

**CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, November 26, 2019**

The regular meeting of the Common Council of the City of Marshall was held November 26, 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, Steven Meister, Glenn Bayerkohler, John DeCramer, Russ Labat and James Lozinski. Absent: None. Staff present included: Sharon Hanson, City Administrator; Dennis Simpson, City Attorney; Glen Olson, Director of Public Works/ City Engineer; Jason Anderson, Assistant City Engineer/ Zoning Administrator; Annette Storm, Director of Administrative Services; Jim Marshall Director of Public Safety; Quentin Brunsvold, Fire Chief; Ilya Gutman, Plan Examiner/ Assistant Zoning Administrator and Kyle Box, City Clerk.

The Pledge of Allegiance was recited at this time.

Introduction of newly hired Marshall Police Department Officers.

Director of Public Safety Jim Marshall introduced four newly hired officers in 2019; John Espinoza, Ben Kelly, Nathan St Aubin and Scott Wilson.

Approval of the Agenda

With the consensus of the Council item 23. Project Z72: Hahn Road Storm Sewer Reconstruction Project - Consider Change Order No. 3 (Final) and Acknowledgement of Final Pay Request No. 4., was removed from the agenda.

Consider approval of the minutes of the regular meeting held on November 12, 2019.

Motion made by Councilmember Meister, Seconded by Councilmember DeCramer that the minutes of the regular meeting held on November 12, 2019 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 Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Public Hearing and Adoption of Ordinance Amendment to Section 86-1 Definitions

ZEF Energy, a company dedicated to building charging stations for electric vehicles, is planning on building one in Marshall. Charging stations are becoming more and more common and it looks like for many of them the best location would be between a street and parking lot, which means that they most likely will be located in the required front yard. The Ordinance prohibits locating accessory equipment in the required front yard, so in order to allow this arrangement, charging stations should be excluded from the accessory equipment definition. To prevent excessive use, the definition will limit exclusion to just two stations. Also, several Use definitions are updated and/or added to streamline the Zoning compliance review. New definitions will define percentage of the building uses to qualify for being considered as permitted, accessory, or conditional uses for placement in zoning districts.

At the meeting on November 6, 2019, Legislative and Ordinance Committee voted to recommend to council the approval of revisions amending Section 86-1 Definitions as recommended by staff.

At the November 13, 2019, regular Planning Commission meeting Carstens made a motion, second by Lee to recommend to city council an approval as recommend by staff. All voted in favor of the motion. The Ordinance Amendment to Section 86-1 Definitions was introduced at the November 12, 2019, City Council meeting.

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

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

Motion made by Councilmember DeCramer, Seconded by Councilmember Meister that the Council adopt Ordinance No. 746, Second Series, Amending Section 86-1 Definitions. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Front End Loader and Push Blade with Aviation Radio for the Airport – 1) Consider Resolution Authorizing Execution of Mn/DOT Grant Agreement No. 1035857 (S.P. A4201-101) for the Purchase of a Heavy Duty 4-Wheel Drive Articulating Wheel Loader with Push Blade for the Airport.

The City received notification from Mn/DOT-Aeronautics that MML has been identified as a recipient of a State grant (State participation rate of 70% / 30% local) for a new front-end loader and push blade. The Mn/DOT-Aeronautics Capital Improvement Program (CIP) for the Airport includes the acquisition of a Front-End Loader and Push Blade in the amount of \$225,000. The unit would be primarily utilized for cleaning snow from aprons, runway ends and T-Hangar areas. The unit would also be used for filling dump trucks and snow hauling.

Seven proposals were received for this unit on November 21, 2019. The low bidder was RDO Equipment Co. of Marshall, Minnesota, in the amount of \$246,025, including aviation radio, in the amount of \$1,025. This unit is included in the Airport CIP in the amount of \$225,000 with participation rates of 70% State (\$157,500.00) / 30% local (\$67,500.00). The actual cost of this unit is \$246,025 with participation rates of 70% State (\$172,217.50) / 30% local (\$73,807.50). Per Finance, the City's participation will be funded from the Capital Equipment Fund (401).

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer that the Council adopt RESOLUTION NUMBER 4674, Second Series, which is the Resolution of Authorization to Execute Mn/DOT Grant Agreement No. 1035857 (S.P. A4201-101) for Airport Improvement Excluding Land Acquisition for the purchase of a Heavy Duty 4-Wheel Drive Articulating Wheel Loader with Push Blade and Aviation Radio for the Airport. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Front End Loader and Push Blade with Aviation Radio for the Airport – 2) Consider Award of Bids.

The City has received notification from Mn/DOT-Aeronautics that MML has been identified as a recipient of a State grant (State participation rate of 70% / 30% local) for a new front-end loader and push blade with aviation. The Mn/DOT-Aeronautics Capital Improvement Program (CIP) for the Airport includes the acquisition of a Front-End Loader and Push Blade in the amount of \$225,000. The unit would be primarily utilized for cleaning snow from aprons, runway ends and T-Hangar areas. The unit would also be used for filling dump trucks and snow hauling.

The Council Equipment Review Committee met on November 7, 2019 to review the specifications. The Council Equipment Review Committee approved the minimum specifications for the unit with revision of the specifications to include three proposal options as follows:

PROPOSAL A: One (1) New 2019/2020 Heavy Duty 4-Wheel Drive Articulating Wheel Loader and Push Blade

PROPOSAL B: One (1) New 2019/2020 Heavy Duty 4-Wheel Drive Articulating Wheel Loader and Push Blade in lieu of Auto Lockup Axles, a Machine with Auto Front Lockup and Open Rear Axle Less Axle Coolers

PROPOSAL C: One (1) New 2019/2020 Heavy Duty 4-Wheel Drive Articulating Wheel Loader and Push Blade in lieu of Auto Locking Axles, a Machine with Limited Slip Front and Rear Less Axle Cooling.

Seven proposals were received for this unit on November 21, 2019. The low bidder was RDO Equipment Co. of Marshall, Minnesota, in the amount of \$246,025, including aviation radio, in the amount of \$1,025.

Motion made by Councilmember DeCramer, Seconded by Councilmember Schafer that the Council award the proposal for a John Deere 644L Heavy Duty 4-Wheel Drive Articulating Wheel Loader and Push Blade, including aviation radio, for the Airport to RDO Equipment Co. of Marshall, Minnesota, in the amount of \$246,025.

Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat. Voting Nay: Councilmember Meister, Councilmember Lozinski. The motion **Passed. 5-2**

Consider authorization to approve Towing and Storage Agreement between the City of Marshall and Pulver Motor Service, LLC.

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, 2019.

The City of Marshall did solicit bids for the 2020 and 2021 time period. The only bid submitted was the bid from Pulver Motor Service, LLC.

A bid proposal form was submitted by Pulver Motor Service, LLC. The bid as submitted by Pulver Motor Service, LLC is for the price of \$75.00 per tow and storage fees of \$25.00 per day for outside storage and \$40.00 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 Labat, Seconded by Councilmember Lozinski to Approve 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 Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Approval of the Consent Agenda.

Councilmember Schafer requested that items 8, 10 and 11 be removed for further discussion.

Councilmember Labat requested that item 13 be removed for further discussion.

Motion made by Councilmember Meister, Seconded by Councilmember Lozinski to approve the consent agenda. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember

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

Approval of the Joint Powers Agreement between the State of Minnesota (BCA) and the City of Marshall (MPD).

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

Introduction of Ordinance amendment to Section 62-2 Snow Removal on Private Streets and Call for Public Hearing.

Approval of an Outdoor Public Fireworks Display.

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. The joint committee met on November 18, 2018, reviewed the document in detail, and unanimously recommended approval.

Councilmember Schafer requested the item be pulled to provide detailed information on the partnership agreement. Marshall Municipal Utilities General Manager Brad Roos provided addition information on the agenda item.

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer.

Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski

Introduction of Ordinance amendment to add Interim Use Permit with associated changes and Call for Public Hearing.

Some time ago it was brought to staff's attention that the ordinance requiring a Conditional Use Permit renewal for home occupation contradicts the statutes that don't allow time limits to be attached to a Conditional Use Permit. To correct this, staff proposes to introduce an Interim Use Permit and make home occupation an interim use.

The statutes allow using Interim Use Permit if time limit for a permit is desired. Many cities have provisions for Interim Use Permit, but many do not. Additionally, among cities that define them within their ordinances, some do not have any specific uses listed as interim uses. How each city approaches home occupations also varies among the cities with some listing them as accessory uses with limitations on what may be considered a home occupation, some allow them as Conditional Use Permit, similar to Marshall's past approach, and some have them as interim use. Staff believes that making home occupation an interim use and issuing a time limited Interim Use Permit offers the city the greatest amount of flexibility. It provides for public input through a public hearing and allows issuing those permits on a temporary basis.

To accomplish this task, Conditional Use Permit Division was amended to describe Interim Use Permit parallel with Conditional Use Permit, while keeping most of the sections intact since procedures and standards for hearings are practically the same for both permits.

A home occupation section has been updated to make home occupation and business an interim use and a few more conditions were also added, mostly copied from other cities. Sections 86 - 96 thru 86 – 102 were amended by removing home occupation from conditional uses.

At the October 9, 2019, regular Planning Commission meeting Fox made a motion, second by Knieff to recommend to city council an approval as recommend by staff. All voted in favor of the motion.

At the meeting on November 6, 2019, Legislative and Ordinance Committee voted to recommend to council the approval of revisions amending zoning ordinance by introducing Interim Use Permit, making home occupation a conditional use, and making associated changes as recommended by staff.

Councilmember Labat clarified the service times for the home occupation.

Motion made by Councilmember Labat, Seconded by Councilmember Lozinski that the Council introduce the Ordinance amending Article II Division 2 Conditional Use Permit, by adding Interim Use Permit provisions, and making related changes and call for Public Hearing to be held on December 10, 2019. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Call for a Public Hearing Regarding Proposed Property Tax Abatement at 301 Stephens Ave.

Per M.S 469.1813 sub 5 The governing body of the political subdivision may approve an abatement under sections 469.1812 to 469.1815 only after holding a public hearing on the abatement.

Councilmember Schafer pulled the agenda item to discuss the current procedure on how the Council reviews and approves tax abatement applications.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to call for a public hearing for the proposed property tax abatement. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Call for a Public Hearing Regarding Proposed Property Tax Abatement at 1500 Travis Road

Per M.S 469.1813 sub 5 The governing body of the political subdivision may approve an abatement under sections 469.1812 to 469.1815 only after holding a public hearing on the abatement.

Councilmember Schafer pulled the agenda item to discuss the current procedure on how the Council reviews and approves tax abatement applications.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to call for a public hearing for the proposed property tax abatement. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember

Lozinski. The motion **Carried. 7-0**

United Community Action Partnership and City of Marshall 2020 Transit Agreement

UCAP has historically presented yearly agreements to the City with minimal changes to the operating and capital share. Beginning in 2020 the TAC committee approved recommending to the City Council an ongoing agreement until either party decides to terminate upon 180 days of written notice. This will coincide with having to apply for multiyear contracts with MNDOT for public transit funding. Modifications and amendments can be provided yearly when changes to local share is approved by the council.

Another change in the agreement from years past is under paragraphs B1 & B2 where the words 'up to' have been added to adjust for changes in MNDOT's financial participation. Such as in 2020 when MNDOT will provide 90% of funds to vehicle replacement for example.

The typical cost share is as follows, with the operational costs for City of Marshall being \$0.00 due to historical fare revenue consistent with operational expenses: Operating - MNDOT 85% Local 15% Capital – MNDOT 80% Local 20% (90% in 2020). The fiscal impact for 2020 vehicle replacement will be \$17,600.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski Approve 2020 City of Marshall Transportation Agreement beginning January 1, 2010. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Purchase of Self-Contained Breathing Apparatus (SCBA)

A self-contained breathing apparatus (SCBA) is a device worn by rescue workers or firefighters that provides breathable air in an immediately dangerous to life or health atmosphere. A SCBA has four main components: a high-pressure tank, a pressure regulator, an inhalation connection (mask) and a PASS (Personal Alert Safety System) device. SCBAs designed for firefighting tend to be expensive because of the materials used to provide flame resistance and to reduce weight on the firefighter. SCBAs used in firefighting must meet guidelines established by the National Fire Protection Association standard.

The Marshall Fire Department currently outfits approximately half of the firefighters (28) with SCBAs. The current SCBAs have exceeded their life expectancy (15 years) and no longer meet the minimum standards determined by the NFPA. Efforts to replace parts on older apparatus's is becoming difficult and unsafe to the firefighters.

In 2018, the Marshall Fire Department applied for federal funding to help with the purchase of new SCBAs. In October 2019 the MFD was notified that the federal grant money applied for was denied. Because of the immediate need for the replacement of SCBAs, we are asking the council to consider replacing all the outdated SCBAs that are no longer in compliance. In 2019 the Capital Improvement Plan (CIP) has \$50,000 earmarked for SCBA cylinder replacement.

Two quotes for the SCBAs were received with the lowest quote coming from ALEX Air Apparatus. The lowest quote to replace and fully equip the Marshall Fire Department with new SCBAs is \$214,637.00. Funding for the immediate purchase of the equipment would be through bonds.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to approve the purchase of the Self-Contained Breathing Apparatus (SCBAs) from ALEX Air Apparatus for \$214,637.00. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Lozinski. Voting Abstaining: Councilmember Labat. The motion **Passed. 6-0-1**

Request for Conditional Use Permit / School in R-1 One Family Residential District located at 1300 East Lyon Street.

This is a request by Marshall Public Schools to construct an addition to the existing Parkside elementary school. The Ordinance requires a conditional use permit for schools in an R-1 one family residence district and the original building does not have a conditional use permit on file.

The addition is small compared to the existing building and should not have any measurable impact on the neighborhood.

The conditional use permit regulations are found in Section 86-46 and the Standards for Hearing are found in Section 86-49.

At the Planning Commission meeting on November 13, 2019, after a public hearing, a motion was made by Steen, seconded by Knieff, to recommend approval as recommended by city staff to City Council. ALL VOTED IN FAVOR. Motion made by Councilmember Meister, Seconded by Councilmember Lozinski to approve the request by Marshall Public Schools for a Conditional Use Permit to construct a new elementary school in an R-1 One Family Residence District at 1300 East Lyon Street with the following conditions applied:

1. That the regulations, standards and requirements as set forth in the City Code and as pertains to the class of district in which such premises are located shall be conformed with.
2. That the City reserves the right to revoke the Conditional Use Permit in the event that any person has breached the conditions contained in this permit provided first, that the City serve the person with written notice specifying items of any default and allow the applicant a reasonable amount of time in which to repair such default.
3. That the property is maintained to conform to the Housing Code, Zoning Code, Building Code, and not cause or create negative impacts to adjacent existing or future properties.

Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Request for Conditional Use Permit / school in R-1 One Family Residential District at 401 South Saratoga Street

This is a request by Marshall Public Schools to construct a new elementary school. The Ordinance requires a conditional use permit for schools in an R-1 One Family Residence District.

The new school will be constructed at the same site where the current middle school is located. Since this is a new building intended to accommodate several grade levels, it may have an effect on the neighborhood, so reviewing The Standards for Hearing is important.

The major way the new school may influence the neighborhood is through increased traffic. The school has conducted a traffic study, which made recommendations for traffic impact mitigation measures that allowed keeping the level of service at all intersections unchanged from pre-project conditions.

The conditional use permit regulations are found in Section 86-46 and the Standards for Hearing are found in Section 86-49. At the Planning Commission meeting on November 13, 2019, after a public hearing, a motion was made by Schroeder, seconded by Steen, to recommend approval as recommended by city staff to City Council. ALL VOTED IN FAVOR.

Motion made by Councilmember Meister, Seconded by Councilmember Labat to approve the request by Marshall Public Schools for a Conditional Use Permit to construct a new elementary school in an R-1 One Family Residence District at 401 South Saratoga Street with the following conditions applied:

1. That the regulations, standards and requirements as set forth in the City Code and as pertains to the class of district in which such premises are located shall be conformed with.
2. That the City reserves the right to revoke the Conditional Use Permit in the event that any person has breached the conditions contained in this permit provided first, that the City serve the person with written notice specifying items of any default and allow the applicant a reasonable amount of time in which to repair such default.
3. That the property is maintained to conform to the Housing Code, Zoning Code, Building Code, and not cause or create negative impacts to adjacent existing or future properties.
4. Combine lots and vacate the utility easement running through the new school building location.
5. Comply with all recommendations listed in the Traffic Impact Study.

Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

At 7:14 PM Mayor Byrnes called for a recess.

Project Z64 / SAP 139-111-006: Saratoga Street Reconstruction Project -- Consider Resolution for Municipal State Aid Street System (MSAS) 2019 Advance Funds.

The City has completed the project utilizing MSAS funding. A previous application was submitted, and the State approved a payment to the City in the amount of \$2,073,844. This amount included engineering costs incurred at that time, as well as 95% of the bid amount.

This advance resolution in the amount of \$309,891.54 is the remaining MSAS participating costs for this project. This resolution is required to allow additional MSAS advance funding.

The current MSAS account balance as of 11-17-2019 is (\$2,344,203.00). The maximum MSAS advance, set by Minnesota Commissioner of Transportation is five (5) times the City annual construction apportionment. The 2019 City of Marshall annual construction apportionment is \$767,699.00, resulting in an available MSAS advance of up to \$3,838,495.00.

Total State Aid advance is requested in an amount up to \$330,626.36 required to be repaid in accordance with the regulations established by Mn/DOT from future MSAS disbursements.

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer to adopt RESOLUTION NUMBER 4675, SECOND SERIES, which is the "Resolution for Municipal State Aid Street Funds Advance" requesting an additional advance of Municipal State Aid System (MSAS) funding in the amount of \$330,626.36, resulting in a total advance of up to \$2,674,829.36. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Project Z70-2: South High Street/South Whitney Street (100 & 200 Block) Alley Improvement Project - Consider Change Order No. 1 (Final) and Acknowledgement of Final Pay Request No. 1.

The project consisted of the installation of new storm sewer main and requested private storm sewer services within and adjacent to 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.

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.

Change Order No. 1 (Final) results in a contract decrease in the amount of \$10,050.00 and a total contract amount of \$31,750.00. The original contract amount was \$41,800.00.

The final payment, including release of retainage, will be funded from Surface Water Management Utility Fund and special assessments.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to approve Change Order No. 1 (Final), resulting in a contract decrease in the amount of \$10,050.00 and acknowledge Final Pay Request (No. 1) in the amount of \$31,750.00 for the above-referenced project to Towne & Country Excavating LLC of Garvin, Minnesota.

Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Project Z73: Country Club Drive Reconstruction Project - Consider Change Order No. 3 (Final) and Acknowledgement of Final Pay Request No. 6.

The project consisted of watermain, sewer main, and storm sewer replacement on Country Club Drive between South 4th Street and South 2nd Street and street patching on South 4th Street and South 2nd Street. All utilities were replaced, including watermain, sanitary sewer, and storm sewer on Country Club Drive. This was a utility only project not road reconstruction.

The items on Change Order No. 3 (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.

Change Order No. 3 (Final) results in a contract increase in the amount of \$6,202.84 and a total contract amount of \$422,363.34. The original contract amount was \$408,462.50.

The final payment, including release of retainage, will be funded from Surface Water Management Utility Fund, Wastewater, and Marshall Municipal Utilities.

Motion made by Councilmember Meister, Seconded by Councilmember Schafer to approve Change Order No. 3 (Final), resulting in a contract increase in the amount of \$6,202.84 and acknowledge Final Pay Request (No. 6) in the amount of \$5,898.00 for the above-referenced project to D&G Excavating, Inc. of Marshall, Minnesota. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Project Z74: Huron Road/Superior Road Reconstruction Project - Consider Change Order No. 3 (Final) and Acknowledgement of Final Pay Request No. 5.

The project consisted of watermain replacement on Huron Road between Superior Road and TH 59 and reconstruction on Superior Road from Huron Road to CSAH 33. All utilities were replaced, including watermain, sanitary sewer, and storm sewer on Superior Road and watermain replacement only on Huron Road.

The items on Change Order No. 3 (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.

Change Order No. 3 (Final) results in a contract decrease in the amount of \$3,883.47 and a total contract amount of \$788,209.53. The original contract amount was \$787,018.00.

The final payment, including release of retainage, will be funded from Surface Water Management Utility Fund, Wastewater, Marshall Municipal Utilities and special assessments.

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer that the Council approve Change Order No. 3 (Final), resulting in a contract decrease in the amount of \$3,883.47 and acknowledge Final Pay Request (No. 5) in the amount of \$38,758.78 for the above-referenced project to R&G Construction Co. of Marshall, Minnesota. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. Voting Nay: Councilmember Meister. The motion **Passed. 6-1**

Consider a LG220 Application for Exempt Permit for the Marshall Fire Department Relief Association.

Motion made by Councilmember DeCramer, Seconded by Councilmember Meister BE IT RESOLVED, that the City Council hereby (1) grants local unit of government approval to Marshall Fire Department Relief Association to hold a raffle on October 8, 2020, at Marshall Fire Hall, (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 Meister, Councilmember

Bayerkohler, Councilmember DeCramer, Councilmember Lozinski. Voting Abstaining: Councilmember Labat.
The motion **Passed. 6-0-1**

Commission/Board Liaison Reports

- Byrnes Southwest Regional Development Commission met and discussed the economic development within the region.
- Schafer MERIT Center met and discussed open positions for the MERIT Center Board. They provided a recap of the number trainings held at the MERIT Center as well as the open house for the track expansion.
- Meister No Report
- Bayerkohler No Report
- DeCramer Economic Development Authority met and discussed the actions taken on the agenda as well as the EDA budget.
- Marshall Municipal Utilities held a public hearing on the water and electrical rates as well as continuing to finalize their budget.
- Labat Convention and Visitors Bureau met and reviewed staffing options as well as reviewed the final draft of the 2020 budget.
- Lozinski No Report

Councilmember Individual Items

Councilmember Lozinski reminded all of the upcoming snow season and to be mindful of snow plows.

Councilmember DeCramer provided discussion on change orders that come before the council.

Mayor Byrnes discussed past presentations that he and City Clerk Kyle Box had provided regarding the 2020 Census as well as the Flood Plain Managers Conference held in Marshall.

City Administrator

Administrator Sharon Hanson discussed that the Economic Development Director position will be closing as well as future city hall moving plans.

Administrator Hanson introduced Director of Administrative Services Annette Storm to provide a 2020 Operation Budget Update.

Director of Public Works

No Report

City Attorney

City Attorney Dennis Simpson provided an update on the Helena Chemical Property, the sale of city property to MMUA, a transfer of property (Block 11) from the HRA to the City and the next phase of the unique opportunities project.

Information Only

There were no questions on the information items.

Upcoming Meetings

There were no questions on the upcoming meetings.

Adjourn Meeting

At 7:46 P.M., Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to adjourn. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Mayor

Attest:

City Clerk