

**CITY OF MARSHALL  
CITY COUNCIL MEETING  
M I N U T E S  
Tuesday, June 09, 2020**

The regular meeting of the Common Council of the City of Marshall was held June 9, 2020, at the Minnesota Emergency Response and Industrial Training (MERIT) Center, 1001 West Erie Road. 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, Steven Meister, Glenn Bayerkohler, John DeCramer, Russ Labat and James Lozinski. Absent: None. 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; Jim Marshall, Director of Public Safety; Preston Stensrud, Parks Superintendent; Cody Me 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 of the work session and regular meeting held on May 26, 2020.**

Motion made by Councilmember Meister, Seconded by Councilmember Lozinski that the minutes of the work session regular meeting held on May 26, 2020 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 Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

**Veteran's Memorial Bids and Update**

Staff continues to move forward with the addition of a Veteran's Memorial at Memorial Park. In the past month we have received quotes to complete most of the project. To date, \$159,000 has been received in donations towards the project. This amount does not include the amount the City plans to contribute. Concrete quotes were received from Hess Concrete and Hisken Construction, Inc. Hess Concrete had the low quote of \$57,127.00.

Quotes were received for the fabrication and installation of the War Memorial Wall from Marshall Machine Shop and Bend Rite Fabrication. Bend Rite Fabrication had the low quote of \$42,272.00.

Motion made by Councilmember DeCramer, Seconded by Councilmember Labat to accept the quote from Hess Concrete of Marshall, MN in the amount of \$57,127.00 to complete concrete work at Memorial Park and Accept quote from Bend Rite Fabrication of Marshall, MN in the amount of \$42,742.00 to fabricate and install War Memorial Wall at Memorial Park. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, 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 Lozinski to approve the consent agenda. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Approval of the Wastewater Treatment Facilities Improvement Project – 1) Consider Application for Payment No. 11 to Magney Construction, Inc.; 2) Consider Payment of Invoice 1302019 to American Engineering Testing, Inc.; 3) Consider Payment of Invoice 0251005 to Bolton & Menk, Inc.

Approval of the Vacation of Utility Easement in Wilke-Miller-Buesing 7th Addition -- Receive Petition for Vacation of Utility Easement and Call for Public Hearing

Approval of the Law Enforcement Center Repairs.

Approval of the bills/project payments.

**Consider Resolution No. 4738, Second Series, Awarding the Sale of General Obligation Bonds, Series 2020B**

The resolution awarding the sale of the Bonds, which is to be considered by the City Council of the City of Marshall, Minnesota on June 9, 2020. After the sale of the Bonds on that date, Kennedy & Graven (Bond Council) will update the Award Resolution with the post-sale information received from Baker Tilly and circulate an updated version in advance of the meeting that evening.

Director of Administrative Services, Annette Storm, and Terri Heaton, with Baker Tilly Municipal Advisors, will present the findings from the bond sale that is scheduled for June 9, 2020.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer Approve Resolution No. 4738, Second Series, Awarding the Sale of General Obligation Bonds, Series 2020B Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Lozinski. Voting Nay: Councilmember Labat. The motion **Passed. 6-1**

**Red Baron Arena Chiller Repairs**

Staff has found significant corrosion in refrigeration system leading to the failure of chiller piping. Costs of repairs will vary depending on test results for brine system that we are still waiting on as memo is submitted. Staff will be present to discuss in further detail at meeting.

Quote to repair chiller piping from Midwest Boiler from Sioux Falls, SD is \$34,050. These repairs are very labor intensive and completed with specialized equipment – only one quote was obtained as no other vendors are known to perform this scope of work in our area.

The League of Minnesota Cities Insurance Trust has been informed and staff are awaiting a response as well as gathering more information on total costs. Our deductible is \$25,000 is repairs are approved by insurance and we wish to file a claim.

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer to authorize staff to move forward with repairs needed to get Red Baron. Arena operational and open for summer ice. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. Voting Nay: Councilmember Bayerkohler. The motion **Passed. 6-1**

**Consider the Amendment to the Professional Services Agreement - Marshall Hotel Demolition**

City Administrator Sharon Hanson provided the background on the amendment to the professional services agreement for the Marshall Hotel demolition was reviewed by City Hall Committee on June 3, 2020.

Motion made by Councilmember Lozinski, Seconded by Councilmember DeCramer to approve the Amendment to the professional Services Agreement. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. Voting Nay: Councilmember Bayerkohler. The motion **Passed. 6-1**

**Consider the Ratification of a Resolution in Agreement with Temporary Outdoor Dining.**

The State of Minnesota has authorized the use of State right of way for outdoor dining during the COVID-19 emergency through Executive Order 20-70. The executive order was approved by the Governor's Office on June 3rd.

MnDOT has determined that they would not like to work with individual restaurants and that they do not wish to assume any liability for the use of their right of way. As a result, they wish to permit each city individually, granting the city the authority to permit the use of State right of way. They required a permit application to be submitted, along with a drawing of specific area to be used and in what manner, a Resolution of support, and a certificate of insurance that lists MnDOT as an additional insured.

The City has submitted the application in with all required documentation. The City needed this permit to authorize Bello Cucina to operate a handful of tables on College Drive sidewalk space, adjacent to their outdoor patio. To expedite the permitting process to enable Bello Cucina to operate on the sidewalk sooner, Administrator Hanson worked with Mayor Byrnes to sign the Resolution prior to the Council meeting.

City staff is asking for the Council to ratify the decision to submit a Resolution of the Council in advance of this

Council meeting on Friday, June 5, 2020. Motion made by Councilmember Meister, Seconded by Councilmember Lozinski that the Council ratify and adopt RESOLUTION NUMBER 4739, SECOND SERIES which is the Resolution in Agreement with Temporary Outdoor Dining. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

**Consider Amendment #01 to Mn/DOT Airport Maintenance & Operation Agreement No. 1033583 (SFY 2020-2021).**

At the May 26, 2020 meeting, the City Council authorized acceptance and execution of the FAA CARES Act Grant Funding (MML-GLG-3-27-0056-016-2020-Grant Agreement) in the amount of \$69,000.00 for roof repairs at the Arrival/Departure Building at the Airport.

At the June 11, 2019 meeting, the City Council adopted RESOLUTION NUMBER 4623, Second Series, which is the Resolution of Authorization to Execute Minnesota Department of Transportation Grant Contract No. 1033583 for Airport Maintenance and Operation.

Amendment #01 to the current M&O Agreement No. 1033583. In order to receive the reimbursements from FAA/MnDOT, the City will need to execute the State Grant Contract Amendment. The FAA grant supplements the MnDOT grant and allows the Office of Aeronautics to make payments under the FAA grant per the Channeling Act.

The FAA grant will not result in the elimination of the current State Airport Grant for Maintenance and Operations No. 1033583 but will supplement it. The amendment will incorporate the additional FAA funds into our existing State Airport Grant for Maintenance and Operations.

Once the amendment is executed, the City will submit Operations Expenses to MnDOT and in partnership with MnDOT, the FAA will determine the Federal eligibility of the submitted expenses under the provisions of the CARES act. For the expenses that are Federally eligible, MnDOT will process for a Federal payment. For those expenses that are not Federally eligible, MnDOT will determine the eligibility under the State M&O agreement and will process for payment of State funds. FAA eligibility for specific expenses may be broader than under the State M&O agreement, but best not to assume so. Per MnDOT, the City should consult with the FAA about eligibility prior to incurring an expense that you are unsure will be allowed as an Operations Expense under the Federal funding.

The amendment will incorporate the additional FAA funds into our existing State Airport Grant 1033583 for Maintenance and Operations. The FAA CARES Act funds do not require a local match.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski that the City Council authorize execution of the Amendment #01 to Mn/DOT Airport Maintenance & Operation Agreement No. 1033583. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

**Consider Appointments to the Various Boards, Commissions, Bureaus and Authorities.**

Mayor Byrnes offered the following recommendation:

Economic Development Authority

Brad Strootman to an unexpired term set to expire May 31, 2026.

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer to approve the nominations to various boards and commissions. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

**Commission/Board Liaison Reports**

Byrnes Southwest Regional Development Commission will meet and discuss the eligibility for a \$1.48 million COVID relief revolving loan fund.

Schafer No Report

Meister Community Service Advisory Board met and will plan to open the pool June 20

Bayerkohler Public Housing met to go over the monthly bills, occupancy report and held an election of officers.

DeCramer      Economic Development Authority met to hold a public hearing for the sale of additional lots in the Parkway addition.

Marshall Municipal Utilities has decided on David Schelkoph as the new General Manager for Marshall Municipal Utilities.

Labat            Library Board met and discussed the updates to the library surrounding COVID-19. The Cottonwood and Balaton libraries remain closed but are offering curbside pick in those areas.

Lozinski        City Hall Committee met and brought forward the item of the fire wall on the new city hall building to the full council. There was a consensus from the council to have staff begin the process to connect the city hall and Marshall hotel lots. Councilmember Lozinski also introduced Scott VanDerMillen, Director of Community Services as the new City Hall Owners Representative.

### **Councilmember Individual Items**

Councilmember Lozinski thanked Studio 1 for graduation video. Member Lozinski also thanked staff for their continued efforts in helping local restaurants with city picnic tables and the cities presence at a recent protest making sure everyone was able to be safe.

Councilmember Labat acknowledge staff for a quick turn around time on grass removal and street repairs

Councilmember Schafer touched on the community's strength through COVID-19.

Councilmember Meister requested that the council and staff review sidewalk maintenance throughout the city and placing them on the levy. Member Meister commented on an ATV park located in Lyon County and encourage residents to visit it. Councilmember Meister discussed a COVID-19 jump in Lyon County and reminded everyone that this is a very contagious disease and that testing has been expanded. Member Meister also commented that people be diligent about protecting each other's health.

Mayor Byrnes commented on the opening of businesses under the COVID-19 protocols, opening of the pool and peaceful protests.

### **City Administrator**

City Administrator Sharon Hanson corrected the retirement date of Brad Roos mentioned in the Administrative Brief from August 7 to August 21. Administrator Hanson discussed a meeting held with Senator Dahms along with other Administrators in the area about CARES Act. Funding, the grand opening of the archery park on Friday, June 12 at 1:00 PM. Administrator Hanson mentioned that former Director of Public Works/ City Engineer Glenn Olson's retirement party will be held in the SMSU parking lot on Thursday, June 11 at 4:30 PM. Hanson also commented on the next normal and staff work load.

### **Director of Public Works**

Director of Public Works/ City Engineer Jason Anderson provided an update on the mill and overlay project, bid openings for Legion Field project and a washout of a bike trail

**City Attorney**

City Attorney Dennis Simpson commented on several items is working on, such as; Grass and Junk complaints, South 1<sup>st</sup> Street, Buffalo Ridge Plat, MMU employment contract and the sale of 4 lots from the EDA to UCAP.

**Administrative Brief**

There were no questions on the Administrative Brief

**Information Only**

There were no questions on the information items.

**Upcoming Meetings**

There were no questions on the upcoming meetings

**Adjourn Meeting**

6:55 P.M. Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

---

Mayor

Attest:

---

City Clerk