

**CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, September 24, 2024**

The regular meeting of the Common Council of the City of Marshall was held September 24, 2024, 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 (attended virtually due to being out of the city for a business trip), Amanda Schroeder, Steve Meister, John Alcorn, James Lozinski and See Moua-Leske. 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; Preston Stensrud, Park and Recreation Supervisor; Karla Drown, Finance Director; Eric Hanson, Assistant City Engineer; Jim Marshall, Director of Public Safety; and Steven Anderson, City Clerk.

Consider Approval of the Minutes from the Regular Meeting and Work Sessions Held on September 10th

There were no amendments to the minutes from the meetings held on September 10, 2024.

Motion made by Councilmember Lozinski, Seconded by Councilmember Meister to approve the minutes from the meetings held on September 10th. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Consider Approval of the Consent Agenda

Motion made by Councilmember Schroeder, Seconded by Councilmember Alcorn 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.**

- Introduce an Ordinance Amending Ch. 6 Article II-2 Intoxicating Liquor
- Introduce an Ordinance to Repeal Section 22-213 of the Minnesota Energy Resources Franchise Agreement
- Project ST-012-2024: S Whitney Street Reconstruction Project - Consider Resolution for Signage
- Consider Authorization to Declare Vehicles as Surplus Property for the Marshall Police Department
- National Highway Safety Grant
- Consider Approval of the Bills/Project Payments

Coalition of Greater Minnesota Cities Annual Update

Marty Seifert, a lobbyist for Flaherty and Hood, spoke about the 2024 Coalition of Greater Minnesota Cities outcomes. Seifert touched on local government aid and taxes; emergency medical services; water and wastewater infrastructure; childcare, housing and economic development; and transportation. Many of the priority items of the coalition never came to fruition as the legislature never passed a bonding bill. Traditionally even years for the legislature are bonding bills and odd numbered years were for budget. The legislature did the opposite in 2024 resulting in many cities being able to move forward with projects.

Approve Construction Manager Advisor Approach for Aquatic Center Project and Adopt Resolution Authorizing Staff to Finalize an Agreement with Contegrity Group, Inc.

Administrator Hanson provided background information. On September 10, 2024, City Council gave authorization and direction to staff to explore construction management services for the aquatic center following rejecting bids due to being approximately \$6 million over engineers estimate. City staff reached out to five different construction management firms and with the Aquatic Center Committee, interviewed those firms. The Aquatic Center Committee put forth their recommendation to proceed with a contract with Contegrity Group, Inc. who had successfully brought other projects to within construction estimates, but also had existing relationships with local contractors that would be advantageous to the city during the bidding process. It was anticipated that the construction management advisor would save money for construction administration and management as well as key re-design phase cost reductions and eventual project scoping bidding competitive bidding environment. Ron Halgerson, retired architect in the City of Marshall, assisted with the project manager interview process and provided insight into construction manager versus general contractor for the aquatic center project. Larry Filippi and Pete Filippi, of Contegrity Group, Inc., expressed

their dedication to the project. Kim Christensen, KHC Construction, voiced his opinion on the agreement with Contegrity Group and hoped that cost savings could be found.

Motion made by Councilmember Lozinski, Seconded by Councilmember Moua-Leske to approve the Construction Manager Advisor approach for the Marshall Aquatic Center Project and to adopt Resolution 24-087 Approving Hiring Contegrity Group, Inc and Delegating Negotiating Authority of the Agreement to Staff. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Consider Approval of 2024-2025 Property/Casualty and Liability Insurance

Karla Drown informed the council that the annual property/casualty and liability insurance would be increasing by 3 percent overall. The insurance covers the city, library and Marshall Municipal Utilities.

Motion made by Councilmember Moua-Leske, Seconded by Councilmember Schafer to approve the 2024-2025 Property/Casualty and Liability insurance. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Introduce an Ordinance Amending Chapter 74 Article VII Division 3-2 Permit for Class 2 All-Terrain Vehicles and Utility Task Vehicles

Attorney Whitmore introduced the topic with Clerk Anderson following up. The Legislative and Ordinance Committee on June 27, 2023, requested to discuss the possibility of adding Golf Carts as an allowable vehicle in Marshall and decided to bring the item to a Work Session for additional input from the full council. During the August 8, 2023, Work Session council directed staff to look at amendments to the ordinance and the application process with changes brought to L&O. Amendments were brought to the L&O Committee during meetings on October 31, 2023, and May 14, 2024, and September 10, 2024. Proposed amendments would allow Golf Carts to operate on the same roads as UTVs and would have the following restrictions: seatbelts for all occupants, headlights, taillights, turn signals, driver side mirror and passenger mirror/rearview mirror, and slow-moving emblem. Clerk Anderson also mentioned that staff would recommend that golf carts specifically not be allowed on roads with speed limits above 30 miles per hour. Councilmember Meister reiterated that the Legislative and Ordinance Committee had talked about the topic numerous times and decided that it was time to bring it to council for final decisions. Councilmember Schafer expressed his concerns with golf carts and seeing golf carts on prohibited roads or being driven by unlicensed minors. Mayor Byrnes noted that any of the residents living south of Highway 23 would not be able access most of the city. Councilmember Moua-Leske also shared her concerns with allowing golf carts on roads.

Motion made by Councilmember Lozinski, Seconded by Councilmember Meister to introduce Ordinance 24-017 and to call for a public hearing on October 22, 2024. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Lozinski. Voting Nay: Councilmember Moua-Leske. The motion **Carried. 6-1.**

Project ST-001-2024: Bituminous Chip Sealing on Various City Streets - Consider Change Order No. 1 (Final) and Acknowledgement of Final Pay Request (No. 2)

Change Order No. 1 (Final) resulted in a contract increase in the amount of \$19,981.45 and a total contract amount of \$152,486.05. The original contract/low bid amount was \$132,504.60. The actual authorized contract amount by the City Council at their meeting on March 26, 2024 was for an amount not-to-exceed \$165,000.

Motion made by Councilmember Lozinski, Seconded by Councilmember Alcorn to approve Change Order No. 1 (Final) with Pearson Brothers, Inc and acknowledge Final Pay Request (No. 2) in the amount of \$7,624.30. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Adopt City of Marshall Strategic Plan 2024-2027

The city originally went through a strategic planning process in 2019 that resulted in a Strategic Plan for 2020-2024. Since the Plan needed to be updated, the city engaged Achieve Consultant with facilitator Cheryl Glaeser. The update of the strategic plan began with a survey of Councilmembers and all city staff. Facilitator Glaeser also reviewed other city planning documents such as the City's Comprehensive Use Plan. In addition, leadership staff met for an all-day session on the city key issues. Results of the survey data and input from staff, a draft strategic plan was presented to Council during a work session on September 10, 2024. Mayor Byrnes commented that the four pillars of the strategic plan: Quality of Life; Community Resilience; Economic Vibrancy and Growth; Informed, Engaged, and Inclusive Community needed to be communicated to the public over time. Councilmember Schroeder remarked that she was glad to see a document that would be referenced to over the years instead of it being an object to place on a shelf.

Motion made by Councilmember Schafer, Seconded by Councilmember Schroeder to adopt the City of Marshall Strategic Plan 2024-2027. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Consider Resolution Adopting Preliminary 2025 Property Tax Levy

Staff continued to review and revise the proposed budget and tax levy after the August 27th and September 10th budget work sessions. Moberg went over the previous five years of tax levies, and the largest impacts to the proposed levy. The proposed preliminary property tax levy for 2025 was \$9,869,560, which was an increase of 9.8%. The City Council must adopt its proposed property tax levy for taxes payable year 2025 and have staff certify that amount to the home county auditor on or before September 30th. The proposed property tax levy certified should be the taxing jurisdiction's proposed property tax levy for all purposes, including debt service. The final property tax levy cannot exceed the proposed property tax levy except because of one or more of the allowable "add-on" levies authorized within the state. The City Council was required to hold a public meeting for the proposed levy and must notify the County Auditor/Treasurer of the date, location and start time so it may be included in the parcel-specific notice. Staff proposed to hold the truth-in-taxation meeting at 6:00 PM on Tuesday, December 10th at City Hall. Moberg noted that many comparable size cities had adopted preliminary levies in the double digits.

Motion made by Councilmember Schafer, Seconded by Councilmember Moua-Leske to adopt Resolution 24-085 Approving a Preliminary 2025 Tax Levy of \$9,869,560 and setting a truth-in-taxation meeting date of December 10, 2024 at 6:00 PM. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Consider Appointments to Various Boards, Commission, Bureaus, and Authorities

Interviews were held prior to the regular council meeting for openings on the Diversity, Equity, and Inclusion Commission and the Marshall Municipal Utilities Commission. Mayor Byrnes recommended that Jeffrey Cordes be appointed to the DEI Commission and Brandon Antoine be appointed to the MMU Commission.

Motion made by Councilmember Meister, Seconded by Councilmember Moua-Leske to affirm the appointment of Jeffrey Cordes to the Diversity, Equity, and Inclusion Commission with a term ending May 31, 2026, and to affirm the appointment of Brandon Antoine to the Marshall Municipal Utilities Commission with a term ending May 31, 2028. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Commission/Board Liaison Reports

Byrnes

No report.

Schafer	Thanked the Aquatic Center Committee members and city staff on the construction management process.
Meister	EDA discussed childcare in the community, the third retailer for the former Shopko building was coming closer.
Schroeder	No report.
Alcorn	No report.
Moua-Leske	No report.
Lozinski	No report.

Councilmember Individual Items

Councilmember Moua-Leske attended Prairie Jam and praised the event. Welcoming Week saw an increase in attendance from last year and thanked Southwest Initiative Foundation for sponsoring the event.

City Administrator

No report.

Director of Public Works/City Engineer

The Public Improvement and Transportation Committee met to discuss parking and signage along Whitney Street, a culvert crossing on Fourth Street and Marshall, and College Drive assessments that come along with the MnDOT Highway 19 reconstruction project. Project update was given on Whitney Street.

City Attorney

No report.

Information Only

There were no questions on the Information Only items.

Upcoming Meetings

There were no questions on the Upcoming Meetings.

Adjournment

At 6:40 PM Motion made by Councilmember Lozinski, Seconded by Councilmember Schroeder to adjourn the meeting. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Attest:

Steven Anderson, City Clerk

Robert Byrnes, Mayor