

**CITY OF MARSHALL  
CITY COUNCIL MEETING  
M I N U T E S  
Tuesday, April 11, 2023**

The regular meeting of the Common Council of the City of Marshall was held April 11, 2023, 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: Amanda Schroeder, Craig Schafer, John Alcorn, See Moua-Leske and James Lozinski. Absent: Steve Meister. 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; Amanda Beckler, Community Education Coordinator; Dave Parsons, City Assessor; Preston Stensrud, Park & Rec Supervisor; Scott Truedson, Wastewater Superintendent; Scott Przybilla, Assistant Wastewater Superintendent; Ilya Gutman, Plans Examiner and Steven Anderson, City Clerk.

The Pledge of Allegiance was recited at this time.

**Consider Approval of the Minutes from the Regular Meeting Held on March 28, 2023**

There were no changes or amendments to the minutes.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to approve the minutes. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

**Vacation of Utility Easements in Stonebridge Estates – 1) Public Hearing on Resolution Granting Petition to Vacate Utility Easement; 2) Consider Resolution Granting Petition to Vacate Utility Easement**

A petition was received from the owner of the property that is in the proposed area for utility easement vacation. The purpose of the vacation is for the construction of a dwelling and reconfiguration of Lots 9, 10, 11, and 12, Block Eight, Stonebridge Estates and a copy of the request has been sent to all the local utility companies for their review. No concerns were given by the utility companies regarding the vacation. Mayor Byrnes opened the public hearing for comment and no comments were given by the public or council members.

Motion made by Councilmember Lozinski, Seconded by Councilmember Alcorn to close the public hearing. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

Motion made by Councilmember Schafer, Seconded by Councilmember Schroeder to approve Resolution 23-029 granting the petition to vacate utility easement. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

**General Obligation Bonds, Series 2023A. 1) Conduct a Public Hearing 2) Resolution Approving Property Tax Abatement to Finance Certain Public Improvements in the City**

The City is proposing property tax abatement to aid in financing certain public improvements, including parking lot improvements and improvements to various city parks (Independence Park, Legion Field, and the Amateur Sports Center) (the "Project"), all pursuant to Minnesota Statutes, Sections 469.1812 through 469.1815, as amended. The City intends to issue one or more series of general obligation bonds, a portion of which will be designated as tax abatement bonds, in the aggregate principal amount estimated not to exceed \$600,000 to pay the costs of the project. The abatement bonds are expected to be paid primarily through the collection of abatement revenues. Mikaela Huot from Baker Tilly gave a presentation on Tax Abatement Financing on what it is, eligible uses for the city and how the process works. Mayor Byrnes opened the public hearing for comment and no comments were given by the public or council members.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to close the public hearing. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

Motion made by Councilmember Schafer, Seconded by Councilmember Alcorn to approve Resolution 23-030 to use Property Tax Abatements to Finance Certain Public Improvements in the City. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

**General Obligation Bonds, Series 2022A. 1) Conduct a Public Hearing 2) Consider a Resolution Approving a Five-Year Street Reconstruction Plan and the Issuance of General Obligation Street Reconstruction Bonds**

The city is authorized under Minnesota Statutes, Section 475.58, subdivision 3b, to prepare a plan for street reconstruction or bituminous overlay of streets in the city over the next five years, which includes a description of the street reconstruction or overlay to be financed, the estimated costs, and any planned reconstruction or overlay of other streets in the city over the next five years. The city may issue general obligation bonds to finance the cost of street reconstruction activities described in such a plan. The allowed maximum principal amount is \$3,700,000 to finance the costs of the projects, as described in the Plan. Mikaela Huot from Baker Tilly gave a presentation on Street Reconstruction Financing on what it is, eligible uses for the city and how the process works. Mayor Byrnes opened the public hearing for comment and no comments were given by the public or council members.

Motion made by Councilmember Schroeder, Seconded by Councilmember Schafer to close the public hearing. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

Councilmember Lozinski verified that this was just a plan and not a commitment to any projects.

Motion made by Councilmember Schafer, Seconded by Councilmember Alcorn to approve Resolution 23-031 Approving a 5-Year Street Reconstruction Plan and issuance of bonds. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

**Awards of Bids for Construction of New Picnic Pavilion at Amateur Sports Complex**

The construction of a Picnic Pavilion with Storage is the final structure to finalize the vision for the Amateur Sports Complex. The facility will provide much needed shade for the users, storage of maintenance equipment and supplies, and an additional shelter for community members to rent for events such as birthday parties. On April 5, 2023, three bids from local contractors were received. Doom & Cuyper's Construction, Inc. of Marshall, MN submitted the low bid of \$171,642.00 and is recommended for approval. Start date for construction would be mid-summer with a proposed completion date of October 1, 2023. The layout and size of this structure will be identical to the new picnic pavilion at Patriot Park. \$170,000.00 was budgeted in the 2023 Parks Department CIP for this project. Discussion occurred about budgets and finding sources that could possibly cover the difference in the bid amount.

Motion made by Councilmember Schafer, Seconded by Councilmember Schroeder to award Doom & Cuyper the bid for the Picnic Pavilion at the Amateur Sports Complex. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

**Authorization to Purchase Sprayer for Parks Department from Midwest Machinery Co. of Hastings, MN and Declare 1995 Sprayer Surplus Equipment**

Midwest Machinery Co. is the state contract holder for this piece of equipment and the only dealer that can provide this piece of equipment due to licensing through John Deere. The most comparable sprayer is from Toro and about \$20,000 higher. The state contract price for this unit is \$65,167.59. \$59,500 is the current budget amount as per pricing in the fall

of 2022. Due to volatility in the markets and a January pricing increase the cost has since gone up. The auction of the 1995 sprayer will offset some of these costs, but the exact amount is unknown at this time. Estimated delivery might be early winter or spring of 2024 if the sprayer was ordered now. The current sprayer being used by the Parks Department would be handed down to the Street Department and will replace a much older model that is being used. The council discussed options of splitting payment or possibly delaying delivery into 2024 and have the difference added to the 2024 budget.

Motion made by Councilmember Schafer, Seconded by Councilmember Alcorn to authorize the purchase of a sprayer for the Parks Department from Midwest Machinery Co and declare the 1995 sprayer surplus. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

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

There were no requests to remove any items from the consent agenda for additional discussion.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schroeder to approve the items on the consent agenda. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

- Consider Request of the Marshall Downtown Business Association for Crazy Days (Thursday-July 20, 2023)
- Introduce Amendments to Ch.2, Article 2-VI, Division 2-VI-11 Adult Community Center Commission of City Ordinance
- Introduction of Ordinance Amending Section 86-230 Required Number of Spaces and Call for Public Hearing
- Consider Approval of the Bills/Project Payments

### **Real Property Acquisition – Relocation of Aquatic Center**

City of Marshall Staff and Attorney Dennis Simpson has been working with Schwan's Shared Services, LLC, for the acquisition of real property regarding the relocation of the Aquatic Center. Attached for review and consideration is a proposed real property Purchase Agreement to be entered into between the City of Marshall as Purchaser and Schwan's Shared Services, LLC, as Seller. Minnesota Law requires that a binding agreement between Buyer and Seller must be in writing to be enforced. The property to be purchased is adjacent to an additional private parking lot also owned by Schwan's Shared Services, LLC. The Purchase Agreement does anticipate that the City and Schwan's would enter into a long-term lease agreement wherein the private parking lot could be used for public parking purposes for those visiting and using the aquatic center. Schwan's would retain ownership of the parking lot and would continue to pay property taxes.

The closing on the purchase of property is contingent upon the following items: The City does have adequate funds for the purchase of property. However, funding source is to be obtained for the funds necessary for the construction of the new aquatic center. Funding for that project is proposed as an extension of the existing local sales tax option. Legislative approval must be obtained authorizing the City to proceed with the extension of the local sales tax option. That legislative approval then would require that the citizens of the City of Marshall approve the extension of the local sales tax option. The City Council for the City of Marshall must approve this Purchase Agreement. If any one of those options fails, then the City of Marshall is not obligated to purchase the property. The closing date is proposed to be on or before December 15, 2023.

Motion made by Councilmember Schafer, Seconded by Councilmember Moua-Leske to approve the proposed purchase agreement to acquire property for the relocation of the Marshall Aquatic Center. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

**Wastewater Facility NPDES Permit Update and Authorize Execution of Chloride Variance Application to the MPCA**

The Wastewater Treatment Facility (WWTF) has been operating under an expired NPDES permit since 2019 while awaiting reissuance of a new permit from the Minnesota Pollution Control Agency (MPCA). On April 1, 2022, a New Limits Notification letter from the MPCA was received which outlined new discharge requirements. In the new limit notification letter, the MPCA notifies the city of numerous parameters that require new effluent limits to ensure compliance with water quality standards. According to the letter, the WWTF will be required to meet new limits for total chloride, total copper, total phosphorous, total dissolved solids (TDS), sulfate, and chronic whole effluent toxicity (WET). Since receiving the new limit notification letter, City staff has partnered with Bolton & Menk and Flaherty & Hood (through the Minnesota Environmental Science and Economic Review Board—MESERB) to hold discussions with the MPCA regarding our new permit limits. The City and Bolton & Menk staff have met multiple times with the MPCA to discuss the new limits and the ability to reasonably comply with the requirements of the limits.

Scott Truedson, Wastewater Superintendent and Scott Przybilla, Asst. Wastewater Superintendent gave a PowerPoint presentation to review the specific parameters of concern from the new limits letter. The presentation also updated the council on the status of the WWTF efforts and the proposed path moving forward.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to authorize the execution and submission of the Chloride Variance Application to the MPCA. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

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

Mayor Byrnes made the following recommendations for appointment:

- Dean Knutson to the Public Housing Commission with a term date ending May 31, 2028
- Amanda Kinner-Alahakoon to the Diversity, Equity and Inclusion Commission with a term date ending May 31, 2025
- Jim Muchlinski to the Planning Commission with a term date ending May 31, 2026

Motion made by Councilmember Alcorn, Seconded by Councilmember Lozinski to affirm the Mayor's recommendations to various boards, commissions, bureaus and authorities. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. Voting Abstaining: Councilmember Schroeder. The motion **Carried. 6-0.**

**Commission/Board Liaison Reports**

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| Brynes    | No report.   |
| Schafer   | <u>Airport Commission</u> : Talked about the rental increase for the hangers and how the rates for the hangers hadn't changed in 20 years.   |
| Meister   | <u>EDA</u> : Talked about renovations to the former ShopKo building. A daycare appreciation event was held at Brau Brothers. Discussion about methods of attracting businesses and activities into the area. A community video project is in the works with collaboration from Community Services. |
| Schroeder | <u>Public Housing Commission</u> : Passed resolution for an amended lease unit deposit and ceiling rents.  |
| Alcorn    | No report.   |

Moua-Leske            Diversity, Equity & Inclusion Commission: World Fest will be on Saturday April 15 and DEI will have a table. Work is being done on translating materials and having an audio option available. Welcoming Week is scheduled for September 19<sup>th</sup>. LMC will be hosting a Race Equity Workshop at the MERIT Center.  
Library Board: An estimate was given for the possibility of bringing back the daycare program. The annual report was reviewed, and the Friends of Library Book Sale was a great success and raised over \$6,000.

Lozinski                No report.

### **Councilmember Individual Items**

Councilmember Schafer brought up concerns that he had about the state of a number of rentals and the conditions they are in.

Councilmember Lozinski encouraged the Light Up the Night group to remove their lights from Independence Park and to be aware that people are out and about again so please be careful of pedestrians and traffic.

Mayor Byrnes gave a brief update on legislative items that are pending that involve the city.

### **City Administrator**

Staff have been working on an online process for the Rental Code Ordinance Committee, and remedies to existing violations. The DEI Commission is also working on a Youth Advisory Commission that will come to L&O and Attorney Whitmore. Community Services Advisory Board met and with such a large number of new members lots of staff were present to give updates. The board might also turn into a recommendation body similar to other boards that make suggestions that go to council. The Community Services Summer Brochure will be coming out in the first week in May and will be mailed to Marshall residents.

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

The Lyon/3<sup>rd</sup> Street reconstruction project will begin the week of April 17<sup>th</sup> starting with the closure of 3<sup>rd</sup> Street. R&G will try to make sidewalk access available to businesses and there will be weekly meetings with businesses. Mayor Byrnes asked about the postal drop boxes that were re-located to the alley and the increased traffic on the church property. Anderson said that staff will reach out to the Postmaster to come up with a viable solution for the postal drop boxes.

### **City Attorney**

No report.

### **Administrative Brief**

There were no questions on the Administrative Brief.

### **Information Only**

There were no questions on the Information Only items.

### **Upcoming Meetings**

There were no questions on the Upcoming Meetings.

### **Adjournment**

At 6:46 PM Motion made by Councilmember Schroeder, Seconded by Councilmember Alcorn to adjourn the meeting. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

Attest:

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City Clerk

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Mayor