CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, November 23, 2021

The regular meeting of the Common Council of the City of Marshall was held November 23, 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, and Russ Labat. Absent: James Lozinski. 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, and Kyle Box, City Clerk.

The Pledge of Allegiance was recited at this time.

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

Consider approval of the minutes from the work session, special meeting, and regular meeting held on November 9, 2021.

Motion made by Councilmember DeCramer, Seconded by Councilmember Edblom that the minutes from the work session, special meeting, and regular meeting held on November 9, 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**

Consider authorization to approve Towing and Storage Agreement.

The City of Marshall solicits bids for towing and storage of vehicle services every two years. Pulver Motor Service, LLC holds the current contract which is set to expire December 31, 2021.

The City of Marshall did solicit bids for the 2022 and 2023 time period. The only bid submitted was the bid from Pulver Motor Service, LLC.

The bid as submitted by Pulver Motor Service, LLC is for the price of $80.00 per vehicle tow and storage fees of $25.00 per day for outside storage and $35.00 per day for inside storage.

The City of Marshall has only received one bid and it is recommended that the bid be award to Pulver Motor Service, LLC.

Motion made by Councilmember DeCramer, Seconded by Councilmember Meister to approve the Towing and Storage Agreement between the City of Marshall and Pulver Motor Service, LLC and authorize the appropriate officials to sign said agreement. 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

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski 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 a permit to allow Alcoholic Beverages at City-Owned Facilities.

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

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

Approval to declare surplus property for the Wastewater Department.

Approval of a Temporary On-Sale Intoxicating Liquor Licenses for Friends of the Orchestra, LTD.

Approval of the bills/project payments

Consider approval of a Partnership Agreement between the City of Marshall and Marshall Municipal Utilities.

This agreement is brought to the Council for consideration on an annual basis. Please see the updated 2022 proposed Partnership Agreement with MMU. The joint committee met on October 25, 2021, reviewed the document in detail, and unanimously recommended approval.

Marshall Municipal Utilities General Manager, David Schelkoph provided an overview of the 2022 joint powers agreement.

Motion made by Councilmember DeCramer, Seconded by Councilmember Edblom that the Council approve the 2022 joint partnership agreement between the City of Marshall and Marshall Municipal Utilities. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Consideration for approval of Amended Memorandum of Understanding with Marshall Amateur Hockey Association (MAHA) regarding Ice Time fees and Food Service Agreement 2021 – 2029.

MAHA previously approved City staff in late 2019 with an offer to assist with the purchase of a new replacement Zamboni for the Red Baron Arena & Expo. In exchange, MAHA has requested extending the existing MOU with the City regarding fees assessed for ice time usage. Through discussions and negotiation, it was suggested that the Food Service Agreement between MAHA and the City also be extended and included as part of an amended Memorandum of Understanding (MOU). The council has previously awarded the bid for purchase of the Zamboni 552AC from Frank J. Zamboni & Company, Inc. The amended MOU for both ice time and Food Service Agreement provides stability and certainty to both MAHA and the City for fees and food service provisions for the next extended time of the contract. Upon approval of this agreement, it would then be MAHA's intention to pay one-half of the Zamboni cost ($64,477.50) prior to January 2, 2022.

MAHA will share the cost with the City of Marshall for the new Zamboni 552AC in exchange for Ice Time rates remaining unchanged through the 2025 hockey season. Parties have agreed to renegotiate the remaining 4 years of ice time pursuant to the provision as set forth in the agreement.

MAHA President Josh Johnson provided an update from MAHA via PowerPoint.

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer approval of the amended MOU with MAHA and the City of Marshall Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer. Voting Nay: Councilmember Labat, Councilmember Lozinski. The motion **Passed. 5-2**

Consider Request of Shades of the Past Car Club for Roll-In on May 5, 2022.

The City has received the attached request from the Shades of the Past Car Club for street closure on Main Street from College Drive (intersection of T.H. 19 & T.H. 59) northwest to North 6th Street for a Spring Car Roll-In on Thursday, May 5, 2022, from 2:00 pm-10:00 pm.

This event will be similar to the event that Shades of the Past Car Club hosted last year around the same time. Last year, there was a complaint from a local contractor regarding the closure of State Highway 59 and its impact on the transport of heavy equipment due to load restrictions on alternative routes. Staff is calling this to City Council attention as a reminder that US59 is a state highway that carries significant truck traffic and other overweight and oversized traffic. Every time that the city motions to close this route, there is significant impacts to both local and through truck traffic. The detour route is difficult to navigate for trucks, and non-navigable for oversized loads.

City staff did propose the use of 3rd Street (between Main and Lyon), Lyon Street (between 3rd and 4th), and 4th Street (between Main and Lyon) as an alternative car show location. Shades of the Past representatives did not prefer this option, they preferred to carry on with the Main Street closure request.

Upon approval of the City Council, the request will be forwarded to Mn/DOT for their approval of the State permit.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski that the Council authorize the Shades of the Past Car Club for Roll-In to be held on Thursday, May 5, 2022, subject to Mn/DOT approval of detour and issuance of permit. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Approve contract between MN State Colleges and Universities and the City of Marshall that would provide data center support.

In January of 2020 the City of Marshall began sharing data center with SMSU. During the preliminary design and subsequent construction documents, it was planned/discussed that the City would continue to use SMSU data center in order to avoid build out of City data center which could have added an approximate $100,000 to the construction costs. The arrangement has been successful. Reliability, speed, redundancy has increased via State fiber. The City still utilizes the city fiber ring, thus investment and partnership with MMU continues in that aspect of information technology.

SMSU agrees to provide the following:

a. Provide use of two (2) pairs of “dark fiber” cable (fiber) on the SMSU campus.
b. Provide use of “server rack space” in the SMSU Data Center
c. SMSU warrants that it will provide best effort to keep the Data Center in operational status in support of the City equipment on a 24 x 7 and 365 day/year basis.

Operational status will generally include electrical and cooling services.

i. To help meet this objective, SMSU will maintain redundant electrical power via a generator to support Data Center operations in the time of planned and unplanned electrical outages on the SMSU campus.
ii. To help meet this objective, SMSU will provide redundant cooling systems for the Data Center.
iii. To help meet this objective, SMSU will strive to ensure that the Data Center is secure and off-limits to non-authorized personnel.
iv. SMSU shall provide 7 days notification to the City of any planned interruption of Data Center services that may require the Data Center to be offline.
v. SMSU shall provide 30days notification of any significant changes to Data Center operations (e.g., new AC system installation). vi. SMSU shall also make best effort to promptly notify the City of any issues (e.g., Cooling System issues) that may impact Data Center operations.

Motion made by Councilmember Lozinski, Seconded by Councilmember DeCramer Approve MN State Colleges and Universities Income Contract for data center services with services provided July 1, 2021 until June 30, 2023. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Project ST-007: 2022 UCAP Bus Shelter Project - Memorandum of Understanding between Community Transit of United Community Action Partnership and the City of Marshall.

Attached for Council review is the Memorandum of Understanding between Community Transit of United Community Action Partnership (UCAP) and the City of Marshall.

This project is included in the 2022 capital improvement plan (CIP). Community Transit of United Community Action Partnership (UCAP Transit) has been awarded a grant project that totals $450,000, including grant dollars and local match. UCAP Transit has approached city staff regarding the engineering and construction administration of this project, which includes the installation of bus shelters and ADA sidewalk improvements at various locations. UCAP Transit will be responsible for all capital outlay for this project, and the City will serve as the project sponsor for the grant and the engineer of record for the project.

Included in the packet is a Memorandum of Understanding between UCAP Transit and the City of Marshall, as well as proposed bus shelter locations. This project is similar to the UCAP Transit Bus Shelter project (Z52) that the City administered on behalf of UCAP Transit in 2020 where shelters and associated sidewalk improvements were installed at N. 4th Street/Redwood, S. 4th Street/Stephen, and Birch Street near Village Drive. Most of the improvements will be located in City right of way.

This project and MOU have been reviewed by the PI/T Committee at their meeting on November 22, 2021 meeting.

The project's grant match will be provided by UCAP Transit. There is no direct cost to the City of Marshall. The City's contribution is the professional staff hours required to create, administer, and deliver the construction project for UCAP Transit. If Engineering fees are grant eligible, City staff will work to recover these fees through the grant.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer that the Council authorize the execution of the attached Memorandum of Understanding between Community Transit of United Community Action Partnership and the City of Marshall. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember Labat, Councilmember Lozinski. Voting Abstaining: Councilmember DeCramer. The motion **Passed. 6-0-1**

Approve City Hall Final Change Order 15.

City Hall Committee has met and negotiated a final payment to Brennan Construction via Change Order 15. This payment would conclude all construction payments. Change Order 15 is related to the following

A. Brennan CR21, related to second floor leveling Was 9,666.00 Now $9,036.00
B. Brennan CR32, related to plumbing changes from RFI #42 Was 791.00 Now $0.00
C. Brennan CR33, related to electrical and fin tube changes of RFI50 Was 2,821.00 Now $0.00
D. Brennan CR 36 related to electrical changes from ASI 07 Was 1,121.00 Now $0.00
E. Brennan CR37, related to lower-level footings Was 6,015.00 Now $3,124.00
F. Brennan CR 41, extra signage Was 675.00 Now $86.00
G. Brennan CR43, related to winter conditions Was 54,945.00 Now $33,545.00
H. Brennan CR44, rear stone returns Was 1,335.00 Now $0.00
I. Brennan CR47, related to lower-level door change Was 4,865.00 Now $0.00
J. Brennan CR48, stone capping - Now $606.00
K. Brennan CR49, office door floor transition imperfections - Now $(1,000.00)
L. Brennan CR50, Engan PR#8, deduct for eliminating firewall in ASI #8 - Now $(2,000.00)
M. Brennan CR51, CO detector in boiler room - Now $283.00
N. Brennan CR52, credit for not installing signage - Now $(278.00)
O. Credit from Southwest Glass for window film - Now $(1,755.00)
TOTAL Was $78,090 Now $41,647
Difference of $36,443

Motion made by Councilmember Lozinski, Seconded by Councilmember Labat to approve City Hall Final Change Order 15 in the amount of $41,647 and with issuance of the final payment upon final completion of remaining items as noted in the final inspection report. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Project Z80: T.H. 23/Independence Park Sewer Realignment Project -- Consider Change Order No. 1 (Final) and Acknowledgement of Final Pay Request No. 3.

This project consisted of the following: Installation of storm sewer adjacent to the stormwater pond north of Runnings, adjacent to Trunk Highway 23 including a manhole and backflow preventer. This project also included installation of sanitary sewer adjacent to Trunk Highway 23 and along Nwakama Street.

The items on Change Order No. 1 (Final Reconciling Change Order) for the above project are the result of final measurements and changes in item quantities during construction.

All work has been completed in accordance with the specifications. Attached is a copy of Final Pay Request (No. 3) in the amount of $14,221.81.

Change Order No. 1 (Final) results in a contract decrease in the amount of ($5,237.25) and a total contract amount of $184,211.25. The original contract amount was $189,448.50.

Motion made by Councilmember Schafer, Seconded by Councilmember Edblom. that the Council approve Change Order No. 1 (Final), resulting in a contract decrease in the amount of ($5,237.25) and acknowledge Final Pay Request (No. 3) in the amount of $14,221.81 for the above-referenced project to D&G Excavating, Inc. of Marshall, Minnesota. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Project ST-003: South 1st Street/Greeley Street/Williams Street Reconstruction Project - Consider Resolution Receiving Feasibility Report and Calling Hearing on Improvement.

This project consists of reconstruction and utility replacement on South 1st Street from George Street to Greeley Street, on Greeley Street from West College Drive to Saratoga Street, and on Williams Street from Maple Street to George Street; sanitary sewer, watermain, and storm sewer will be replaced. This project will also include new curb & gutter, new 5-ft. sidewalk on one or both sides of the streets, driveway aprons, water services, and sewer services to the right-of-way.

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.

The project was presented to the Public Improvement/Transportation Committee at their meeting on November 22, 2021.

The engineer's estimate for the construction portion of the project is $1,559,000. The total estimated project cost, including 10% allowance for contingencies and 16% for engineering and administrative costs is $1,990,000.00. 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. Final approval of the project must include determination of funding sources.

Motion made by Councilmember DeCramer, Seconded by Councilmember Lozinski. that the Council adopt RESOLUTION NUMBER 21-088, 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 December 14, 2021. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Project ST-004: Halbur Road Reconstruction Project - Consider Resolution Receiving Feasibility Report and Calling Hearing on Improvement.

This project consists of reconstruction and utility replacement on Halbur Road from Michigan Street to Erie Road (CR 33); sanitary sewer and storm sewer will be replaced with a concrete paved surfacing. This project will also include new curb & gutter, driveway aprons, and sewer services to the right-of-way.

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.

The project was presented to the Public Improvement/Transportation Committee at their meeting on November 22, 2021.

The engineer's estimate for the construction portion of the project is $728,000. The total estimated project cost, including 10% allowance for contingencies and 16% for engineering and administrative costs is $929,000. 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. Final approval of the project must include determination of funding sources.

Motion made by Councilmember Labat, Seconded by Councilmember Lozinski that the Council adopt RESOLUTION NUMBER 21-089, 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 December 14, 2021. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

MPCA Chloride Reduction Grant.

The MPCA is offering a chloride reduction grant that has an application deadline of December 10, 2021. The MPCA is looking for an organization to work with a community or multiple communities that are in need of chloride reductions. The goal of the project is to develop a strategy to identify, prioritize, educate, and assist residents, businesses, and institutions to upgrade, replace, or optimize their existing water softening systems.

Bolton & Menk has approached the City of Marshall with this opportunity. Bolton & Menk is proposing to work with both Marshall and Worthington to secure the $250,000 grant. The grant requires a 25% match which would require a $31,250 investment from each community if we both move forward. Bolton and Menk is proposing a pilot rebate program for replacement of water softeners to high efficiency units that are properly configured, along with some video educational information. The rebate would likely be focused on replacement of old “time-based” softeners to new “demand-based” systems that recharge based on actual water usage. Below is a preliminary proposed cost outline from Bolton & Menk:

- Rebates or other incentives--$100,000 for each community
- Preparation of rebate program and tracking (Engineering)--$50,000
- Preparation of educational information (Engineering)--$50,000
- Final reporting to MPCA--$12,500

Based on the above numbers, if the City is willing to contribute $31,250, we will end up with $100,000 of money to invest into a rebate program or other incentive type of program, as well as having the engineering services to set up and administer the program covered by Bolton & Menk.

Bolton & Menk requires a letter of support from the City to submit along with the grant application.

City contribution investment in the amount of $31,250.

Motion made by Councilmember DeCramer, Seconded by Councilmember Edblom to authorize City staff to work with Bolton & Menk to submit for this MPCA Chloride Reduction Grant opportunity. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. Voting Nay: Councilmember Meister. The motion **Passed. 6-1**

Commission/Board Liaison Reports

Byrnes No Report

Schafer No Report

Meister No Report

Edblom No Report

DeCramer Marshall Municipal Utilities met and reviewed the 2022 budget.

Economic Development Authority met and moved to reactivate the façade improvement program, as well as discussion on block 11 and Southwest West Central Coop.

Labat No Report

Lozinski No Report

Councilmember Individual Items

Councilmember DeCramer commented on his attendance at the Hmong new year's celebration in Tracy, MN. Member DeCramer mentioned that the Hmong community has been in the area for over 30 years. Member DeCramer also commented that Heart to Heart will no longer be able to use the Armory to provide its services beginning next year.

Councilmember Schafer commented on the condition of rental properties within Ward III and met with staff to address various concerns.

Councilmember Edblom commented on the parking along South Hill Street. Member Lozinski commented that staff have had the discussion at Public Improvement and Transportation.

Mayor Byrnes attended the Coalition of Greater Minnesota Cities Conference.

City Administrator

No Report

Director of Public Works

Director of Public Works/ City Engineer mentioned that he would be review proposals with MnDOT for a consultant for College Drive. City and MMU staff will meet to discuss the next informational campaign regarding reducing chlorides.

City Attorney

No Report

Information Only

There were no questions on the information items.

Upcoming Meetings
There were no questions on the upcoming meetings.

Closed session pursuant to Minn. Stat. §13D.05 subd. 3(b). Meeting may be closed pursuant to Attorney-Client privilege.

City Attorney Dennis Simpson intends to advise Mayor and Council as to the status of pending litigation initiated by Double R. Rentals, Limited Liability Partnership vs. City of Marshall and MMU, and to also provide a status update regarding Broadmoor Valley.

At 7:21 P.M., Motion made by Councilmember Lozinski, Seconded by Councilmember Edblom that the council 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 7:50 P.M., the Council came out of Closed Session.

Adjourn
At 7:50 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**

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Mayor

Attest:

_____
City Clerk