

**CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, June 28, 2022**

The regular meeting of the Common Council of the City of Marshall was held June 28, 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; and City Clerk Steven Anderson.

The Pledge of Allegiance was recited at this time.

Agenda item number nine (9) was removed from the agenda.

Introduction of Marshall Police Department Leadership and Officers

Public Safety Director Jim Marshall introduced the Marshall Police Department newest hires in officer positions and also introduced the Western Mental Health Center community liaison. Mayor Byrnes also invited the entire Department to introduce themselves.

Consider Approval of the Minutes from the Regular Meeting held on June 14, 2022.

Motion made by Councilmember Lozinski, seconded by Councilmember Meister that the minutes from the regular meeting held on June 14, 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**

PUBLIC HEARING-CDI Addition - 1) Public Hearing on Preliminary Plat and Approval of Preliminary Plat; 2) Consider Resolution 22-061 Adopting the Final Plat

Mayor Byrnes opened the Public Hearing on Preliminary Plat for CDI Addition at 5:40 p.m.

Public Works Director presented information on the Preliminary Plat of CDI Addition in Marshall, Minnesota.

The property owner desires to split the properties to allow for separate ownership of the two large storage buildings on the property. Currently, this land is not part of a platted subdivision, and it is described by metes and bounds. Section 66-31 of our City Ordinance requires a plat whenever a subdivision of land is proposed. Charles Bladholm, or a representative of CDI of Marshall, LLP was present to answer any questions.

The preliminary plat was presented at the Planning Commission meeting on June 8, 2022 with recommendation of approval of the preliminary plat to the City Council. All voted in favor.

Motion by Councilmember DeCramer, seconded by Councilmember Lozinski to close the Public Hearing on Preliminary Plat-CDI Addition. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember

Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**. Public Hearing closed at 5:42 p.m.

Motion by Labat, seconded by DeCramer to approve the Preliminary Plat of CDI Addition in Marshall, Minnesota. 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 adopt Resolution 22-062 that the Final Plat of CDI Addition has been duly found to be in conformity with Chapter 66 of the Code of Ordinances and State Statutes, the Council hereby authorizes and directs the City Clerk to certify his approval on the plat and that this resolution shall become void 90 days after adoption and fulfillment of all contingencies of approval, if any, unless the plat is filed for record within such time. 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 Resolution 22-061 Designating MedSurety LLC and MATRIX Trust as the Health Reimbursement Arrangement Trustee
- Consider Resolution 22-063 designating the amended Official Depositories for City Funds for 2022
- Consider approval of a Temporary On-Sale Intoxicating Liquor License for the Lyon County Agricultural Society
- Consider approval of the bills/project payments for Date Range: 06/17/22 through 06/28/22.

Project Z88: 2021 State Aid Overlay Project - Consider Change Order No. 5 (Final) and Acknowledgement of Final Pay Request No. 6

Public Works Director Anderson presented information on Change Order No. 5 (Final Reconciling Change Order) for the above project are the result of final measurements and changes in item quantities during construction. Change Order No. 5 (Final) results in a contract decrease in the amount of \$65,170.74. The original contract amount was \$1,924,600.45 and final contract amount is \$1,890,760.02 for a net contract decrease of \$33,840.43.

Motion made by Councilmember Meister, seconded by Councilmember Lozinski, to approve Change Order No. 5 for Project Z88 State Aid Overlay Project that resulted in a contract decrease in the amount of \$65,170.74 and approve Final Payment Request No. 6 that results in a final net contract decrease of \$33,840.43. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

Renewal of Limited Use Permit #4203-0010 for Non-Motorized Trail along T.H. 23-Resolution 22-064

Public Works Director Anderson explained The Limited Use Permit ("LUP") by and between MnDOT and the City for the trail known as the North Bike and Pedestrian Trail Improvements Project is

scheduled for review and possible ten (10) year extension of the term. Per MnDOT, the attached existing LUP #4203-0002 (executed in 2009) does not have a natural expiration date; however, MnDOT is updating its Limited Use Permit form and the new form includes an expiration date. If the City desires to continue the use of the permitted area of MnDOT Right of Way, MnDOT may consider a ten (10) year renewal of the LUP upon the City's request as outlined in the attached letter dated 06/21/2022 and adoption and provision of a certified resolution authorizing execution of said LUP.

Motion by Councilmember Schafer, seconded by Councilmember DeCramer that the Council adopt Resolution Number 22-064, which authorizes staff to execute Limited Use Permit #4203-0010 to continue use of the permitted area of MnDOT right-of-way as defined in said permit for a 10-year renewal period to expire 10/15/2032. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

Consider Request for Proposals – Insurance Agent Services

During 2021, Council expressed desire for city staff to work on a request for proposals for insurance agent services.

The City's insurance coverage for property, liability, automobile, and workers' compensation is provided by the League of Minnesota Cities Insurance Trust (LMCIT). LMCIT requires cities to use the services of an agent to assist and advise a city on their insurance coverage. The policy coverage period is an annual term, with property, liability, and automobile coverage effective October 1 each year and workers' compensation coverage effective January 1 each year.

Director of Administrative Services, E.J. Moberg, reviewed the draft proposal and described the proposed timeline which includes Council consideration of an agreement in September 2022 to be effective October 1st. The current agent would assist with the October 1, 2022 renewal and has already been working with city staff on coverage values and review of the city's reported assets.

Motion by Councilmember Meister, seconded by Councilmember Lozinski to authorize the issuance of the proposed Request for Proposals for Insurance Agent Services-Workers Compensation, Property, Auto and Liability. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

Commission/Board Liaison Reports

Byrnes Stated the Southwest Regional Development Commission's annual meeting will be held in Marshall July 14, 2022 at Red Baron Arena and Expo Center; provided an update on the Revolving Loan program; and updated MISO forecast and emergency planning efforts, communications on good home preparedness, and communications with the business community.

Schafer Sports Amateur Commission monthly meeting update.

Meister EDA did not have a quorum for their monthly meeting.

DeCramer Legislative and Ordinance Committee meeting regarding ordinance changes regarding floodplain and surface water programs. Progress on Rental Code Ordinance with required Public Hearing forthcoming.

Report on Marshall Municipal Utilities energy alert and shortages this summer.

Labat Marshall Area Transit with severe shortage of drivers being reported and impacts on service.

Report on loss of youth State Baseball tournament due to mistake on the booking of rooms.

Lozinski No report.

Councilmember Individual Items

Councilmember Lozinski reported on League of Mn Cities Annual Conference attendance.

Councilmember Labat mentioned the need for campground in or near City of Marshall to accommodate lodging for events and length of grass in certain areas of the city.

Mayor Byrnes mentioned Independence Park project and 4th of July activities.

City Administrator

Administrator Hanson reported on scheduled AFSCME mediation July 6th and State Demographer 2021 population estimate.

Director of Public Works

Director of Public Works/ City Engineer provided an update on Independence Park project, Baldwin and Rose Parking Lot improvements, Legion Field storm water improvements, diversion channel sediment removal, and the Halbur Road project.

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 Minnesota Statute 13D.05 Subd.3(b) Attorney Client Privilege. Discussion Considering Helena Property Matters.

City Attorney Simpson request to close the meeting pursuant to MN Statutes 13D.05 Subd. 3 (b) to consider informational document received from Minnesota Department of Agriculture regarding

chemical cleanup status and consider future action to be taken involving property acquisition and other matters. No action can be taken in closed session. Information to be provided at closed session.

Motion by Councilmember Meister, seconded by Councilmember Lozinski to close the meeting; meeting closed at 6:30 p.m. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

Present at the meeting: Mayor Byrnes, Councilmembers: Craig Schafer, Steve Meister, Russ Labat, John DeCramer, and James Lozinski. 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; and City Clerk, Steven Anderson.

The Council came out of closed session at 6:40 p.m.

Adjourn

At 6:42 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