

**CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, April 26, 2022**

The regular meeting of the Common Council of the City of Marshall was held April 26, 2022, 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, Steve Meister, Russ Labat, John DeCramer, and James Lozinski. Absent: None. Staff present included: Sharon Hanson, City Administrator; Dennis Simpson, City Attorney; Jason Anderson, Director of Public Works/ City Engineer; E.J. Moberg, Director of Administrative Services; Sheila Dubs, Human Resource Manager; Preston Stensrud, Parks Superintendent; Scott Truedson, Wastewater Facilities Superintendent; Jessie Dehn, Assistant City Engineer; and Kyle Box, City Clerk.

The Pledge of Allegiance was recited at this time.

There was a consensus to operate under the current agenda.

Consider approval of the minutes from the regular meeting held on April 12, 2022.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski That the minutes from the regular meeting held on April 12, 2022 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 DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

Sounds of Summer 2022 – 1. Public Hearing on Private Use of Public Streets and Parking Lots (August 18-21, 2022); 2. Approval of Private Use of Public Streets and Parking Lots (August 18-21, 2022); 3. Approval of Parade (August 20, 2022).

The Sounds of Summer Committee requesting permission for the following:

- Closure of West College Drive (TH 19) (08/18-08/21/2022 (Th-Sun)): Closure of West College Drive from the corner of Main Street to Saratoga Street, and also closure of Marvin Schwan Memorial Drive from West College Drive (TH 19) to South 1st Street on the following dates and times to allow adequate time for clean up after the Saturday evening activities.
 - Thursday, August 18 - 4 pm to Friday, August 19 - 1 am
 - Friday, August 19 - 4 pm to Saturday, August 20 - 1 am
 - Saturday, August 20 - 6 am to Sunday, August 21 - 3 am
- Parade Line-Up (08/20/2022 (Sat)): Closure of East Lyon Street, beginning at the corner of Nuese Lane to Jewett Street on Saturday, August 20, 2022 starting at approximately 12 noon to approximately 5 pm. Line-up would begin at 2 pm.
- Parade (08/20/2022 (Sat)): Closure of East Lyon Street from South Bruce Street to Main Street and closure of Main Street from East Lyon Street to North 6th Street Saturday, August 20, 2022 from 3:00 pm to approximately 6:00 pm. Parade would start at 4:00 pm with an estimated 5:30 pm end time.

In accordance with Section 62-6 of the Marshall City Code, the Director of Public Works/City Engineer may refer any application for private use of public streets and parking lots on either a temporary or permanent basis to be considered by the Marshall City Council.

Due to the magnitude of the proposed event and potential impact to the businesses adjacent to the areas that are being requested to be blockaded, City Staff would recommend that the City Council hold a public hearing on these requests prior to granting final approval.

In the past, the City's Public Safety and Public Works Divisions have worked with applicants on the issues and public safety concerns that would need to be addressed as part of this request. In addition, it would be City Staff's intent to have a representative from the Committee present at the hearing to provide a brief overview of the activities and events that are going to occur during the celebration.

There will be costs involved for personnel for set-up and take-down of the detours, barricades, traffic control and street sweeping. Staff is proceeding with plans not to charge fees for this event based on past practice. Costs for operations attributed to the parade only are estimated at less than \$5,000.

Director of Public Works/ City Engineer Jason Anderson provided the background information on the agenda item.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski that the Council close the public hearing. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer that the Council approve the private use of public streets and parking lots for Sounds of Summer (August 18-21, 2022) and that the Council approve the Sounds of Summer Parade to be held Saturday, August 20, 2022, subject to Mn/DOT approval. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Lozinski. Voting Abstaining: Councilmember Labat. The motion **Carried. 5-0-1**

Conduct a Public Hearing for the Small Cities Development Grant.

This public hearing is to give a project update and respond to any questions that citizens have about the Marshal I Small Cities Development Program grant. This is a required public hearing under the SCDP grant.

Jeff Gladis, United Community Action Partnership provided the background information on the agenda item.

Mr. Gladis commented that the grant will close at the end of September 2022 and a final meeting will be scheduled to provide a complete update.

The project includes 23 low to moderate income households and 18 commercial projects.

Councilmember Labat commented on slum and blight designations and asked if they apply to residential units.

Mr. Gladis clarified that designation only applies to commercial projects under the federal objective in this grant. Low to moderate income is a separate designation for housing.

Councilmember DeCramer commented that some of these grant dollars come back to the city and can assist with new grant programs.

Mayor Byrnes declared the public hearing closed.

Consider Approval of the Consent Agenda.

Motion made by Councilmember Meister, Seconded by Councilmember Schafer to approve the consent agenda. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

- Approval of the Red Baron Arena & Expo Sponsorship Agreements.
- Approval of the Flaherty and Hood Lobbying Services Contract for Technical Education Pilot Program.
- Approval of the Wastewater Treatment Facilities Improvement Project – Consider Payment of Invoice 0286432 to Bolton & Menk, Inc.
- Introduction of an Ordinance Amending Chapter 2, Section 2, Boards, Commissions, and Authorities.
- Introduction of an Ordinance Amending Chapter 22, Section 22-91 through 22-95, Mobile Food Units and Food Carts.
- Introduction of Various Zoning Ordinance Amendments.
- Approval of a Temporary 3.2 Percent Malt Liquor Licenses for the Marshall Baseball Association.
- Approval of a LG230 Application for the American Legion Post 113.
- Approval of a Temporary On-Sale Intoxicating Liquor License for the Convention and Visitors Bureau.
- Approval of a Façade Improvement Grant Fund Request.
- Approval of the bills/project payments.

Request for Conditional Use Permit by BN Kor Investments LLC at 507 South Highway 23

BN Kor Investments LLC applied for a Conditional Use Permit for an advertising sign at 507 South Highway 23. This sign will be installed behind a private driveway. This is a so-called dynamic display LED sign which is a sign with the electronic image that changes every so often. Similar signs were installed at the corner of Highway 59 and Highway 23 and Highway 19 and Highway 23. The City staff has not heard any adverse or negative comments about those signs, and it appears that the highway traffic has not been affected.

The new sign will consist of two LED panels, 11 feet by 23 feet each, installed at about 30degree angle to each other to face traffic on Highway 23 in both directions. The overall height of the sign is requested to be 27 feet. Each panel size is less than maximum allowed length of 55 feet and smaller than previously installed signs of this nature.

The City of Marshall does not have an ordinance that regulates those signs and not many other cities do. The science of the light and brightness is complicated. The Condition 4 pertaining to this issue is based on the State regulations, industry standards, and other communities' rules. All conditions may be revised, or new conditions added by both the Planning Commission and the City Council.

Advertising sign definition may be found in Section 86-1 under Sign, Advertising, and sign regulations for this zoning district are in Section 86-185 (3). The Conditional Use Permit regulations are found in Section 86-46 and the Standards for Hearing are found in Section 86-49.

A Public Hearing took place at the Planning Commission meeting on April 13, 2022, a motion was made by Muchlinski, second by Deutz, to recommend approval of the Conditional Use Permit, with the listed conditions, to City Council. ALL VOTED IN FAVOR OF THE MOTION.

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer approve a Conditional Use Permit request by BN Kor Investments LLC, for a Conditional Use Permit for an advertising sign at 507 South Highway 23. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Lozinski. Voting Nay: Councilmember Labat. The motion **Passed. 5-1**

Consider Award of Proposal for Wastewater Toxicity Reduction Evaluation (TRE) Study and NPDES Permit assistance.

The Wastewater Facility failed our Whole Effluent Toxicity (WET) test on 7/19/2011 and the MPCA required us to enter a Toxicity Reduction Evaluation (TRE) to find and remove the toxicity from our effluent. Bolton & Menk have been assisting with this since 8/11/2011. Marshall's 2014 National Pollutant Discharge Elimination System (NPDES) permit has been expired since 5/1/2019 and we have continued to comply with the requirements in the 2014 permit while the MPCA finished up on new standards for our receiving waters.

On 4/1/2022 we received our New Limits Notification letter from the Minnesota Pollution Control Agency (MPCA). This is a precursor to a draft of our new permit, and it outlines six new parameters that we will need to meet. Engineering services will be needed to comply with the requests of this letter. The requirements that ultimately are included in our next NPDES permit can have huge financial impacts for our facility and need to be properly addressed.

This would proceed hourly with a not to exceed of \$15,000 for the NPDES Permit assistance and \$25,000 for the TRE Study which could continue for two years. Funding would be from Wastewater's General Professional Services account (#602-4950053110).

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski that the Council approve acceptance of the quote from Bolton & Menk of Burnsville, Minnesota, for the additional TRE & Permit Renewal Services in the not-to-exceed amount total of \$40,000. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

Project ST-005: Lyon Street Parking Lots Project (Baldwin and Rose) – Consider Authorization to Advertise for Bids.

This project consists of the reconstruction of the Baldwin and Rose Parking Lots adjacent to W. Lyon Street, pavement removal and concrete paved surfacing. The Baldwin Parking Lot is located behind City Hall. The Rose Parking Lot is located behind the Wooden Nickel.

Both parking lots are in poor surface condition and warrant replacement. There are no utilities that would be replaced as part of the project. Staff has met with the PI/T Committee to propose the layouts. Both proposed layouts are generally the same as they are currently arranged.

Originally, the Addison and Rose Lots were planned for reconstruction in 2022. After continued work with the design, staff has determined that the Addison Lot will be considerably difficult to reconstruct separately from W. Lyon Street. There is a risk that much of the new concrete could have to be replaced again should the design of W. Lyon Street need to be revised.

Reconstruction of both lots would occur over the summer and ideally be completed prior to or following the 150th Anniversary events. By reconstructing both of these lots in 2022, this allows for both lots to be available

for patrons during the 2023 W. Lyon/N. 3rd Reconstruction project. The Addison Lot is planned to be reconstructed in coordination with the W. Lyon/N. 3rd project.

Motion made by Councilmember Labat, Seconded by Councilmember Lozinski that the City Council authorize the advertisement for bids for Project ST-005: Lyon Street Parking Lots Project (Baldwin and Rose). Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

Project ST-023: W. Lyon Street (College to 1st) Reconstruction Project - Consider Resolution Approving Plans and Specifications and Ordering Advertisement for Bids.

The proposed project limits include W. Lyon Street (E. College Drive to N. 1st Street). The proposed project was originally included in the scope of the Z82 (N. 1st/ Redwood/Marshall) Reconstruction Project constructed in 2021. In consideration of the unknown status regarding the potential development of the Block 11 property, the block of W. Lyon Street between E. College Drive and N. 1st Street was removed from the scope of the project.

This project will include concrete street pavement with a width of 53-FT as measured from back of curb. The street width will provide for parallel parking adjacent to Block 11 and angle parking on the opposing side of the street.

The plans and specifications have been prepared by City staff for the above-referenced project. If the City Council decides to proceed with this project, a resolution has been prepared approving the plans and specifications and ordering advertisement for bids.

The engineer's estimate for the construction portion of the project is \$338,000. The total estimated project cost, including 10% allowance for contingencies and 16% for engineering and administrative costs is \$432,000. 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 DeCramer that the Council adopt the Resolution Number 22-050, which is the "Resolution Approving Plans and Specifications and Ordering Advertisement for Bids" for Project ST-023: W. Lyon Street (College to 1st) Reconstruction Project. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

Project AP-003: Snow Removal Equipment (SRE) and Aircraft Rescue Firefighting Facility (ARFF) – Application for Federal and State Grants.

Grant agreements to be sent to MnDOT Aeronautics for Snow Removal Equipment (SRE) building and site design work. We are requesting Federal Airport Improvement Program (AIP) funding for federally eligible portions of the building and state grant funding for state-eligible portions of the building.

Securing grant agreements to utilize AIP funds and state grant dollars for project design at this point in time is critical to ensure that the City remains on target for future project bidding and construction. Included in the

grant request documents is a preliminary layout of the SRE building. This layout is still subject to change, but it does give an idea on what we are working toward building.

Total design cost is \$297,000.00 as shown on the Project Cost Breakdown. Federal Airport Improvement Program (AIP) funding for fiscal year 2022 is requested in the amount of \$132,448.00 for 90% of the federally eligible work. State funding is requested in the amount of \$112,242.75 for a 70% state funding share on federally ineligible portions of the facility, and a 5% match on the federally eligible work. The remainder will be funded with local funds in the amount of \$52,309.25.

Motion made by Councilmember Lozinski, Seconded by Councilmember DeCramer that the Council authorize City and TKDA staff to submit requests for federal and state grant funding for the Snow Removal Equipment Building design project at the Southwest Minnesota Regional Airport. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

Consider Resolution(s) Awarding the Sale of General Obligation Bonds, Series 2022A, and General Obligation Refunding Bonds, Series 2022B.

For consideration is the initial draft of the resolution, and awarding the sale of the Bonds, which are to be considered by the Council on April 26, 2022. After the sale of the Bonds, Kennedy & Graven () will update the Award Resolution s with the post-sale information received from Baker Tilly and an updated version will be provided at or in advance of the meeting that evening.

Director of Administrative Services E.J. Moberg, Baker along with Terri Heaton and Mikaela Huot , with Backer Tilly Municipal Advisors, will present the findings from the bond sale that is scheduled for April 26th.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to approve the Resolution Awarding the Sale of General Obligation Bonds, Series 2022A. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

Naming of Community Space next to City Hall

Construction of the community space next to City Hall will take place in the summer of 2022. As part of the planning process, staff discussed what to name the area and opted to engage the public for submittals during the month of March. During this time 80 submittals were received. Staff met in early April to narrow down the list to three finalists, they are listed below.

- City Square
- The Lobby
- Terrace 1872

Motion made by Councilmember Lozinski, Seconded by Councilmember Meister that the Council accept, Terrace 1872 as the name of the community space next to City Hall. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Lozinski. Voting Nay: Councilmember Labat. The motion **Passed. 5-1**

Commission/Board Liaison Reports

Byrnes No Report

Schafer No Report

Meister No Report

DeCramer Marshal Municipal Utilities completed their 2021 public utility report. DeCramer highlighted having a public utility in Marshall and MMU's 100% reliability over the last year. DeCramer also commented on the solar panel project and that certain equipment for the project has a two-year lead time.

Economic Development Authority met and reviewed the façade improvement action item in the council agenda.

Labat Adult Community Center met and reviewed membership, which is seeing growth to pracademic numbers and rental agreements.

Lozinski No Report

Councilmember Individual Items

Councilmember Schafer commented on the use of scooters on sidewalks and encouraged residents to use the streets.

Mayor Byrnes commented on reducing the speed in certain locations and limiting the areas where they can be driven.

Councilmember Meister also commented on the use of scooters and providing additional education on the use.

Councilmember DeCramer added a compliment to the Engineering Department for their discussion with local businesses on upcoming construction projects.

Mayor Byrnes provided a legislative update on sales tax. Byrnes commented that both House and Senate committees have heard testimony from the City.

City Administrator

No Report

Director of Public Works

Director of Public Works/ City Engineer provided an update on the Independence Park project, pedestrian ramps on N. 4th, and tree removal on S. 1st Street has been completed. Anderson also added that the online building permit application will be online in the month of May.

City Attorney

No Report

Information Only

There were no questions on the information items.

City Real Estate Needs

At 6:53 P.M., Pursuant to Minn. stat. § 13d.05; 13d.05, subd. 3 c detail at a closed work session. City staff , the information below will be discussed in would like to update the Council on real estate discussions on the following properties:

- 27-792005-0
- 27-792006-0
- 27-792003-0

Motion made by Councilmember Lozinski, Seconded by Councilmember Meister to adjourn to closed session. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

At 7:29 P.M., the City Council came back into open session.

Upcoming Meetings

There were no questions on the upcoming meetings.

Adjourn

At 7:30 P.M., Motion made by Councilmember Schafer, Seconded by Councilmember Meister to adjourn. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

Mayor

Attest:

City Clerk