discussed their strategic planning. The library had 90k visitors last year and were glad to report are fully staffed again.
Lozinski	Absent.

### **Councilmember Individual Items**

Councilmember Meister requested that Administrator Hansen provide an update on North Memorial Ambulance and urged citizens to please clean up after their animals while out walking.

### **City Administrator**

The city had been in contact with North Memorial and had scheduled a meeting to discuss their request to go from a Full Time Advanced Life Support to a Part Time Advanced Life Support license. 10 objections were received by the Emergency Medical Services Regulatory Board (EMSRB). If North Memorial cannot resolve the objections, an administrative law judge would be assigned, and a public hearing would be held in Marshall. Councilmember Lozinski asked for clarification on full-time vs part-time. Councilmember Meister explained that many of the ambulance services in the area have basic life support and would be unable to intubate (breathing tube into lungs), ventilate or give certain drugs to a patient. A physician/nurse/paramedic would need to be present in the ambulance to perform anything above basic life support.

### **Director of Public Works/City Engineer**

A bid opening was planned to occur on March 13<sup>th</sup> for the Highway 23 Lift Station project. March 21<sup>st</sup> would be bids for chip sealing. Assistant City Engineer Eric Hanson and Anderson would be attending an awards banquet from the concrete paving association.

### **City Attorney**

No report.

### **Administrative Brief**

There were no questions or comments on the Administrative Brief.

### **Information Only**

There were no questions or comments on the Information Only items.

### **Upcoming Meetings**

There were no questions or comments on the Upcoming Meetings.

### **Adjourn**

At 6:03 PM Motion made by Councilmember Moua-Leske, Seconded by Councilmember Schroeder to adjourn the meeting. Voting Yea: Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 5-0.**

Attest:

\_\_\_\_\_  
Steven Anderson, City Clerk

\_\_\_\_\_  
Robert Byrnes, Mayor