

**CITY OF MARSHALL  
CITY COUNCIL MEETING  
M I N U T E S  
Tuesday, July 09, 2019**

The regular meeting of the Common Council of the City of Marshall was held July 9, 2019 in the Professional Development Room at the Marshall Middle School, 401 South Saratoga 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, Glenn Bayerkohler, John DeCramer, Russ Labat and James Lozinski. Absent: Steven Meister. Staff present included: Sharon Hanson, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/ City Engineer; Annette Storm, Director of Administrative Services; Dave Parsons City Assessor 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 June 25, 2019.**

Motion made by Councilmember Schafer, Seconded by Councilmember Decramer that the minutes of the work session and regular meeting held on June 25, 2019 be approved as filed with each member and that the reading of the same be waived. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Decramer, Councilmember Labat. Voting Abstaining: Councilmember Bayerkohler, Councilmember Lozinski. The motion **Passed. 4-0-2**

**Approval of Consent Agenda.**

Councilmember Lozinski requested that agenda item number 8, Consider Approving the Resolution Authorizing PFA to Purchase GO Revenue Note 2019A, Providing for its Issuance and Authorizing Execution of a Bond Purchase and Project Loan Agreement for the Note, be removed for further discussion.

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

Approval of the 2020 Regular City Council Dates, Time and Location.

Approval an application for an On-Sale Intoxicating Liquor License for Marshall Area Chamber of Commerce for July 24, 2019.

Approval of a Temporary 3.2 Percent Malt Liquor license for VFW Post 742.

Approval of a Vacation of Utility Easement in Westwood Acres Plat 1 - Receive Petition for Vacation of Utility Easement and Call for Public Hearing.

Approval of a Transient Merchant License for Southwestern Advantage.

Approval of the bills/project payments.

**Consider Approving the Resolution Authorizing PFA to Purchase GO Revenue Note 2019A, Providing for its Issuance and Authorizing Execution of a Bond Purchase and Project Loan Agreement for the Note.**

May 28, 2019 the Council awarded the Wastewater Treatment Facilities Improvement Project contact with Magney Construction, Inc in the amount of \$14,074,300. The contact amount plus 5% contingencies and the professional services agreement with Bolton and Menk, Inc., total the \$15,678,015 Note amount.

The City has applied for a low interest loan from the Minnesota Public Facilities Authority (PFA) to finance the Wastewater Treatment Facilities Improvement Project.

Motion made by Councilmember Lozinski, Seconded by Councilmember Labat. Approval of the Resolution Number 4629, Second Series, a Resolution Authorizing PFA to Purchase GO Revenue Note 2019A, Providing for its Issuance and Authorizing Execution of a Bond Purchase and Project Loan Agreement for the Note. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Bayerkohler, Councilmember Decramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

**Project Z70: South High Street/South Whitney Street (100 & 200 Block) Alley Improvement Project – Consider Resolution Receiving Report and Call for Public Hearing.**

The project consists of the reconstruction of the alley lying between the west side of South Whitney Street and the east side of South High Street, between the north line of East Marshall Street and the south line of East College Drive and installing storm sewer and/or concrete surfacing of the alley.

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.

Property owners will be contacted, and a meeting held with each/all of the owners concerning the proposed improvements and potential costs.

The engineer's estimate for the construction portion of the project is \$83,850. The total estimated project cost, including 10% allowance for contingencies and 16% for engineering and administrative costs is \$106,993.

All improvements will be assessed according to the current Special Assessment Policy.

Costs for the alley improvements and storm sewer drainage improvements will be mostly by special assessments in the amount of \$75,065 with City participation in the alley grading and shaping in the amount of \$31,928.

Motion made by Councilmember Schafer, Seconded by Councilmember Labat to adopt RESOLUTION NUMBER 4630, SECOND SERIES, which is the Resolution Receiving Feasibility Report and Calling Hearing on Improvement for the above-referenced project and setting the public hearing on improvement date for July 23, 2019. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Bayerkohler, Councilmember Decramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

**Consider a LG220 Application for Exempt Permit for SMSU Foundation for October 12, 2019**

Motion made by Councilmember Decramer, Seconded by Councilmember Schafer BE IT RESOLVED, that the City Council hereby (1) grants local unit of government approval to SMSU Foundation to hold a raffle on October 12, 2019, at Southwest Minnesota State University , 1501 State Street, Marshall, Minnesota, (2) acknowledges the receipt of LG220

Application of Exempt Permit, (3) waives the 30- day waiting period, and (4) authorizes and directs the appropriate city personnel to complete and sign the LG220 Application for Exempt Permit on behalf of the City of Marshall  
Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Decramer, Councilmember Labat, Councilmember Lozinski. Voting Abstaining: Councilmember Bayerkohler. The motion **Passed. 5-0-1**

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

The City of Marshall has various openings on the Boards, Commission, Bureaus and Authorities. Interviews were conducted on Tuesday, July 9, 2019 with the City Council. Mayor Byrnes nominated the following individual:

Larry Doom - Airport Commission, term set to expire 5/31/22

Motion made by Councilmember Schafer, Seconded by Councilmember Decramer to approve the appointment to the airport commission. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Bayerkohler, Councilmember Decramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

### **Councilmembers and Mayor Salaries.**

In accordance with the City of Marshall Charter, Section 2.07 "Salaries of the Councilmembers and Mayor shall be discussed as an agenda item at the first council meeting in July of each year. After said discussions, the council shall set and determine said salaries in accordance with the applicable state law.

#### 415.11 SECOND TO FOURTH CLASS CITIES; GOVERNING BODY SALARIES.

Subdivision 1.Set by ordinance. Notwithstanding the provisions of any general or special law, charter, or ordinance, the governing body of any statutory or home rule charter city of the second, third or fourth class may by ordinance fix their own salaries as members of such governing body, and the salary of the chief elected executive officer of such city, in such amount as they deem reasonable.

Subd. 2.After next election. No change in salary shall take effect until after the next succeeding municipal election.

Subd. 3.Temporary reductions. Notwithstanding subdivision 2 or a charter provision to the contrary, the governing body may enact an ordinance to take effect before the next succeeding municipal election that reduces the salaries of the members of the governing body. The ordinance shall be in effect for 12 months, unless another period of time is specified in the ordinance, after which the salary of the members reverts to the salary in effect immediately before the ordinance was enacted.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to allow staff to review section 2.07 in the City Charter and section 2-53 in the City Code, to amend each section to more uniformly fit with State statute and provide a recommendation to the Charter Commission and Legislative and Ordinance Committee for action. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Bayerkohler, Councilmember Decramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

### **Commission/Board Liaison Reports**

Byrnes            Regional Development Commission will have their annual meeting.

Schafer         No Report

Bayerkohler   Public Housing Commission and discussed different options for financing for public housing. The Commission also received their 2018 audit report.

DeCramer Ways and Means met to discuss the Fund Balance Policy, Special Assessment Policy and tabling the Enterprise Leasing program.

Labat Library Board met and discussed the 2020 budget and a no smoking policy.

Convention and Visitors Bureau met and discussed impact statements to be provided to the Assistant County Attorney prior to the court date for the prior CVB Director.

### **Councilmember Individual Items**

Councilmember Lozinski discussed his attendance at the League of Minnesota Cities annual conference.

Councilmember DeCramer provided discussion on School Board – City Council joint meeting. Member DeCramer mentioned the completion of the sidewalk at Patriot Park. DeCramer also mentioned the City's practice with Robert's Rule of Order procedures.

Councilmember Schafer mentioned the progress with clean up with junk items in neighborhoods.

Mayor Byrnes discussed participation in the Community Transit Tour and the Statewide Bus Rodeo.

### **City Administrator**

City Administrator Sharon Hanson discussed bids received by MMU for the water softening project. Administrator Hanson discussed the restitution case for the former CVB Director and the City of Marshall's Impact Statement. Administrator Hanson provided comments from the League of Minnesota Cities annual conference and the 2020 budget timeline.

### **Director of Public Works**

Director of Public Works/ City Engineer Glenn Olson provided an update on ongoing construction projects. Director Olson discussed the language in the City's ordinance regarding glass and weeds.

### **City Attorney**

No Report

### **Administrative Report**

There were no questions regarding the administrative report.

### **Information Only**

There were no questions on the information items.

### **Upcoming Meetings**

There were no questions on the upcoming meetings

**Adjourn Meeting**

At 6:25 P.M., Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to adjourn.  
Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Bayerkohler, Councilmember Decramer,  
Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

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Mayor

Attest:

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City Clerk