

**CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, December 27, 2022**

The regular meeting of the Common Council of the City of Marshall was held December 27, 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: Amanda Schroeder, Craig Schafer, Steve Meister, John DeCramer, Russ Labat and James Lozinski. Absent: None. Staff present included: Sharon Hanson, City Administrator; Jason Anderson, Director of Public Works/City Engineer; E.J. Moberg, Director of Administrative Services; Karla Drown, Finance Director; Ilya Gutman, Plans Examiner; Lauren Deutz, Economic Development Director; Scott Truedson, Wastewater Supervisor and Steven Anderson, City Clerk.

The Pledge of Allegiance was recited at this time.

Recognition of Departing Councilmembers

Mayor Byrnes presented plaques to councilmembers Russ Labat and John DeCramer who did not run for re-election and are finishing their terms. Councilmember Labat served one term for Ward 2 from 2019-2022. Councilmember DeCramer served three terms for Ward 1 from 2009-2022.

Approval of the Agenda

E.J. Moberg, Director of Administrative Services, requested that council remove item number 11. Consider Approval of 2023 Workers Compensation Insurance to further evaluate a secondary quote. Motion made by Councilmember Meister, Seconded by Councilmember DeCramer to remove agenda item 11. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 7-0.**

Consider Approval of the Minutes from the Regular Meeting Held on December 13, 2022

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

Public Hearing – Written Spending Plan and Resolution that Authorizes Providing Assistance and Transfer of Unobligated Tax Increments

Sharon Hason, City Administrator, explained that as part of the omnibus tax bill enacted in July 2021, state statute 469.176 was amended, giving Minnesota communities temporary flexibility to use unobligated increment from existing tax increment districts to help stimulate private development that would not otherwise commence without the assistance before December 31, 2025. The bill states that municipalities may provide loans, interest rate subsidies, or assistance in any form (including an equity or similar investment in a private project) to private development, if it consists of new construction or substantial rehabilitation of buildings and ancillary facilities and if doing so will create or retain jobs in the State (including construction jobs). Mikaela Huot from Baker Tilly Municipal Advisors, LLC presented the information on the Tax Increment Financing spending plan. Up to \$500,000 are anticipated to be available as of December 31, 2022 to be used as improvements, loans, interest rate subsidies or assistance in any form to private development to further the Authority's redevelopment goals and objectives. Councilmembers verified that since the money is not required to be used in a TIF district businesses can use the money and immediately be on the tax rolls.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to close the public hearing. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 7-0.**

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer to approve Resolution 22-105. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat,

Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 7-0.**

Approval of the Consent Agenda

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

- Consider Approval of Various 2023 Liquor Licenses
- Consider Approval of Taxicab License Renewals
- Acknowledgement of Grants of Easement from Marshall ISD #413 (Lot 1, Block 1, Progress Addition) - 1) Grant of Sanitary Sewer Easement; 2) Grant of Pedestrian Facilities / Utility Easement
- Project ST-009: W Lyon St. / N 3rd St. Reconstruction Project - Consider Resolution Ordering Preparation of Report on Improvement
- Consider Lease Agreement Between Vishay Hirel Systems LLC and the City of Marshall
- Consider Approval of the Bills/Project Payments

Proposed Adoption of Marshall 2040 Comprehensive Plan

Minnesota State Law (Minnesota Statute §462.351) requires that all communities that wish to adopt and enforce zoning regulations or subdivision regulations shall have a Comprehensive Plan that guides the development and implementation of those official controls. Under State Statute, plans should include a combination of policy statements, goals, standards, and maps that guide the physical, social, and economic development of the community. At its core, the Comprehensive Plan should include policies and recommendations on land use that guide future land use decisions. However comprehensive plans generally include information on other topics, including economic development, utilities and facilities, the environment, cultural resources, and others. Mitchell Brouse and Stephanie Falkers from the SRF Consulting Group presented the City of Marshall 2040 Comprehensive Plan. This plan was developed over a 15-month planning process that included input from several community stakeholders, including a Comprehensive Plan Task Force, City of Marshall staff, local and regional stakeholders, and community members. A variety of community engagement activities were hosted to understand and incorporate the community opinions into the planning process. The plan includes eight chapters that highlight the goals, policies, and recommendations for the community and three appendices that support the plan. The following is an overview of the contents of each chapter within the plan:

Chapter 1: Introduction – Introduces readers to the comprehensive plan, including describing the purpose for a comprehensive plan, providing a brief history of planning in Marshall, and overviewing the planning process.

Chapter 2: Issues and Opportunities – Highlights the issues and opportunities identified throughout the planning process and illustrates how they were used to inform the plan's goals, key themes, and focus areas.

Chapter 3: Land Use – Provides future development guidance for Marshall, including highlighting existing land uses and zoning districts, outlining future development guidance, and suggesting considerations and actions for the future.

Chapter 4: Utilities and Services – Reviews the existing utility and service infrastructure available within the City of Marshall and highlights tools and strategies for maintaining quality infrastructure while balancing growth opportunities.

Chapter 5: Economic Development – Highlights the existing economic characteristics within Marshall and the greater region, explores changing trends and opportunities, and highlights strategies that will inform future action and implementation.

Chapter 6: Environmental and Cultural Resources - Recognizes the diverse natural and cultural features that contribute to the identity of the community. Identifies tools for enhancing, preserving, and maintaining these resources.

Chapter 7: Communities Facilities – Reviews the existing community facilities and offerings available to Marshall community members, including those both offered by the city and other regional partners.

Chapter 8: Implementation –Identifies a plan for action that will be used to inform investment and growth decision making within the community that supports the goals and key themes identified through community input.

Appendix A: Early Engagement Summary – Provides a summary of the early engagement events and techniques used to inform the planning process and highlights the input heard through each event.

Appendix B: Community Profile – Provides an overview of existing and historic demographic and physical information about the community that informed the planning process. This information is intended to provide a snapshot of the community at the time the plan was drafted.

Appendix C: Zoning Analysis – Summarizes the findings of an analysis of Marshall’s existing zoning code to identify recommended updates and serve as a guide for making code amendments that facilitate implementation of the Comprehensive Plan.

Motion made by Councilmember Schroeder, Seconded by Councilmember Schafer to adopt the Marshall 2040 Comprehensive Plan. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 7-0.**

Consider Approval of 2023 Workers Compensation Insurance

This item was removed from the agenda.

Project ST-002-2023: Bituminous Overlay on Various City Streets - Consider Memorandum of Understanding with ADM for North 7th Street Resurfacing

City staff is proposing to include the resurfacing of North 7th Street with the ST-002-2023 project. City staff has communicated with ADM staff regarding the simultaneous resurfacing of the truck stacking lane to the east of North 7th Street that serves ADM truck traffic. City staff and ADM staff believe that it makes sense to resurface these areas at the same time to ensure the best, most uniform final product. The project is proposed as a bituminous mill and overlay, likely at a 2” depth. The City of Marshall Engineering Department will provide engineering services related to construction project administration for ST-002-2023. The construction project administration duties will include project design, bidding, inspection, testing and general construction project administration for the ST-002-2023 construction project. The ADM truck stacking lane area will be included within the scope of the ST-002-2023 construction project. The City of Marshall will cover all costs associated with construction project administration. ADM will provide financial support for the resurfacing of the pavement in the truck stacking lane area as shown on the MOU exhibit. The City is providing an initial cost estimate of \$115,065 for the pavement mill and overlay of the truck stacking lane area. This cost is an estimate for budgeting purposes only, and the actual project quantities and costs will be utilized for determination of costs to be billed to and paid by ADM. Councilmember Schafer questioned if the stacking lanes were private or public. Anderson confirmed that the lanes are owned and maintained by ADM.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to approve the memorandum of understanding with ADM. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 7-0.**

Consider Appointment of Members to the Joint Airport Zoning Board

The City of Marshall is in the process of updating the Airport Zoning Ordinance for the Southwest Minnesota Regional Airport (MML) to match the Airport Layout Plan (ALP). The purpose of updating the Airport Zoning Ordinance is to restrict land uses which may be hazardous to the operational safety of aircraft using the airport and to protect the safety and property of people on the ground in the area near the airport. At their meeting on January 11, 2022, the City

Council authorized entering into a professional services agreement with TKDA for update to the Airport Zoning Ordinance in the amount of \$49,500. At their meeting on March 22, 2022, the City Council authorized execution of Mn/DOT Grant Agreement No. 1049819 (S.P. A4201-104) for the Airport Zoning Ordinance Update in the amount of \$51,500 with participation rates of 70% State (\$36,050)/30% local (\$15,450). A part of the Zoning Ordinance update process includes the re-establishment of the Joint Airport Zoning Board (JAZB) in accordance with attached Minnesota Statutes Section 360.063, Subdivision 3, which indicates appointment of up to two individuals from each jurisdiction. Request letters for appointment of members were sent to Lyon County, City of Minnesota, City of Ghent and the 10 affected townships. City appointees cannot be elected officials or staff that is involved with decision-making for the airport or the City. City staff recommended that the City Council appoint an Airport Commission member and a Planning Commission member to represent the City on the JAZB. Staff has had conversation with Ron Halgerson, Airport Commission, and Larry Doom, Planning Commission, and both have expressed their willingness to serve the City of Marshall on the JAZB.

Motion made by Councilmember Meister, Seconded by Councilmember DeCramer to approve Ron Halgerson and Larry Doom as City of Marshall representatives on the JAZB. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 7-0.**

Consider Resolution of Intent to Apply for the Minnesota Active Transportation State Infrastructure Program

MnDOT is currently soliciting for Active Transportation Infrastructure Program grants between \$50,000 and \$500,000. If awarded, grants must be expended in 2023 or 2024. Community Transit of United Community Action Partnership (UCAP) has already submitted a letter of intent to submit a grant application, as required by the program. UCAP is now seeking to submit their full grant application for AT grant funding. UCAP needs the City of Marshall to serve as the sponsoring agency of their grant application. Grant applications are due by December 30th. The City of Marshall has some past precedence acting as the sponsoring agency for UCAP. Recently, Project Z52/SP139-090-005/MinnProj TA4219(231) UCAP Transit ADA Bus Access Project was completed in 2020 in the amount of \$182,655.20. The project resulted in the completion of bus shelter installation and sidewalk improvements at S. 4th/Stephen, N. 4th/Redwood, and Birch Street, including bus bump out on S. 4th Street. City staff has already worked up cost estimates and preliminary drawings bus stop improvements at locations near Walmart, Pizza Ranch, and Halta Villa Apartments, per UCAP request. These locations were all supposed to be included with a prior grant appropriation to UCAP that was unable to be fulfilled. The grant request is for the entire construction cost amount of \$203,499. Engineering fees are not a grant eligible expense. City staff plans to work with UCAP to determine if some engineering fees may be paid from UCAP to the City to help cover staff costs.

Motion made by Councilmember Labat, Seconded by Councilmember Schroeder to approve Resolution 22-106. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. Voting Abstaining: Councilmember DeCramer. The motion **Carried. 6-0-1.**

Consider Resolution Supporting Pursuit of Active Transportation Infrastructure Funding for US 59 Pedestrian Crossing Improvements, CR 7/Airport Road Trail Crossing Improvements and Trail Realignment, and US 59 Trail Extension

MnDOT is currently soliciting for Active Transportation Infrastructure Program grants between \$50,000 and \$500,000. If awarded, grant funds must be expended in 2023 or 2024. City of Marshall staff has been working with Bolton & Menk to submit a grant application for a project that would improve pedestrian and trail connectivity and safety at three different locations. The proposed project would add trail along US 59 between Boyer Drive and Windstar Street, add a RRFB pedestrian crossing and possible median at A Street/US 59, and add a RRFB pedestrian crossing on CR 7/Airport Road and realign the Camden Regional Trail to eliminate the need to use Airport Road as bike trail. Staff and Bolton and Menk are proposing to apply for the entire construction cost amount to be covered by the grant, with engineering costs to be covered with local funds. Engineering costs are not grant eligible. City staff would propose to hire Bolton & Menk to design the project and address all federal or state grant requirements. City staff would then administer and inspect the construction project; essentially, city staff would complete all tasks outside of initial project design and approvals. It

is estimated at this time that engineering services would not exceed \$50,000, and some of the costs may be split with Lyon County for the improvements to occur at CR 7. No formal agreement between Lyon County and the City exists at this time, and the City may need to cover all engineering costs if Lyon County is not agreeable to participate. The project construction estimate is \$360,381 for improvements at all locations. If a grant is offered, City staff will return to the City Council for consideration of acceptance and consideration of engineering contract with Bolton & Menk for project design.

Motion made by Councilmember Schafer, Seconded by Councilmember Schroeder to approve Resolution 22-107. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 7-0.**

Consider Request of Wastewater Department for Northwest Industrial Lift Station Pump Replacement

Scott Truedson, Wastewater Supervisor, presented the pump replacement request. The northwest industrial life station serves the Northwest Industrial Park and is a critical lift station. The two existing pumps are 11 years old with approximately 48,000 hours and are failing. These pumps were sized for a large service area that has not yet fully developed. We are proposing to replace the existing 30 hp pumps with smaller, 15hp pumps that are better suited for the current flow requirements. This will result in electrical savings and longer pump life. The two 15hp pumps can be purchased for \$33,874 a much larger cost saving than repairing or replacing with 30hp pumps.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to approve the purchase of two 15hp replacement pumps. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 7-0.**

Consider Appointments to Library Board

Mayor Byrnes requested that an item to consider appointments to the Library Board be added at this time.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to add the library board appointments item. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 7-0.**

Motion made by Councilmember Schafer, Seconded by Councilmember Labat to Appoint Ben Walker and Paula Botsford to the Library Board with terms ending 12/31/2025. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 7-0.**

Commission/Board Liaison Reports

Byrnes	No report.
Schafer	No report.
Meister	No report.
Schroeder	<u>Planning Commission</u> : Discussed rental code and the 2040 comprehensive plan.
DeCramer	<u>EDA</u> : Reviewed on-going projects and strategic planning. <u>MMU</u> : Approved 2023 budget and have either completed or in progress of switching all the downtown streetlamps to LEDs. <u>Public Housing</u> : Has not met because of weather but there will be an opening at the end of the year and the commission is looking for a replacement.

Labat No report.
Lozinski No report.

Councilmember Individual Items

Councilmember Schafer gave praises to the City of Marshall Street Department for their efforts during the snowstorms. Shafer also gave thanks to citizens who were actively removing and clearing snow.

Councilmember Meister and Schroeder echoed Councilmember Schafers sentiments regarding the street department and snow removal.

Councilmember Lozinski commented how well cleared the roads in Marshall are compared to some twin cities neighborhoods and that the levy increases to keep services will be well utilized. Lozinski also gave credit to staff regarding the agenda item that was removed.

Councilmember Labat wanted to remind citizens to clear snow around fire hydrants. Councilmember Labat thanked city staff, commission/board members, the citizens of ward 2, and his wife and family for the time spent during the past four years.

Councilmember DeCramer thanked the citizens of Marshall and recounted the various projects and events that happened during his tenure on city council.

City Administrator

Hanson noted that the Parks Department also spent a considerable amount of time to clear trails from the snowstorms.

Director of Public Works/City Engineer

Anderson will be meeting with the Downtown Business Association on January 4th to discuss the 3rd Street project.

City Attorney

Absent.

Informational Only

There were no questions on the information only items.

Upcoming Meetings

There were no questions on the upcoming meetings.

Adjourn

Motion made by Councilmember Labat, Seconded by Councilmember DeCramer to adjourn. Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. Voting Nay: Councilmember Schafer. The motion **Carried. 6-1.**

Attest:

City Clerk

Mayor