

**CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, May 10, 2022**

The regular meeting of the Common Council of the City of Marshall was held May 10, 2022, 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, Russ Labat, John DeCramer, and James Lozinski. Absent: None. Staff present included: Sharon Hanson, City Administrator; Dennis Simpson, City Attorney; Jason Anderson, Director of Public Works/ City Engineer; E.J. Moberg, Director of Administrative Services; Sheila Dubs, Human Resource Manager; Jasmine DeSmet, Training Facility Coordinator, 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 from the regular meeting held on April 26, 2022.

Motion made by Councilmember Meister, Seconded by Councilmember Labat that the minutes from the regular meeting held on April 26, 2022 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 DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

Amending Various Ordinances-1). Public Hearing on the Ordinance Amending Sections: 70-21 Definitions, 86-50 Home Occupations, 86-51 Bed and Breakfast, 86-96 Agricultural District, 86-230 Required number of spaces, 86-247 Landscaping, 86-248 Outside storage 2). Close the Public Hearing on Amending Various Ordinances 3). Approve Ordinance Amending Sections: 70-21 Definitions, 86-50 Home Occupations, 86-51 Bed and Breakfast, 86-96 Agricultural District, 86-230 Required number of spaces, 86-247 Landscaping, 86-248 Outside storage

Mayor Byrnes opened the Public Hearing on amending various ordinances. Public Works Director Jason Anderson presented changes to Section 70-21 Definitions, will allow taxing B&B facilities and future short term rental facilities similar to other transitory forms of lodging, such as hotels and motels. Changes to Section 86-50 Home Occupation are mostly minor: making a few activities possible (for example, pet grooming) and a few impossible (for example, alcohol and tobacco production and sales), and defining renewal terms. Bed and Breakfast Section 86-51 is amended to put it in line with the Home Occupation Section, by changing it to an interim use permit rather than conditional use permit. The proposed amendments to Section 86-96 Agricultural District are based on requested changes, past and current. A few other changes are made to better align the section with other sections. Section 86-230 Required number of spaces, is amended to better reflect certain businesses' nature and parking needs. In most cases parking requirements were reduced. The changes to Section 86-162 Yard Modification and 86-248 Outside Storage are minor and intended to provide flexibility in approving conditions for variances and conditional use permits and allow owners and contractors additional storage during major construction projects.

The Planning and Zoning Commission approved the recommended changes at the October 13, 2021, regular Planning Commission meeting, the March 9, 2022, regular Planning Commission meeting, and the

April 13, 2022, regular Planning Commission meeting. The Legislative and Ordinance Committee recommended approval to the full Council at their April 12, 2022 meeting.

Mayor Byrnes asked for any public input or comment from the Council. Councilmember Labat questioned social media monitoring, language regarding a limit on number garage sales per year, storage containers enforcement, and a change to add recreational or other similar vehicle language.

Motion by Councilmember DeCramer, seconded by Councilmember Labat to close the Public Hearing on Amending Various Ordinances. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

Motion by Councilmember Schafer, Seconded by Councilmember Lozinski to approve Ordinance Amending Sections: 70-21 Definitions, 86-50 Home Occupations, 86-51 Bed and Breakfast, 86-96 Agricultural District, 86-230 Required number of spaces, 86-247 Landscaping, 86-248 Outside storage. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

Project ST-006 / SP# 139-591-001 / MINN Project No. STPF 4222(149): School Pedestrian Crossing Signage and Improvements Project - Consider Award of Bids- RESOLUTION NUMBER 22-053

Public Works Director Anderson presented information on Project ST-006: Rectangular Rapid Flashing Beacon (RRFB) School Pedestrian Crossing Improvements Project, which proposes the following improvements for select locations at the Marshall Middle School, Southview Elementary School, Parkside Elementary School, and True Light Christian School:

- Sidewalk ramp improvements and associated sidewalk improvements where necessary for ADA-compliance.
- Speed limit flasher system (DSD): includes a posted speed limit when flashing and a radar feedback sign to display driver speed. The DSD install will identify the school zone area on either side of the school crossing area, as well as identify the speed limit when the zone is in effect. The power requirements will be met with a solar array and battery.
- Pedestrian crosswalk flasher system (RRFB): includes a crosswalk sign with a pedestrian-activated rectangular rapid flashing beacon (RRFB). The crosswalk flasher system will be installed at select locations where the schools prefer to see crossing occur. The power requirements will be met with a solar array and battery.
- Concrete refuge island (median): because all locations have a two-way left turn lane (TWLTL) striping configuration, city staff believes it is prudent to install center islands for pedestrian refuge and safety. This also allows for a crosswalk flasher system (RRFB) to be installed in the center of the road in addition to behind perimeter curbs; this further attracts a driver's attention. The True Light Christian School location is the only location that is not proposed to receive a median with this project. MnDOT will install in 2025 with the College Drive Reconstruction project.

On May 4, 2022, the following bids were received for the above-referenced project:

Bidder	Bid Amount
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Duininck, Inc. Prinsburg, MN	\$480,250.35
R&G Construction Co. Marshall, MN	\$491,626.50

Mayor Byrnes commented on the timing of the construction schedule so as not to conflict with the school schedule. Byrnes also commented on possible supply chain delivery issues. Director Anderson indicated the intent is to work with the contractor on any supply chain issues to allow for contract extensions. Councilmember Labat commented that supply chain issues may have caused the difference in the engineer's estimate.

Motion by Councilmember Labat, seconded by Councilmember Lozinski adopting RESOLUTION NUMBER 22-053, which provides for Accepting Bid (Awarding Contract) and authorizing entering into an agreement with Duininck, Inc. of Prinsburg, Minnesota, in the amount of \$480,250.35 for the above-referenced project, contingent upon approval from the MnDOT Office of Civil Rights. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

Consider Approval of the Consent Agenda

Motion made by Councilmember Schafer, seconded by Councilmember Meister to approve the consent agenda. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

- Consider the request of the Marshall Downtown Business Association for Crazy Days (Thursday-July 21, 2022).
- Set Public Hearing Date for Monday, June 13, 2022, for MS4 Permit Program Summary of the 2021 Activities
- Consider a LG220 Application for Exempt Permit for the Pride in the Tiger Foundation.
- Consider approval of a Temporary On-Sale Intoxicating Liquor License for the Knights of Columbus Holy Redeemer.
- Consider approval of a Temporary On-Sale Intoxicating Liquor License for Southwest Minnesota State University.
- Consider approval of a Temporary On-Sale Intoxicating Liquor License for SMSU Foundation.
- Consider approval for a Transient Merchant License for KT's Fireworks.
- Consider approval of MedSurety to administer health savings and medical spending accounts
- Consider approval of the bills/project payments

Consider Amendment of Ordinance No. 22-003 Chapter 2, Section 2, Boards and Commissions

The City Council has asked the Legislative and Ordinance Committee to review the current ordinance pertaining to membership to the City's boards, commissions, bureaus, and authorities. Current membership requirements included living within the Marshall city limits, with the exception of the MERIT Center Commission and Diversity, Equity, and Inclusion Commission. At the April 12, 2022 meeting, the

Legislative and Ordinance Committee unanimously approved for the amendments to proceed to the City Council for consideration.

Amendments include: allowing Airport and Adult Community Center Commission members to live outside of city limits, repealing the Hospital Board, and various grammatical and non-substantial changes.

On April 26, 2022, the City Council introduced the proposed ordinance to be considered at the May 10, 2022 meeting.

Mayor Byrnes asked for Council input. Councilmember DeCramer indicated support for non-Marshall residents to be a part of these boards. Mayor Byrnes requested discussion by the Council about reducing the size of the Airport Commission from seven members to five members. Councilmember Schafer and Councilmember indicated support for this amendment.

Motion by Councilmember Schafer, Seconded by Councilmember Meister to approve the amendments to Ordinance No. 22-003 Chapter 2, Section 2, Boards and Commissions, including the additional revision to decrease the Airport Commission members from seven (7) to five (5). Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

Consider Amendment of Ordinance No. 22-004, Chapter 22, Section 22-91 through 22-95, Mobile Food Units and Food Carts

The Legislative and Ordinance Committee asked staff for an amendment to the current Mobile Food Units and Food Carts Ordinance. This proposed amendment will allow license holders to remain on private property after business has concluded. At the April 12, 2022, Legislative and Ordinance Committee meeting it was considered and unanimously approved to proceed to the City Council for consideration. On April 26, 2022, the City Council Introduced the proposed ordinance for consideration on Tuesday, May 10, 2022 the following Ordinance Changes:

(7) A mobile food unit or food cart shall be allowed to set up one hour prior to conducting food vending and shall exit from the site within one hour of the close of conducting business.
a. A mobile food unit or food cart may remain on private property in commercial and industrial zoned districts after conducting business with permission from the property owner.

(3) Leave a mobile food unit or food cart unattended or at an authorized location outside allowed hours of operation; *a. A mobile food unit or food cart may be exempt from this requirement following sec. b (7) a.*

Motion by Councilmember Lozinski, Seconded by Councilmember Meister to approve amendment of Ordinance No. 22-004, Chapter 22, Section 22-91 through 22-95, Mobile Food Units and Food Carts as presented.

Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

Consider Resolution Authorizing Execution of Mn/DOT Master Partnership Contract No. 1050086 between the City of Marshall and the State of Minnesota- RESOLUTION NUMBER 22-054

Public Works Director Anderson presented a Mn/DOT Master Partnership Contract No. 1050086 between the City of Marshall and the State of Minnesota that allows the City and Mn/DOT to respond quickly and efficiently to such opportunities for collaboration and have determined that having the ability to write “work orders” against a master contract would provide the greatest speed and flexibility in responding to identified needs.

Motion by Councilmember Schafer, Seconded by Councilmember Lozinski to adopt Resolution Number 22-054 authorizing execution of Mn/DOT Master Partnership Contract No. 1050086 between the City of Marshall and the State of Minnesota effective upon State signature and effective until June 30, 2027.

Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

Project AP-003: Snow Removal Equipment (SRE) and Aircraft Rescue Firefighting Facility (ARFF) – Consider Proposal for Design Phase Services with TKDA

Public Works Director Anderson presented for consideration a proposal for design phase services with TKDA for the SRE Facility at the Airport. At the 04/26/2022 meeting, the City Council authorized City and TKDA staff to submit requests for federal and State grant funding for this project. The grant application was submitted on 04/29/2022. Securing grant agreements to utilize AIP funds and State grant dollars for project design is critical to ensure that the City remains on target for future project bidding and construction. The services under this proposal may be authorized contingent upon the receipt of the federal and State grant agreements.

Design phase services with TKDA total \$255,000. Total design cost in our request for grant funding is \$297,000.00. This total includes \$7,000 in local project costs and \$35,000 reimbursement for our pre-design study.

Federal Airport Improvement Program (AIP) funding for fiscal year 2022 is requested in the amount of \$132,448.00 for 90% of the federally eligible work. State funding is requested in the amount of \$112,242.75 for a 70% State funding share on federally ineligible portions of the facility, and a 5% match on the federally eligible work. The remainder will be funded with local funds in the amount of \$52,309.25.

Councilmember Schafer commented that this is a critical step to move forward for both daily air service and maintenance/service work that is accomplished at this airport.

Motion by Councilmember Schafer, seconded by Councilmember DeCramer approving the proposal from TKDA in the amount of \$255,000 for design services for Project AP-003: Snow Removal Equipment (SRE) and Aircraft Rescue Firefighting Facility (ARFF), contingent on FAA Grant approval.

Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

Consider approval of a Temporary On-Sale Intoxicating Liquor License for Marshall Festivals

Motion by Councilmember Lozinski, seconded by Councilmember Schafer approving a temporary on-sale intoxicating liquor license for Marshall Festivals.

Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Lozinski. Voting Nay: None. Abstaining: Councilmember Labat. The motion **Carried. 5 Yeas, 0 Nays, 1 Abstain**

Commission/Board Liaison Reports

Byrnes	SRDC Meeting to be held Thursday May 12, 2022 regarding their annual levy.
Schafer	Provided report on training that occurred at MERIT Center, utilized 28 out of 30 days in the month of April; provided a brief update on MERIT Center bonding proposal for Phase 3.
Meister	No Report
DeCramer	Diversity Equity Inclusion Commission—commented on World Café event which was well attended, Juneteenth observation for the community, Pride event in June, and September 20, 2022 Welcoming Week event. Attended Public Housing Commission meeting-currently have a 60-person waiting list for public housing in Marshall, parking lot work, other miscellaneous maintenance items.
Labat	Library Board met and discussed 2023 budget request and timeline. Transit Advisory Board- the 2023 budget is being developed and there is concern for the need for additional drivers.
Lozinski	No Report

Councilmember Individual Items

Councilmember Schafer commented on the Shades of the Past Roll-In held on Main Street on May 5, 2022 and how well it was done.

Councilmember Meister commented on a pothole on the bike trail in between Walmart and D’s Thai.

Councilmember Lozinski commented on filing dates for Council seat May 17th through May 31st and the Shades of the Past Roll-in.

Councilmember Labat thanked Kyle Box for his service to the City.

Councilmember DeCramer commented on Shades of the Past Roll-In, filing dates for Councilmember offices open May 17th through May 31st, and thanked Kyle Box for his service to the City.

Mayor Byrnes commented that the SRDC Annual Meeting will be held in Marshall this year, Census appeal, and Marshall Aquatic Center sales tax status in the Legislature.

City Administrator

Administrator Hanson reported on status of MERIT Center bonding, scooter discussions with staff, MCMA Conference attendance, Marshall Aquatic Center Committee meeting.

Director of Public Works

Director of Public Works/ City Engineer provided an update on the Independence Park project stormwater retention project and the trail improvement project, Whitney/High alley concerns, downtown parking bidding status, 3rd and Lyon Street project, chloride grant, Lyon Street bidding status, TKDA meeting on zoning revisions.

City Attorney

City Attorney reported that MN Department of Ag will investigate additional specialty chemicals with cooperation from Helena, continued Broadmoor Valley owner discussions regarding MN Housing Finance grant award, North 7th Street Annexation petition with cooperation from the current owner MRES, Block 11 Development Agreement status.

Information Only

There were no questions on the information items.

Upcoming Meetings

There were no questions on the upcoming meetings.

Adjourn

At 6:44 P.M., Motion made by Councilmember Schafer, seconded by Councilmember Lozinski to adjourn. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

Mayor

Attest:

City Clerk