

**CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, February 09, 2021**

The regular meeting of the Common Council of the City of Marshall was held February 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, 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; Director; Scott VanDerMillen, Director of Community Services; Preston Stensrud, Parks Superintendent 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 regular meeting held on January 26, 2021.

Motion made by Councilmember Meister, Seconded by Councilmember Labat that the minutes of the regular meeting held on January 26, 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**

Project Z82: North 1st Street / West Redwood Street / West Marshall Street Reconstruction Project - 1) Resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds; 2) Resolution Accepting Bid (Awarding Contract).

This project consists of: reconstruction and utility replacement on North 1st Street from East Main Street to West Marshall Street, on West Redwood Street from East College Drive to North 1st Street, and on West Marshall Street from East College Drive to North 1st Street; sanitary sewer, watermain, and storm sewer will be replaced. This project will also include new curb & gutter, new 5-ft. sidewalk on both sides of the streets, driveway aprons, water services, and sewer services to the right-of-way.

On February 5, 2021, bids were received for the above-referenced project. Three bids were received as shown on the Resolution Accepting Bid. The low bid was from D&G Excavating, Inc. of Marshall, Minnesota, in the amount of \$1,051,247.90. The engineer's estimate was approximately \$1,170,646.

The above-referenced project, or a portion thereof, may be financed by the sale of bonds with repayment coming from assessments and Debt Service Fund Levy. It is required that action be authorized by City Council via Resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds.

The "Resolution Accepting Bid" awarding the contract to D&G Excavating, Inc. of Marshall, Minnesota, is in the amount of \$1,051,247.90. The estimated total project cost including 5% allowance for contingencies and 16% for engineering and administrative costs is \$1,280,419.94.

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 participation.

The financing and cost participation will be forthcoming and addressed at the time of the Resolution Declaring Cost to be Assessed.

Motion made by Councilmember DeCramer, Seconded by Councilmember Lozinski that the Council adopt Resolution Number 21-011, which provides for Resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for Project Z82: North 1st Street Reconstruction Project. 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 that the Council adopt Resolution Number 21-012, which provides for the Resolution Accepting Bid (Awarding Contract) and authorizing entering into an agreement with D&G Excavating, Inc. of Marshall, Minnesota, in the amount of \$1,051,247.90 for Project Z82: North 1st Street Reconstruction Project. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Consider Approval of the Consent Agenda.

Councilmember Lozinski requested that agenda item number 7, Project Z50-2021: Chip Sealing on Various City Streets – Consider Authorization to Advertise for Bids be removed for further discussion.

Motion made by Councilmember Meister, Seconded by Councilmember Schafer 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 of the Wastewater Treatment Facilities Improvement Project – 1) Consider Application for Payment No. 19 to Magney Construction, Inc.; 2) Consider Payment of Invoice 0263289 to Bolton & Menk, Inc.

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

Approval to declare surplus property for the Marshall Police Department.

Approval of a LG220 Application for Exempt Permit for the Knights of Columbus.

Approval of the bills/project payments

Project Z50-2021: Chip Sealing on Various City Streets – Consider Authorization to Advertise for Bids.

City staff has completed plans and specifications for our yearly city street sealcoating project.

<u>Street</u>	<u>From-To</u>
South 4th Street	Country Club Drive to Elaine Street
South 1st Street	George Avenue to Southview Drive
Madrid Street	Channel Parkway to Legion Field Road
11th Street (South)	T.H. 68 to 380' South to Gravel
11th Street (North)	T.H. 68 to Channel Parkway

Fairview Street	11th Street to T.H. 59
Fairview Street	T.H. 59 to 7th Street
Viking Drive	Southview Drive to Deschepper Street
Deschepper Street	Southview Drive to E. Thomas Avenue
E. Thomas Avenue	1st Street to Saratoga Street
David Drive	E. Thomas Avenue to E. Thomas Avenue
Viking Circle	Off Viking Drive
Cullen Circle	Off Deschepper Street
McFarland Circle	Off E. Thomas Avenue
Clifton Circle	Off David Drive
Willow Avenue	N. Hill Street to N. Bruce Street
Willow Lane	N. Bruce Street to Birch Street
North Minnesota Street	Boxelder Avenue to 130' South of Willow
Thunderbird Road	Windstar Street to Continental Road
Holabird Circle	Canoga Park Drive

Alternates

Legion Field Road	T.H. 68 to Railroad Tracks
Legion Field Road	Railroad Tracks to T.H. 19

Staff is proposing a March 2, 2021 bid opening date, and staff will bring an award recommendation to Council at the March 9, 2021 meeting.

Current project estimate is \$138,700. The 2021 budget includes \$140,000 for this work.

Motion made by Councilmember Lozinski, Seconded by Councilmember DeCramer that the Council authorize advertisement for bids for Project Z50-2021: Chip Sealing on Various City Streets. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Consider the request of Monte Buntjer for a Variance Adjustment Permit at 516A Main Street East.

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

The owner desires to use a shipping container as a permanent storage next to his building at the address listed above. The Ordinance prohibits using shipping containers as accessory buildings (Sec. 86-163 (10)) or permanent storages (Sec. 86-248 (f)).

To grant a variance, City Ordinance and State Statutes require the presence of practical difficulties. The term "practical difficulties," as used in connection with granting a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance, the plight of the landowner is due to circumstances unique (usually something related to physical characteristics of the property not allowing to comply with the Ordinance) to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. The State Statutes essentially forbid granting variances if those conditions are not met. The Findings of Fact based on the League of Minnesota Cities template explains each item listed above in detail.

Shipping containers do not meet building codes and do not fit into typical city environment, which may lead to reduction in surrounding properties' values. Based on the above information, staff does not believe that there are any practical difficulties in this case and therefore recommends that the variance be denied. It is the opinion of City Staff that allowing this variance will set a precedent for the entire city.

The variance regulations and procedures are found in Section 86-29.

At the Planning Commission meeting on January 20, 2021, a public hearing was held and a motion was made by Knieff, second by Lee to recommend approval to the City Council of the request by Monte Buntjer for a Variance Adjustment Permit for a shipping pod as permanent storage at 516A East Main Street. All voted in favor of the motion.

At the City Council meeting on January 26, 2021, the council tabled the item to allow the applicant to review his options.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to deny the variance request and recommend the Legislative and Ordinance Committee to review the current ordinance regulating shipping containers and direct staff to use discretion during this process. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Lozinski. Voting Nay: Councilmember Labat. The motion **Passed. 6-1**

Establish Aquatic Center RFP Selection and Construction Committee

Staff is recommending establishment of a pool RFP selection committee and Construction Planning Committee (could be the same group of people).

Committee membership:

City Administrator

Director of Community Services Director

Assistant City Engineer

Parks Superintendent

2-3 Councilmembers

2 CS Board members

2 Community Members

Establishment of the Committee will allow for scheduling of the RFP review in March.

Motion made by Councilmember DeCramer, Seconded by Councilmember Meister to establish the Committee and approve the appointments. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Lozinski. Voting Nay: Councilmember Labat. The motion **Passed. 6-1**

Authorization to Purchase Two 72" Commercial Mowers for Parks Department

Mowers are essential pieces of equipment now only for maintaining our green areas in our Parks but also for snow removal and fall leaf clean up in the parks.

Staff has worked with Kibble Equipment recently to secure pricing to keep all 72" mowers under warranty during the City's ownership and work toward trading in mowers every 2 years when the warranties expire. Last year the City purchased the first two mowers to initiate this program. In the 2021 CIP, two more mowers are budgeted for replacement. One mower is estimated at \$20,000 and the other at \$18,000.

Staff received quotes to purchase two new mowers and trade-in 2 mowers from Kibble Equipment based on last year's discussion and direction to move forward with the replacement plan. Our existing mowers are a 2009 1445 John Deere and a 2014 1545 John Deere.

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer for the authorization to purchase two new 72" commercial mowers per quotes received from Kibble Equipment of Marshall, MN. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Public Works Mapping and Informational Update.

Public Works would like to show the City Council our current utility and infrastructure map that we've been developing in coordination with Marshall Municipal Utilities. The map utilizes the ESRI ArcGIS program to store data and display our systems over aerial imagery. MMU has had their facilities documented in this program for a number of years, while the City has been working over the past 2-3 years to collect data from our systems and get them included into this program. Developing this map takes many, many hours with coordination and effort from many different employees and departments. The City plans to continue driving forward with this program and we have plans to continually add data into this program.

Further, Public Works would like to show City Council some of the additional information and flyers that we have been creating to help inform our public of our capital improvement program and our current construction projects. This information is available on our website and it is a continual work in progress.

Municipal Separate Storm Sewer Systems (MS4) Update.

The City is currently in the process of applying for our new 2020 Municipal Separate Storm Sewer Systems (MS4) General Permit. The MS4 permit is a 28-page permit that outlines numerous requirements that the city must meet as an operator of a storm sewer system. There are some other qualifiers, but generally this permit applies to all communities in our state with a population over 5,000. This permit is generally updated and reissued every five years. In this instance, the 2020 permit will replace our existing 2013 permit. MPCA has been working toward rolling this permit out since 2018.

A large bulk of the changes to this permit revolve around record keeping and 'measurables'. There is a large push from the MPCA to ensure that each community is following through on permit requirements and documenting how the goals are being met. The MS4 is largely guided by meeting six different "Minimum Control Measures (MCMs), each with numerous requirements that must be met to be in compliance with the permit. The MCMs are as follows:

MCM 1: Public Education and Outreach

- MCM 2: Public Participation/Involvement
- MCM 3: Illicit Discharge Detection and Elimination (IDDE)
- MCM 4: Construction Site Stormwater Runoff Control
- MCM 5: Post-Construction Stormwater Management
- MCM 6: Pollution Prevention/Good Housekeeping for Municipal Operations

As part of our application for new permit coverage, Engineering staff is reviewing our entire MS4 program to both audit ourselves and also update and amend our City Stormwater Pollution Prevention Plan (SWPPP). Along with submitting the new application, we will need to convey to the MPCA whether we are meeting any applicable and approved Total Maximum Daily Load (TMDL) waste load allocations (WLAs). For example, the City of Marshall is required to show a reduction of 30% in Total Phosphorus (TP) output from our MS4 as compared to a baseline year of 1988. This is related to an EPA-approved Lower Minnesota River Dissolved Oxygen TMDL.

City staff is currently working with Bolton & Menk on a stormwater modeling project. Within this project, we are creating a basic, cost-effective approach to reviewing our MS4 for compliance with our approved TMDLs. We believe that our work with Bolton & Menk will be adequate to satisfy the MPCA's desire to see measurable progress toward meeting our TMDLs.

Approve City Hall Furniture Purchase

Staff have been reviewing furniture needs. Due to smaller office spaces, most offices need desks that fit the office. In addition, Council Chamber addition and various other meeting space have needs. City Hall Committee has reviewed furniture needs and will be providing a formal recommendation following their next scheduled meeting held on Tuesday Feb 9th.

Motion made by Councilmember Schafer, Seconded by Councilmember Labat to approve the furniture contract. 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 its relief fund, which is healthy and active. Bremer Bank manages this fund.

Southwest Regional Development Commission met and reviewed is COVID RLF with \$240,000 remaining in its fund program.

Schafer MERIT Center Commission met and reviewed the number of regional and statewide police and fire trainings the MERIT Center has held.

Southwest Radio Board met and is focusing on law enforcement and fire for statewide and interstate operability. A grant was awarded for updating the communications truck and the installment has been completed.

Meister No report

Edblom No Report

DeCramer Marshall Municipal Utilities met and discussed the slight voltage increase

Diversity, Equity, and Inclusion Commission met and continues to finalize the framework for the commission. The Cultures on the Prairie will be held virtual this year on February 23.

Labat Library Board met and approved the final job description for the office manager position. Discussions have begun on the opening of surrounding area branches.

Lozinski City Hall Committee met discussed the city hall furniture bid.

Councilmember Individual Items

Councilmember Meister discussed childcare within the City and that city should review options to facilitate childcare. Member Meister discussed the rollout of the COVID 19 vaccine at the state level.

Mayor Byrnes attended an annual event, 1000 Books Before Kindergarten, coordinated by the Marshall-Lyon County Library. The Mayor of a Day contest will be announced soon for 4th, 5th, and 6th graders. Four city mayors, Marshall, Pipestone, Worthington, and Luverne have been communicating with legislators on strategies for business competitiveness with surrounding states.

City Administrator

City Administrator Sharon Hanson commented on future conversations coming from the EDA regarding childcare. Several meetings with the School District on childcare. Long term debt reports have been distributing by Lyon County for every municipality within the County. Vaccines distribution has improved within the State of Minnesota. Administrator Hanson provided discussion on the possibility of a Lyon County led Economic Development.

Director of Public Works

Director of Public Works/ City Engineer Jason Anderson commented that they have received five proposals for the Comprehensive study.

City Attorney

City Attorney Dennis Simpson discussed land sale closing for Best Topsoil, LLC. Minnesota Department of Agriculture have provided an approval of the Helena Chemical site cleanup. Discussion and information are being collected for the annexation of 80 acres along North 7th St.

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

At 7:24 P.M., Motion made by Councilmember Schafer, Seconded by Councilmember Edblom to adjourn.
Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom,
Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Attest:

City Clerk

Mayor