

**CITY OF MARSHALL  
CITY COUNCIL MEETING  
M I N U T E S  
Tuesday, July 13, 2021**

The regular meeting of the Common Council of the City of Marshall was held July 13, 2021, 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: Don Edblom, John DeCramer, Russ Labat and James Lozinski. Absent: Craig Schafer and Steve Meister. 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; Lauren Deutz, Economic Development Director; Jim Marshall; Director of Public Safety; Quentin Brunsvold, Fire Chief; Jasmine DeSmet MERIT Center Training Facility Coordinator and Kyle Box, City Clerk.

The Pledge of Allegiance was recited at this time.

There was a general consensus to operate under the current agenda.

**Consider approval of the minutes of the regular meeting held on June 22, 2021.**

Motion made by Councilmember Lozinski, Seconded by Councilmember Edblom That the minutes of the regular meeting held on June 22, 2021 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 Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

**Consider Approval of the Consent Agenda.**

Motion made by Councilmember Schafer, Seconded by Councilmember Meister to approve the consent agenda. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Approval of Liability Coverage – Waiver for 2021-2022 League of Minnesota Cities Insurance Trust Property/Casualty and Liability Insurance

Approval for Project Z84: Legion Field Park River Stabilization Project – Consider Authorization to Advertise for Bids.

Approval of Amendment to the Sponsorship Agreement between the City of Marshall and Viking Coca-Cola

Approval for Wastewater Treatment Facilities Improvement Project – 1) Consider Application for Payment No. 24 to Magney Construction, Inc.; 2) Consider Payment of Invoice 0271114 to Bolton & Menk, Inc.

Approval to call for a Public Hearing Regarding Proposed Property Tax Abatement at 504 Elizabeth Street.

Approval of a Temporary On-Sale Intoxicating Liquor License for the Marshall Area Chamber of Commerce.

Approval for the renewal of On-Sale Wine and On-Sale 3.2% Licenses.

Approval of the bills/project payments

Mayor Byrnes requested that agenda item number 15, 2025 MnDOT College Drive Improvement Project (SP 4204-40) - Call for Public Hearing be moved to after agenda item number 11, Broadmoor Valley Association Request. There was a consensus from the council to operate under that revised agenda order.

**Broadmoor Valley Association Request.**

Members of the Broadmoor Valley Association will be present to discuss local enforcement for the residents of the association.

Jesus "Chewy" Hernandez, 147 Lilac Drive provided handouts to the council and discussed the condition of the Broadmoor Valley. Mr. Hernandez issues within Broadmoor Valley such as school busses not being able to enter Broadmoor Valley due to the condition of the roads and families are resorting to transferring their children to another school district that offers door to door pickup in smaller vehicles.

Tom Hey with Southwest Coaches provided input regarding the condition of the roads at Broadmoor Valley. It was Mr. Hey's impression that the condition of the roads and lack of maintenance made the road unsafe. Mr. Hey discussed previous action that was take by ownership at Broadmoor Valley regarding school busses and heavy vehicles. All school busses and large vehicles were banned from entering Broadmoor Valley for a number of years. School busses remain prohibited from entering the area, but garbage pickup was allowed to resume.

A statement was read from Rachel, a resident of Marshall. They expressed multiple safety concerns within Broadmoor Valley specifically recalling a fire that started in an abandon home next to theirs.

Deb, 517 Locust Drive, provided insight on the charges incurred as a resident of Broadmoor Valley and described the detreating condition of the roads. There was additional conversation on the detreating condition of homes and abandon homes. There was reference to city ordinances asking for the city to enforce the ordinances within Broadmoor Valley.

Quentin Brunsvold, Marshall Fire Chief did comment that the before referenced fire in Broadmoor Valley had been investigated by the State Fire Marshall and was determined that it started as an electrical fire.

There was also discussion on an illegal burn pit being used to destroy items from abandoned units from maintenance staff at Broadmoor Valley.

There was further discussion by Council and staff. Staff indicated that a closed session would be held at a future meeting to discuss potential litigation.

**2025 MnDOT College Drive Improvement Project (SP 4204-40) - Call for Public Hearing.**

MnDOT is proceeding with plans to complete State Project 4204-40, the reconstruction of MN 19/College Drive from South 4th Street to Bruce Street within our city limits. The project is a comprehensive reconstruction project that includes new pavement, sidewalk, and city utilities. Some notable changes include the addition of a roundabout, the removal of a traffic signal, the addition of RRFB pedestrian crossings, optimized road widths, access review, and strategically placed center medians. In accordance with State Statutes, MnDOT is required to receive the City's approval of the proposed layout by Resolution of the City Council.

MnDOT has made significant efforts to engage with the public, key stakeholders, and the City Council leading up to this request to help achieve project support and obtain “municipal consent”. City Engineering staff has met numerous times with the MnDOT team to review and comment throughout the process.

Included with this memorandum is a “Municipal Consent Packet” as provided by Jesse Vlaminck, MnDOT Project Manager. The packet includes a memorandum, applicable State Statutes, project schedule, project cost estimate, and resolutions for the city to utilize for offering municipal consent. Also included with MnDOT’s submittal is the final layout to be used for the project. The final layout provides the basis for the project as it highlights the general concept for the project by identifying all key features and access points for the highway.

State Statutes will require the City to schedule a public hearing within 15 days of receiving the final layout (by 7/28/21), conduct a public hearing within 60 days of receiving the final layout (9/11/21), and approve or disapprove the layout by resolution within 90 days of the public hearing (12/10/21). Understanding this schedule, staff believes it is prudent to call for the public hearing at this Council meeting to help ensure that all deadlines are met.

MnDOT Project Manager, Jesse Vlaminck is present at this meeting to help present this topic and answer City Council questions. Jesse will help explain the municipal consent process and guide Council expectations moving forward.

No fiscal impact at this time. A future estimated total city cost of \$3,895,661 at time of College Drive reconstruction project. All improvements may 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. Final approval of the project must include determination of funding sources.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski that the Council authorize City staff to set a public hearing to occur at the August 24, 2021 City Council meeting. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

**Intersection Control Evaluation (ICE) Report as prepared by Short Elliot Hendrickson (SEH) for the Intersection of South 4th Street and Country Club Drive.**

The existing intersection of S. 4th Street and Country Club Drive operates under traffic signal control today. The traffic signal system was installed in 1983 and is well out of compliance with current standards.

Both S. 4th Street and Country Club Drive are Municipal State Aid System (MSAS) routes. The City of Marshall receives a significant amount of funding for the maintenance and improvement of MSAS routes. With this funding, there is also a mandate from MnDOT that engineering standards are complied with and MSAS rules are followed to both utilize the funds for improvements and continue to draw “needs” that result in MSAS fund disbursement. With these considerations in mind and understanding that an improvement should be made at this intersection, Engineering staff received Council support to solicit proposals for an Intersection Control Evaluation at the January 26, 2021 meeting. Following solicitation at the February 23, 2021 meeting, the City selected Short Elliot Hendrickson (SEH) to perform the ICE and generate the report that is included with this memorandum.

The intent of the ICE report is to conduct a thorough analysis of the intersection to determine the best type of intersection control for this specific intersection. The analysis included a detailed traffic count, review of intersection geometry, crash history, right of way review, utility review, delay study, future trip generation, pedestrian analysis, and much more. In addition to evaluating technical items to determine safe and efficient intersection control, SEH was tasked with ensuring safe pedestrian crossings, minimizing driveway access impacts, minimize right of way acquisition requirements, and keep construction costs under control. The result of the ICE is a report that considers a multitude of intersection improvements. The improvements that were considered are as follows: no build scenario (no change), all-way stop control, traffic signal control, roundabout control, minor street stop control, or access reduction such as right-in/right out (RI/RO) or  $\frac{3}{4}$  access control.

The recommended improvement for this intersection is a Split T-Intersection design, with a mini roundabout at the western intersection and a  $\frac{3}{4}$  access at the eastern intersection. This recommended intersection control meets the desired intent of improving safety for all users, improving operational efficiency, maintaining driveway access, and limiting construction and property acquisition costs. This type of Split T-intersection improves the safety by significantly reducing the number of intersection conflict points and reducing speed with the mini roundabout, while also providing the lowest overall vehicle delay for all legs of the intersection.

At their meeting on July 6, 2021, the Public Improvement/Transportation Committee passed a motion for a recommendation to City Council to agree with the ICE report recommendation of a Split T-Intersection design as shown in Drawing No. 3 or Drawing No. 5 and authorize staff to fit this improvement project into the CIP.

An estimated cost of \$1,451,000 including contingency and engineering costs for this intersection improvement. An estimated \$1,900,000 to include resurfacing the remainder of Country Club Drive and S. 4th Street to College Drive.

Motion made by Councilmember Lozinski, Seconded by Councilmember DeCramer that the Council to agree with the ICE report recommendation of a Split T-Intersection design as shown in Drawing No. 3 or Drawing No. 5 and authorize staff to fit this improvement project into the CIP. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

#### **CVB and City of Marshall Lease Agreement-Red Baron Space**

The Marshall Area Convention and Visitors Bureau has been in discussions for the past year on exploring alternative office space for its Director and Assistant. The office space prioritized by the CVB is Red Baron Arena—located at the Main Entrance to the facility. Subsequently, the CVB Board approved CVB re-locating their office to Red Baron Arena and now are awaiting formal approval by the City Council. Director Cassi Weiss will be attending the meeting to discuss the proposed office space and reasons why this office re-location is a good fit.

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer Approve the CVB and City of Marshall Lease Agreement for Red Baron Office Space. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

**Comprehensive Plan Task Force**

In preparation for the Comprehensive Plan project, staff was asked by SRF Consulting Group to develop a Comprehensive Plan Task Force.

The Task Force is responsible for guiding the development of the plan, promoting the plan and engagement efforts, and serving as the first level of review for project deliverables. Through these efforts, members will serve an important role of setting the future vision for Marshall.

The Task Force will meet six times throughout the planning process. Members will be asked to attend each meeting (as they are able), review agendas, materials, and deliverables.

Recommendations were made by SRF Consulting Group on which industries and interest groups to include in the Task Force and the number of representatives needed. The recommendation included a Task Force of 12 – 16 members, of which, staff has currently selected 12 members. There are four slots available if Council would like to bring forth additional members.

Below are the nominations being brought forth for approval and the industry/interest group they represent. Nominations were selected by staff and vetted by the Mayor and City Administrator.

Category	Member
City Council	Don Edblom
Planning Commission	Amanda Schroeder
Builder/Developer	Brad Meulebroeck
Business - Retail/Commercial	Dennis Jensen
Business - Manufacturing	Jill Pieper
Business - Downtown	Chad Kulla
Tourism/Hospitality	Matt Schnoor
Housing	Diane Buesing
Health Care	Sonya Kayser
Education	Raphael Onyeaghala
Education - Alternate	Sara Runchey
Residents at Large	Misty Butler

Motion made by Councilmember DeCramer, Seconded by Councilmember Labat to approve the task force members. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

**Authorize City Staff to receive Quotes for Curb & Gutter Replacement.**

In 2021, the City Council authorized \$625,000 to be used for the annual City Mill and Overlay project of local city streets. As part of the project, some sections of curb and gutter are replaced to ensure proper drainage on the newly overlaid streets.

This year’s project included the mill and overlay of the following local streets:

- London Road (Madrid Street to Channel Parkway)
- Athens Avenue (Madrid Street to Paris Road)

- Oslo Avenue (Madrid Street to Dublin Street)
- Rainbow Drive (Madrid Street to Paris Road)
- Parkside Drive (Lyon Street to Jewett Street)
- Woodland Way
- Garden Circle
- Baseline Drive (Nwakama Street to Clarice Avenue)

At the February 23, 2021 City Council meeting, the City Council awarded the contract at \$580,564.28, with a maximum expenditure not to exceed \$625,000. The local mill and overlay project is now substantially completed, and total costs have come in at \$590,260. This is largely due to receiving very competitive bids, with the low bid being the best price of bituminous mix that we've seen in many years.

To utilize the remaining \$34,740 of funds and better prepare for next year's mill and overlay project, city staff would like to use these remaining funds to complete curb and gutter replacement on routes that will likely be included in next year's mill and overlay project. By completing this work, a year in advance, it will put the city in a good position to get next year's overlay project completed quickly and efficiently.

Next year's local mill and overlay project will likely include the following streets:

- Westwood Drive
- Ridgeway Road
- Englewood Road
- Pinehurst Road
- Cumberland Road
- Adobe Road
- Adobe Circle
- Prospect Road
- Prospect Circle
- Carlson Street
- Glen Street
- Peltier Street
- Simmons Street
- Tiger Drive
- Erie Avenue

City staff would propose to seek quotes from multiple contractors for this additional work. City staff would return to Council for award of a quote contract for this work, not to exceed \$34,740. There will be no impact beyond allocated 2021 budget of \$625,000 for mill and overlay project.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer that the Council authorize city staff to seek quotes for additional curb and gutter work on next year's overlay routes. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Lozinski. Voting Nay: Councilmember Labat. The motion **Passed. 6-1**

**Project Z50-2021: Bituminous Chip Sealing on Various City Streets - Consider Change Order No. 1 (Final) and Acknowledgement of Final Pay Request (No. 2).**

Motion made by Councilmember Edblom, Seconded by Councilmember Labat that Council approve Change Order No. 1 (Final) with Asphalt Preservation Company Inc. of Detroit Lakes, Minnesota, resulting in a contract decrease in the amount of \$12,821.07 and acknowledgement of Final Pay Request (No. 2) in the amount of \$109,313.05 for the above-referenced project. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

**Project Z78: Storm Structure Outfall Improvements Project – Change Order No. 1 (Final) and Acknowledgement of Final Pay Request No. 2.**

Motion made by Councilmember Lozinski, Seconded by Councilmember Meister that Council approve Change Order No. 1 (Final) with R&G Construction Co. of Marshall, Minnesota, resulting in a contract decrease in the amount of \$562.20 and acknowledgement of Final Pay Request (No. 2) in the amount of \$487.96 for the above-referenced project.

Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

**Project Z81: MERIT Center Outfall Project – Change Order No. 1 (Final) and Acknowledgement of Final Pay Request No. 3.**

Motion made by Councilmember Schafer, Seconded by Councilmember Meister that Council approve Change Order No. 1 (Final) with Towne & Country Excavating LLC of Garvin, Minnesota, resulting in a contract decrease in the amount of \$9,637.00 and acknowledgement of Final Pay Request (No. 3) in the amount of \$2,416.60 for the above-referenced project. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

**Commission/Board Liaison Reports**

Byrnes            Fire Relief Association held their quarterly meeting and show good performance on the fund.  
Schafer           MERIT Center Commission reviewed the May and June trainings held out at the MERIT Center.

Meister           No Report

Edblom           No Report

DeCramer       No Report

Labat            Library Board met and continue to see a steady increase in the Cottonwood and Balaton branches as well as in Marshall.

Lozinski         City Hall Committee continue to meet to review items to be completed.

### **Councilmember Individual Items**

Councilmember Lozinski commented on the use of Bird Scooters in town.

Councilmember Labat commented on the weeds growing on the boulevard near 4<sup>th</sup> and 1<sup>st</sup> Street project.

Councilmember DeCramer provided further discussion on the City Hall building and project.

Councilmember Schafer commented on the positive messages regarding City Hall.

Councilmember Meister commented on the Broadmoor Valley discussion held earlier in the meeting. Member Meister also requested that staff begin to look at a City park that supports camping.

Councilmember Edblom also added his support for a City campground.

Mayor Byrnes commented on the City Hall open house and tours on Thursday, July 15. Mayor Byrnes also discussed the increase of sales and use tax increase year to date from April 2020 to April 2021.

### **City Administrator**

City Administrator Sharon Hanson commented on the City Hall project, a request for tax increment financing, economic development, and a community survey which will include questions regarding the aquatic center and a city campground. Administrator Hanson also introduced her summer intern, Molly Krogg.

### **Director of Public Works**

Director of Public Works/ City Engineer Jason Anderson provided an update on construction projects within the City and reminded residents to adjust their water softeners.

### **City Attorney**

City Attorney Dennis Simpson provided an update on the closing for recently sold property. Unique Opportunities will begin phase three in the near future.

### **Administrative Brief**

Councilmember Labat asked a clarifying question regarding street painting/stripping and commented on individuals found on the top of businesses in downtown Marshall who broke a gas line.

Councilmember DeCramer asked for other funding options for the trails at Independence Park.

### **Information Only**

There were no questions on the information items.

### **Consider adjourning to Closed Session - City Storage Needs.**

At 7:38 PM, Motion made by Councilmember DeCramer, Seconded by Councilmember Schafer to adjourn to closed session. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

At 8:30 PM the Council ended the closed session.



**Upcoming Meetings**

There were no questions on the upcoming meetings.

**Adjourn**

At 8:30 P.M., Motion made by Councilmember Lozinski, Seconded by Councilmember Labat to adjourn. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

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Mayor

Attest:

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City Clerk