

**CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, January 10, 2023**

The regular meeting of the Common Council of the City of Marshall was held January 10, 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, Steve Meister, John Alcorn, and See Moua-Leske. Absent: James Lozinski. 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; Sheila Dubs, Human Resource Manager; Jim Marshall, Public Safety Director; Amanda Beckler, Community Education Coordinator; Preston Stensrud, Park & Rec Supervisor; Cassi Weiss, CVB Director; Ilya Gutman, Plans Examiner; and Steven Anderson, City Clerk.

The Pledge of Allegiance was recited at this time.

Ceremonial Swearing in of Elected Officials

Newly elected councilmembers John Alcorn and See Moua-Leske and re-elected member Craig Schafer performed their oaths administered by the city clerk.

Marshall Baseball Association Donation to Legion Field

Preston Stensrud, Park and Recreation Supervisor accepted a \$26,000 donation from the Marshall Baseball Association. The donation will be going towards upgrades at the facilities located at Legion Field ballpark. Three members of the Marshall Baseball Association presented the donation to the City of Marshall.

Consider Approval of the Minutes from the Regular Meeting Held on December 27, 2022

There were no changes to the minutes.

Motion made by Councilmember Meister, Seconded by Councilmember Schafer to approve the minutes from December 27, 2022. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn. Voting Abstaining: Councilmember Moua-Leske. The motion **Carried. 5-0-1.**

Approval of the Consent Agenda

Councilmember Meister requested that item number 15. Adopt an Annual Election to Set a Micro-Purchase Threshold of \$25,000 be removed from consent.

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

- Consider Resolution Designating the Official Newspaper
- Consider Resolution Delegating Authority to the City to Make Electronic Fund Transfers
- Consider Resolution Designating the Official Depositories for City Funds for 2023.
- Consider Approval of a Resolution to Authorize the Finance Director to Pay Certain Claims
- Adopt Ordinance Amendment to Chapter 82, Article 82-I, Section 82-1 Grass, and Weeds on Private Property
- Adopt Ordinance Amending Chapter 70, Article 70-II Lodging Tax, Sec. 70-22 Imposition
- Adopt Ordinance Amending Chapter 2, Article 2-VI-1 Generally, Sec. 2-145 Qualifications and Compensation
- Introduce Ordinance Authorizing Sale of City Owned Land
- Project ST-002-2023: Bituminous Overlay Project – Consider Authorization to Advertise for Bids.
- Consider Approval of 2023 Liquor License Renewal
- Consider Approval of a Temporary On-Sale Liquor License

- Consider Approval of an Updated Conduit Debt (Private Activity Tax Exempt Financing) Policy
- Declare Surplus Items at the Adult Community Center
- Approve Flaherty and Hood Lobbying Services Contract for Technical Education Pilot Program
- Consider Approval of the Bills/Project Payments

Item Removed from Consent Agenda: Adopt an Annual Election to Set a Micro-Purchase Threshold of \$25,000

Councilmember Meister questioned why the increase from \$10,000 to \$25,000 for the threshold. E.J. Moberg explained that this threshold is specifically for Federal spending. The City implemented a federal purchasing policy during 2021 that addressed methods of procurement, including procurement by micro-purchase to purchase supplies or services using simplified acquisition procedures, not to exceed \$10,000. Minn. Stat. § 471.345, subd 5 allows contracts estimated to be \$25,000 or less to be made either upon quotation or in the open market. The \$25,000 amount specified is a higher threshold consistent with state law.

Motion made by Councilmember Meister, Seconded by Councilmember Schafer to approve the item pulled from consent. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske. The motion **Carried. 6-0.**

Selection of City Council President Pro Tempore by City Council

The President Pro Tem shall hold office at the pleasure of the Council and shall serve as president at the mayor's absence and as a Mayor in case of the mayor's disability or absence from the City. Councilmember Meister nominated Councilmember Schafer for President Pro Tem.

Motion made by Councilmember Alcorn, Seconded by Councilmember Meister to elect Craig Schafer as President Pro Tempore. Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske. Voting Abstaining: Councilmember Schafer. The motion **Carried. 5-0-1.**

Consider Mayoral Appointment for Councilmembers to Boards/Commissions and Committees.

The City Charter states that the Mayor makes recommendations to appoint Councilmembers to various Boards, Commissions, and Committees with approval by the city council. Recommendations by the Mayor were as follows:

Councilmember Alcorn: Community Services Advisory Board, Equipment Review Committee, Marshall Municipal Utilities Commission, HRA, and Public Improvement & Transportation Committee.

Councilmember Lozinski: Equipment Review Committee, Joint LEC Management Committee, Legislative & Ordinance Committee, Marshall Area Transit Committee, HRA, and Police Advisory Board.

Councilmember Meister: Adult Community Center Commission, Cable Commission, Economic Development Authority, Legislative & Ordinance Committee, Personnel Committee, HRA, and Ways & Means Committee.

Councilmember Moua-Leske: Convention & Visitors Bureau, Diversity, Equity, and Inclusion Commission, Legislative & Ordinance Committee, Library Board, Library Agreement & Operations, HRA and Ways & Means Committee.

Councilmember Schafer: Airport Commission, Joint LEC Management Committee, MERIT Center Commission, SW Amateur Sports Commission, SW MN Emergency Communication Board, Equipment Review Committee, Personnel Committee, HRA, and Public Improvement & Transportation Committee.

Councilmember Schroeder: Economic Development Authority, Planning Commission, Public Housing Commission, Personnel Committee, HRA, and Ways & Means Committee.

Mayor Byrnes: Library Agreement & Operations, Fire Relief Association, HRA, Regional Development Commission, and as an alternate for the SW MN Emergency Communication Board.

Motion made by Councilmember Schroeder, Seconded by Councilmember Moua-Leske to accept the proposed appointments. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske. The motion **Carried. 6-0.**

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

Council held interviews for openings on the Adult Community Center Commission and MERIT Center Commission. Mayor Brynes recommended that Steven Thares be appointed to the ACC and Eric Wallen to the MERIT Center Commission.

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

Project ST-009: W Lyon St. / N 3rd St. Reconstruction Project - Consider Resolution Receiving Feasibility Report and Calling Hearing on Improvement

Jason Anderson, Public Works Director/City Engineer, gave background information on the project. This project consists of reconstruction and utility replacement on West Lyon Street from East College Drive to North 5th Street, and North 3rd Street from West Main Street to West Redwood Street. All utilities will be replaced, including watermain, sanitary sewer, and storm sewer on West Lyon and North 3rd Streets. Other items of work included in this project are pavement removal, aggregate base, concrete surfacing, sidewalks, curb, and gutter, streetscaping, and other minor work. Also included with this project will include reconstruction of the Addison Parking Lot adjacent to West Lyon Street and East College Drive. Reconstruction of the parking lot will include pavement removal, grading, aggregate base, and concrete surfacing. This Feasibility Report as authorized by the City Council covers the proposed improvements including scope, background/existing conditions, proposed improvements, probable costs, proposed assessments, feasibility and proposed project schedule. The proposed improvements as described in the report are necessary, cost-effective, and feasible from an engineering standpoint.

The engineer's estimate for the construction portion of the project is \$3,000,000. The total estimated project cost, including 10% allowance for contingencies and 16% for engineering and administrative costs is \$3,828,000. All improvements will 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 Schroeder to adopt Resolution Number 23-005 and call for a public hearing to be held on January 24, 2023. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske. The motion **Carried. 6-0.**

Projects Z88/SAP 139-103-004: 2021 State Aid Overlay Project and Project ST-008/SP 139-121-004: Channel Parkway Resurfacing Project – Consider Resolution for Municipal State Aid Street System (MSAS) 2023 Advance Funds

The 2021 State Aid Overly Project (Z88) was substantially completed in 2021 with final completion in 2022. The project was financed through municipal bonds that were issued locally, with the intent of utilizing Municipal State Aid System (MSAS) funds to make bond payments. The Channel Parkway Resurfacing Project (ST-008) is included in the Capital Improvement Plan (CIP) for 2023 construction. This project is funded utilizing a \$1.25M Local Road Improvement Program (LRIP) Grant with Municipal State Aid System funds covering the remaining project costs.

The current MSAS construction account balance as of 01/05/2023 is (\$2,456,410). Because we have “advanced” future years of funding to finance past projects, we have a negative account balance. The total maximum MSAS advance, set by Minnesota Commissioner of Transportation is the lesser of \$4,000,000 or five (5) times the City annual construction apportionment. The 2023 City of Marshall annual construction apportionment is estimated at \$820,371, which multiplied by five results in an amount of \$4,101,855. Therefore, the maximum amount of MSAS advance for the City is \$4,000,000.

Mayor Byrnes explained that a percentage of the state gas tax goes into the state aid account and is allocated to municipalities with populations over 5,000. Council also clarified that advancing the money from the fund doesn’t penalize or cost the city extra.

Motion made by Councilmember Meister, Seconded by Councilmember Schafer to approve Resolution 23-006. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske. The motion **Carried. 6-0.**

Consider Resolution of Support for a RAISE Grant Application for the MnDOT 2025 College Drive Reconstruction Project

MnDOT District 8 is preparing an application for a federal RAISE grant (Rebuilding American Infrastructure with Sustainability and Equity) for the 2025 College Drive Reconstruction project through Marshall. To help ensure a complete grant application and identify local support, MnDOT District 8 has requested that the City of Marshall adopt a resolution of support for the 2025 project. The grant application from last year was never received because of a file error. The planning and design with MnDOT has been in progress for the last 2-3 years and is still scheduled for 2025 and anticipated to be through the 2025/2026 construction seasons.

Motion made by Councilmember Schroeder, Seconded by Councilmember Moua-Leske to approve Resolution 23-007. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske. The motion **Carried. 6-0.**

Commission/Board Liaison Reports

Byrnes	No report.
Schafer	No report.
Meister	No report.
Schroeder	No report.
Alcorn	No report.
Moua-Leske	No report.
Lozinski	Absent.

Councilmember Individual Items

Councilmember Schafer wanted to reiterate from the last meeting how well city staff and Marshall residents acted and pitched in to remove snow in a timely manner.

Councilmember Meister brought up concerns about the amount of ice time at the Red Baron Arena.

Mayor Byrnes welcomed Councilmembers Alcorn and Moua-Leske and went over his top priority items for council and the city for 2023.

City Administrator

Hanson mentioned the possibility of an Aquatic Center sales tax vote later in the year if Marshall can be put on a tax bill through legislature. A draft report of the Indoor/Rec study is in progress and collaboration with stakeholders is still taking place. As part of the Indoor/Rec study the amount of ice time will also be included.

Director of Public Works/City Engineer

Anderson thanked the community for their efforts during the declared snow emergency.

City Attorney

Newly appointed City Attorney Pamela Whitmore thanked the city for agreeing to a new partnership and looked forward to what lies ahead.

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.

Adjourn

At 6:19 PM Motion made by Councilmember Alcorn, Seconded by Councilmember Moua-Leske to adjourn the meeting. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske. The motion **Carried. 6-0.**

Attest:

City Clerk

Mayor