

**CITY OF MARSHALL  
CITY COUNCIL MEETING  
M I N U T E S  
Tuesday, October 12, 2021**

The regular meeting of the Common Council of the City of Marshall was held October 12, 2021, 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, Don Edblom, 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; Quentin Brunsvold, Fire Chief; Dean Coudron, Public Ways Superintendent; Sheila Dubs, Human Resource Manager; Ilya Gutman, Plan Examiner/ Assistant Zoning Administrator, and Kyle Box, City Clerk.

The Pledge of Allegiance was recited at this time.

There was a general consensus to operate under the current agenda.

**Consider approval of the minutes from a regular meeting held on September 28, 2021.**

Motion made by Councilmember Schafer, Seconded by Councilmember Meister that the minutes of the regular meeting held on September 28, 2021 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 Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

**Request to Move Dwelling into Residential District from 401 Village Drive to 501 Brussels Court.**

The house to be moved to 501 Brussels Court is currently located at 410 Village Drive. It is a two-story house over crawl space approximately 2,480 S.F. in footprint area, built in 1958. This house was inspected by Ray Henriksen, Building Official, and found to be in good condition suitable for moving. The entire house will be brought up to the new Building Code. The site at Brussels Court seems to be adequate.

The residential area where this house will be moved in has a covenant agreement, but this house seems to be generally in compliance with it. However, the city does not enforce covenant agreements. There are no other houses in the immediate vicinity of the proposed relocation lot except one recently moved in. According to the City Ordinance, the aesthetics, i.e., how the house fits into the locale to which it is being moved, is the main concern for the Council and a deciding factor for approval. The approval should be granted in case it is determined that the house does fit into the area. Since the issue for the Council is about appearance, staff does not render an opinion. Ordinance Sections 18-56 through 18-62 outline moving-in-town procedures.

At the September 28, 2021, meeting, the City Council called for a Public Hearing to be held on October 12, 2021, regarding this application.

Ilya Gutman, Plan Examiner/ Assistant Zoning Administrator provided the background information on the agenda item.

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer to close the public hearing. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom,

Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

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

**Mosch Addition – 1) Public Hearing on Preliminary Plat; 2) Approval of Preliminary Plat; 3) Consider Resolution Adopting the Final Plat.**

This property is listed for sale by owner Sandra Mosch. To help facilitate a property sale, the owner wishes to move an existing lot line to better reflect intended parcel locations.

City Ordinance Sec. 66-31 Plat required states, “Whenever any subdivision of land is proposed, before any contract is made for the transfer of any part of such land, and before any permit for the erection of any structure in such proposed subdivision shall be granted, the subdivider, owner or an authorized agent shall apply for and secure approval of such proposed subdivision plat in accordance with the procedures set forth in this chapter.”

As defined by Sec. 66-1 Definitions, subdivision means the division of any parcel of land thereto shown as a unit or as contiguous units of record to which this chapter is applicable for the purpose of transfer of ownership or building development, whether future or immediate, or any division of land involving a new street or road regardless of parcel size or the number of parcels.

Because the land requested to be subdivided is not currently platted, City staff has requested that the property owner plat the property.

Copies of the proposed subdivision have been sent to the local utility companies for their review and comments.

The preliminary plat was presented at the Planning Commission meeting on September 22, 2021. Following discussion, Muchlinski made a motion, second by Knieff to recommend approval to City Council as requested, subject to review and recommendations of local utility companies. All voted in favor.

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

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

Motion made by Councilmember Schafer, Seconded by Councilmember Edblom to approve the Preliminary Plat of Mosch Addition. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. **Carried. 7-0**

Motion made by Councilmember Edblom, Seconded by Councilmember Lozinski that the Council adopt RESOLUTION NUMBER 21-079, which is the Resolution Approving the Final Plat of Mosch Addition. Voting Yea:

Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. **Carried. 7-0**

**Archer Daniels Midland Company: 1) Public Hearing regarding a business tax abatement request. 2) Consideration of Resolution Number 21-080, a resolution approving business tax abatement.**

ADM is working to increase the production of native dry starch. New structures for storage silos, and loadout capabilities for rail loading will be built. In the background material, ADM has provided a full narrative of its project.

The amount of assistance being provided is \$30,492.80 over five years.

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

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to adopt Resolution Number 21-080, a resolution approving a business tax abatement. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

**Snow Removal Services at Tall Grass Liquor and MERIT Center for the 2021/2022 through 2022/2023 Winter Seasons - Consider Award of Proposal.**

Proposals were received for Snow Removal Services at Tall Grass Liquor and the MERIT Center on October 5, 2021. Two bids were received, one from Action Company, LLC of Marshall and one from D&G Excavating, Inc. of Marshall, Minnesota.

The bid from Action Company, LLC was in accordance with the bidding documents providing a total cost per occurrence (rate x hours). The bid from D&G Excavating, Inc. was not bid in accordance with the bidding documents, providing a total cost per snow season. These services will be funded from the Liquor Store Fund #609 and the MERIT Center Fund #455.

Motion made by Councilmember Lozinski, Seconded by Councilmember DeCramer that the Council award the proposal for Snow Removal Services at Tall Grass Liquor and MERIT Center to Action Company, LLC of Marshall, Minnesota for the 2021/2022 through 2022/2023 winter seasons at a rate of \$175.00 per occurrence for Tall Grass Liquor and a rate of \$450.00 per occurrence for the MERIT Center. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

**Arrival/Departure Building Roof Repair at the Airport - Consider Award of Proposal.**

The roof of the Arrival/Departure Building is leaking in several locations. Quotes were received on October 6, 2021. The low quote was provided by Gag Sheet Metal, Inc. of New Ulm, Minnesota in the amount of \$37,200.

This project is not included in the 2021 budget. Though this is an unbudgeted project, the City has received grant funding through various federal actions for operation and maintenance of the airport on three different occasions. We have received \$69,000 in CARES Act funding, \$59,000 in ARPA funding, and \$23,000 in CRRSA

funding. These grant funds can be used to help operations and maintenance at the airport during the COVID-19 pandemic. The total project cost, including 5% contingencies and building permit fees, is \$39,600.00.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer that the Council award the Arrival/Departure roof repair to Gag Sheet Metal, Inc. of New Ulm, Minnesota, in the amount of \$37,200.00. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

**Project SWM-007: Independence Park Pond Forebay Expansion Project – Consider Resolution Accepting Bid (Awarding Contract).**

This project consists of the excavation and expansion of the Independence Park Pond Forebay, arch culvert installation, riprap and landscaping rock placement, concrete trail replacement, and other miscellaneous work.

At the September 14, 2021 meeting, City Council authorized staff to advertise for bids.

On October 6, 2021, bids were received for the above-referenced project. The low bid was from Towne & Country Excavating, LLC of Garvin, Minnesota, in the amount of \$229,255.50.

The final engineer's estimate was approximately \$232,887.00. Based on the bid results, the estimated total project cost, including 5% allowance for contingencies and 16% for engineering and administrative costs, is \$279,233.20. City staff is proposing to fund the project entirely through the Surface Water Management Utility.

Motion made by Councilmember DeCramer, Seconded by Councilmember Schafer that the Council adopt RESOLUTION NUMBER 21-081, which provides for the Resolution Accepting Bid (Awarding Contract) and authorizing entering into an agreement with Towne & Country Excavating, LLC of Garvin, Minnesota, in the amount of \$229,255.50 for Project SWM-007: Independence Park Pond Forebay Expansion Project. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Lozinski. Voting Nay: Councilmember Labat. The motion **Passed. 6-1**

**Consider Approval of the Consent Agenda**

Mayor Byrnes requested the item number 8, Memorandum of Understanding between the City of Marshall, Lyon County Sheriff's Office, and Western Mental Health Center be removed from the consent agenda at the request of the City Attorney.

Councilmember request that item number 13, Agreement for Hazardous Materials Response, be removed from the consent agenda for further discussion.

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

Approval to declare vehicle as surplus property for the Marshall Police Department.

Approval for the State of Minnesota Joint Powers Agreement & Amendment to CJDN

Approval of the Marshall Police Department's participation in the Toward Zero Death (TZD) program and serve as the fiscal grant agent for partnering agencies.

Approval for a LG220 Application for Exempt Permit for SMSU Foundation for February 19, 2022.

Approval for the Wastewater Treatment Facilities Improvement Project - 1) Consider Application for Payment No. 27 to Magney Construction, Inc.; 2) Consider Payment of Invoice 0276433 to Bolton & Menk, Inc.

Approval of the bills/project payments

**Memorandum of Understanding between the City of Marshall, Lyon County Sheriff's Office, and Western Mental Health Center.**

For many years, meetings and discussions have taken place between local law enforcement agencies, mental health facilities and our healthcare provider on how to respond to the growing concerns related to the increase in mental health cases and calls. In 2021, the Marshall Police Department had discussions with the Western Mental Health Center regarding the concept of what is called a "Co-Responder Program". The Co-Responder Program pairs law enforcement and behavior health specialists to respond to behavior health-related calls for service.

This concept will utilize the combined expertise of the police officer and the behavior health specialist to de-escalate situations and help link people with behavior health issues to appropriate services. Several goals identified for this program to achieve will be to: 1) prevent unnecessary incarceration or hospitalization of mentally ill individuals, 2) provide alternative care in the least restrictive environment 3) prevent duplication of mental health services and 4) facilitate the return of law enforcement units to patrol activities.

In August of 2021, we introduced the concept to our police department and identified an employee of Western Mental Health to lead the program. Officers have started to utilize the mental health professional and have seen how this service can link those in crisis to a long-term care plan.

The current funding for the Co-Responder program is through a state grant received by Western Mental Health. Regular meetings to evaluate the program will continue to occur between all agencies involved.

Included with the Agenda Item Report is the Co-Responder Program MEMORANDUM OF UNDERSTANDING between the City of Marshall, Lyon County Sheriff's Office, and Western Mental Health Center.

City Attorney Dennis Simpson requested that the document be reviewed by his office prior to approval.

Motion made by Councilmember Lozinski, Seconded by Councilmember Meister Consider approval of the Co-Responder Memorandum of Understanding between the City of Marshall, Lyon County Sheriff's Office, and Western Mental Health Center pending review by the City Attorney. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

**Agreement for Hazardous Materials Response**

Flint Hills Resources Pine Bend LLC is located at 901 North 7th Street in the City of Marshall. Flint Hills Resources owns and/or operates pipeline systems in many states that transports crude oil, refined petroleum

products, chemicals, and natural gas liquids. Each Flint Hills Resources facility is required to have a Facility Response Plan that is compliant with the Environmental Protection Agency's requirements.

Flint Hills Resources located in Marshall has partnered over the years with the Marshall Fire Department to be the first call in an emergency services response to the Marshall facility located with the City of Marshall.

This Agreement for Hazardous Materials Response Service strengthens the partnership between the City of Marshall and Flint Hills Resources and provides an opportunity to Flint Hills Resources to ensure the Marshall Fire Department is properly equipped and trained to respond to an unlikely event at their facility.

Councilmember Schafer

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer to approve the Agreement for Hazardous Materials Response Service to the Flint Hills Resources Pine Bend LLC and the City of Marshall. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

**Consider Adoption of Ordinance Revision to Sec. 66-108(d)-Walkways.**

The City Engineering Department has been committed to a minimum 5-FT sidewalk width for many years. It is the opinion of City staff that a 5-FT minimum width is much more comfortable for sidewalk users. The intent of changing this ordinance is to ensure that our City ordinance agrees with current Engineering Department principles.

This ordinance is geared toward new city subdivisions and development. By changing this ordinance, staff will have the authority to require 5-FT sidewalk on all new developments. City staff will not require 5-FT sidewalk if a property owner is replacing 4-FT sidewalk in an existing area with 4-FT sidewalk adjacent.

The ordinance revision was introduced at the City Council meeting on September 28, 2021.

Motion made by Councilmember Labat, Seconded by Councilmember Schafer that the Council adopt Ordinance No. 21-004, which amends Sec. 66-108(d) of the Subdivision Ordinance by increasing the minimum sidewalk width from 4 feet to 5 feet. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

**Consider Proposal from TKDA for Predesign Study of the Snow Removal Equipment (SRE) and Aircraft Rescue Firefighting Facility (ARFF) at the Southwest Minnesota Regional Airport.**

This study will provide the City of Marshall with the necessary justification and formulation to construct a SRE Maintenance Facility in the near term, and also a framework for future expansion to include firefighting and rescue facilities on the airport.

The study will provide the necessary next steps to determine funding eligibility and layout for the SRE Maintenance Facility, which is planned for design in 2022, and construction in 2023. This study is a required first step to identify funding sources and prove funding eligibility to FAA and MnDOT Aeronautics. The study may be eligible for reimbursement utilizing MML FAA entitlements along with the design work during 2022. TKDA will work with the FAA to include these costs in that design grant to the extent possible.

TKDA presented this proposal to the Airport Commission on October 5, 2021. The proposed cost of predesign services is \$35,000.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski that the Council authorize acceptance of the Proposal for Predesign Study of the Snow Removal Equipment (SRE) and Aircraft Rescue Firefighting Facility (ARFF) at the Southwest Minnesota Regional Airport with TKDA in the amount of \$35,000.00. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. Voting Nay: Councilmember Meister. The motion **Passed. 6-1**

#### **Consider approval of the Building Maintenance Staffing Proposal**

Maintaining the current staffing (pre-City Hall renovation and pre-COVID) level that includes a Building Maintenance Supervisor, a Building Maintenance Worker, and three part-time Building Custodians results in an approximate budget impact of \$243,336.60, including wages and benefits.

The proposed staffing arrangement of a Building Maintenance Supervisor, two full-time Building Custodians, and one part-time Building Custodian results in an approximate budget impact of \$237,777.80, including wages and benefits.

The above figures were compiled using 2021 wages and benefits and assumed 2,080 work hours for full-time and five hours per week, or 1,300 hours for part-time employment.

Motion made by Councilmember Meister, Seconded by Councilmember Lozinski To approve the amended organizational chart and 2021 Wage Schedule. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Lozinski. Voting Nay: Councilmember Labat. The motion **Passed. 6-1**

#### **Consider approval of amendments to the Personnel Policy Manual**

Staff will review the proposed amendments in detail at the City Council meeting. The Council Personnel Committee met on September 28, 2021, and unanimously recommended approval of the amendments.

Policies 1.8 and 1.9 were amended to comply with a new MN law. Governor Walz recently signed legislation into state law that strengthens workplace protections for new and expectant parents. The changes are legally effective on January 1, 2022; however, staff recommend the Council approve the changes to be effective immediately to help ensure the City is providing a positive and supportive working environment for new mothers. Modifications were needed related to reasonable accommodations for pregnant employees and reasonable break time for nursing mothers to comply with the new law.

Staff also completed a review of chapters 1-3 and are recommending a number of technical and other changes. Staff will review at the meeting.

Staff will continue to review the remaining chapters of the policy manual for legal compliance and other necessary technical changes. Future Personnel Committee meetings will be scheduled as these are completed and recommendations will be brought to the full Council for consideration.

Motion made by Councilmember Lozinski, Seconded by Councilmember DeCramer to approve amendments to the Personnel Policy Manual. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Lozinski. Voting Nay: Councilmember Labat. The motion **Passed. 6-1**

**MN DEED BDPI Notice and Request for Commerce Ind Park and MNNG Development**

The City of Marshall received a Greater MN Business Development Public Infrastructure (BDPI) a grant award in 2017 for assistance in constructing and completing the construction of our business development park- Commerce Industrial Park. Since early 2020, the City of Marshall has been in communication with Minnesota National Guard officials regarding future needs of a National Guard Readiness Center. After careful review and consideration by the city and the MN National Guard, interest in a 15-acre site contained in our Commerce Industrial Park is of priority by the MN National Guard for the future development.

Enclosed with this agenda item is a letter which would serve as official notice per Minnesota Statutes 116J.431 Subd. 2. (b) and request for approval so that the City can pursue this development further with the MN National Guard. We have included for additional information a map of the proposed area and the number of acres that would fall below the threshold of 15 percent of the total development.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski Approve Notice and Request for Approval to MN DEED for Use by MNNG. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

**Commission/Board Liaison Reports**

Byrnes Fire Relief Association met and reviewed the quarterly numbers. The fund remains healthy.

Schafer Airport Commission met and acted on the items brought to the Council meeting.

Meister No Report

Edblom No Report

DeCramer Diversity, Equity, and Inclusion commission met and review recent events and will begin working towards a community facilitated event.

Labat Library Board met and discussed a safety issue with parents using the parking lot to pick up children from the middle school. Member Labat also commented on an open position for the Library Board.

Lozinski No Report

**Councilmember Individual Items**

None



**City Administrator**

City Administrator Sharon Hanson discussed an interview she and the Mayor participated in with Architecture Minnesota Magazine, the publication should be release in February. Administrator Hanson discussed the low attendance at the Fire Department open house.

**Director of Public Works**

Director of Public Works/ City Engineer Jason Anderson provided an update on ongoing construction projects within the City including a road closure, gravel placement along Skunk Hollow, Independence Park concrete trails. Anderson also commented that camera has been placed by USGS near the river gage.

**City Attorney**

No Report

**Information Only**

There were no questions on the information items.

**Upcoming Meetings**

There were no questions on the upcoming meetings.

**Conduct a closed session pursuant to Minnesota Statutes, section 13D.05, subdivision 3(b) to engage in an attorney-client privileged discussion with the City's attorneys regarding pending litigation at Broadmoor Valley Mobile Home Park.**

At 6:48 PM., Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer adjourn to closed session. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

At 7:36 PM the City Council adjourned from Closed Session.

**Adjourn**

At 7:36 P.M., Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to adjourn. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

---

Mayor

Attest:

---

City Clerk