

CITY OF MARSHALL  
CITY COUNCIL MEETING  
M I N U T E S  
Tuesday, January 28, 2020

The regular meeting of the Common Council of the City of Marshall was held January 28, 2020 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; Glenn Olson, Director of Public Works/ City Engineer; Annette Storm, Director of Administrative Services; Karla Drown, Finance Director; Jim Marshall, Director of Public Safety; Preston Stensrud, Parks Superintendent; Dave Parsons City Assessor 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 14, 2020.**

Motion made by Councilmember Meister, Seconded by Councilmember Lozinski that the minutes of the regular meeting on January 14, 2020 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**

**1005 Channel Parkway (Marshall Machine Shop) - 1) Public Hearing regarding a business tax abatement request. 2) Consideration of Resolution Number 4700, Second Series, a resolution approving business tax abatement.**

On January 14, 2020 a public hearing was called for and to be held on January 28, 2020 regarding a business property tax abatement request.

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.

The proposed project is a 7,500 square foot addition to the existing facility.

City Administrator Sharon Hanson introduced the item and provided the background information on the abatement.

Councilmember DeCramer provided discussion from the Economic Development Authority.

Councilmember Schafer commented on the abatement policy and encouraged use of the policy to enhance the community.

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer to 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 Lozinski Adopt Resolution Number 4700, Second Series, a Resolution approving business tax abatement. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. Voting Nay: Councilmember Bayerkohler. The motion **Passed. 6-1**

**Approval of the Consent Agenda**

Councilmember Labat requested that agenda item number 10, MERIT Center/State of Minnesota Amendment of Lease No. 3, 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**

Project Z75 / SAP 139-124-004: South 4<sup>th</sup> Street Reconstruction Project – Approval of Resolution Number 4701, Second Series, a Resolution Ordering Preparation of Report on Improvement.

Project Z76: South 1<sup>st</sup> Street Reconstruction Project – Approval of Resolution Number 4702, Second Series, a Resolution Ordering Preparation of Report on Improvement.

Approval of a Temporary On-Sale Intoxicating Liquor Licenses for Marshall Area Chamber of Commerce.

Approval of a LG220 Application for Exempt Permit for Holy Redeemer Church of Marshall

Approval of a LG220 Application for Exempt Permit for United Way of Southwest Minnesota.

Approval for the 2020 Lifesavers Conference

Approval to Advertise for Consulting Services for the Southwest Minnesota Regional Airport.

Approval of an Engagement Letter for Audit Services for 2019 Financial Statements

Approval of the bills/project payments

**MERIT Center/State of Minnesota Amendment of Lease No. 3.**

This is a renewal of an existing lease that has been in place between the City of Marshall and the State of Minnesota Department of Public Safety. The lease allows for the Driver and Vehicle Services (DVS) to utilize the driving track and skills pad to perform commercial driver's license skills testing and motorcycle testing at the MERIT Center.

Prior to the lease agreement, the DMV conducted the CDL exams on the public roadway within the City of Marshall at no cost. Due to concerns brought forward by businesses in the area where the tests were issued, the DMV was asked to stop giving the exams on the public streets. To accommodate the request, the DMV no longer provided CDL testing out of the Marshall regional office and required all CDL tests to be administered in neighboring regional cities.

With a goal to bring CDL and motorcycle testing back to the City of Marshall, an agreement was made to allow the DMV to lease the MERIT Track for a cost not to exceed \$1,500.00. In 2018, a total of 251 exams were given by the DMV.

In an effort to reduce costs associated with snow removal to the MERIT CENTER, the DMV will only utilize the MERIT Track when it is plowed on the MERIT Center's schedule. During the winter months, CDL exams may be administered on public roads within the City of Marshall.

Councilmember Labat requested that the item be removed from the consent agenda. Member Labat asked a clarifying question on how the rate in the contract was agreed to. Director of Public Safety, Jim Marshall provided the background information on the agenda item.

Motion made by Councilmember Schafer, Seconded by Councilmember Labat to approve the amendment of Lease No. 3 between the City of Marshall and Department of Public Safety, Driver and Vehicle Services. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

#### **Consider approval of 2020 Workers Compensation Insurance**

Consultant selection for assistance in the completion of airport projects included in the Capital improvement Plan for the Airport must be performed every 5-years to satisfy FAA requirements. The current TKDA Professional Services Agreement expired on December 31, 2019. Any future Project Authorizations will be subject to going through the consultant selection process and executing a new Professional Services Agreement.

Motion made by Councilmember Schafer, Seconded by Councilmember Meister that the Council authorize advertisement for airport consultant services, per FAA requirements, for the period 01/01/2020-12/31/2024. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

#### **Consider Resolution Number 4703, Second Series, Awarding the Sale of General Obligation Capital Improvement Plan Bonds.**

An initial draft of the resolution awarding the sale of the Bonds, which is to be considered by the City Council of the City of Marshall, Minnesota on January 28, 2020. After the sale of the Bonds on that date, Kennedy & Graven (Bond Council) will update the Award Resolution with the post-sale information received from Baker Tilly and circulate an updated version in advance of the meeting that evening.

Director of Administrative Services, Annette Storm introduced Terri Heaton with Baker Tilly Municipal Advisors to provide the results from the bond sale. Heaton discussed that four bids were received with the low bid going to UBS Financial Services in the amount of 2.099% for a 20-year bond.

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer Approve Resolution Number 4703, Second Series to authorize the Finance Director to pay certain claims. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. Voting Nay: Councilmember Bayerkohler. The motion **Passed. 6-1**

**Consideration for approval of Memorandum of Understanding with Marshall Amateur Hockey Association (MAHA) regarding Ice Time fees 2020 – 2026.**

MAHA approached 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. On January 14, 2020, Council awarded the bid for purchase of the Zamboni 552AC from Frank J. Zamboni & Company, Inc. With the proposed MOU, MAHA will share the cost with the City of Marshall for a new Zamboni 552AC in exchange for Ice Time rates at Red Baron Arena & Expo remaining unchanged through August 31, 2026.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to amend the rates to the proposed contract to the following with the option of to raise rates in years 2025-2028.

19/20	\$65/hourly for first 450 hours	\$45/hourly thereafter
20/21	\$70/hourly for first 450 hours	\$50/hourly thereafter
21/22	\$70/hourly for first 450 hours	\$50/hourly thereafter
22/23	\$70/hourly for first 450 hours	\$50/hourly thereafter
23/24	\$70/hourly for first 450 hours	\$50/hourly thereafter
*24/25	\$75/hourly for first 450 hours	\$55/hourly thereafter
*25/26	\$75/hourly for first 450 hours	\$55/hourly thereafter
*26/27	\$75/hourly for first 450 hours	\$55/hourly thereafter
*27/28	\$75/hourly for first 450 hours	\$55/hourly thereafter

\*Contract option to keep rates the same or raise rates to \$75/\$55 hourly

Pending approval from the Marshall Amateur Hockey Association.

Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. Voting Nay: Councilmember Bayerkohler. The motion **Passed**.  
**6-1**

At 6:52 PM, Mayor Byrnes called for a 5-minute recess.

**Consider approval of an Administrative Services Agreement (ASA) between the City of Marshall and Missouri River Energy Services (MRES) related to coordination of administrative services with Western Area Power Administration (WAPA) for hydroelectric services through December 31, 2050.**

The City of Marshall has entered into a Firm Electric Service Contract with WAPA to provide electrical services to the City of Marshall for a period of time through December 31, 2050.

The City of Marshall has previously entered into an Administrative Services Agreement with MRES. The previous agreement was dated August 24, 2004.

WAPA is requesting that a replacement Administrative Services Agreement (ASA) between Marshall and MRES be executed with dates corresponding with the Firm Electric Services agreement through December 31, 2050. The new proposed contract, attached hereto, continues to provide arrangements for administrative services between Marshall and MRES. Upon execution of the contract, MRES shall continue to provide power and energy schedules to WAPA on behalf of Marshall. The ASA shall also allow MRES to continue to administer

payment to WAPA on Marshall's behalf as outlined in the contract. Marshall remains primarily responsible for payment to WAPA pursuant to previously executed agreements. The replacement Administrative Services Agreement allows for the efficient management of electrical power and the purchase of that power as needed by Marshall.

Marshall City Charter requires that municipal utility contracts exceeding 10 years in length must be approved by Marshall City Council. The MMU Commission has reviewed and has approved the ASA and has recommended that the City of Marshall approve and execute the Administrative Services Agreement as provided. Instructions for the execution of the agreement and original agreements have been provided to City Clerk Kyle Box. A copy of the Administrative Services Agreement is attached for your review.

Motion made by Councilmember Meister, Seconded by Councilmember DeCramer Consider and approve Resolution No. 4704, Second Series approving the contract for Administrative Services Agreement between City of Marshall and MRES. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

**Consider Lease Agreement with Tracy Aircraft, LLC for Pilot Training Services at the Southwest Minnesota Regional Airport.**

A Lease Agreement with Tracy Aircraft, LLC of Tracy, Minnesota for pilot training services to be conducted at the A/D Building at the Airport for the period 01/02/2020 to 12/31/2024. Rental revenue in the amount of \$2,184.00/year for a total 5-year rental revenue in the amount of \$10,920.00.

Motion made by Councilmember Meister, Seconded by Councilmember Schafer that the Council authorize execution of the attached lease agreement with Tracy Aircraft, LLC of Tracy, Minnesota, for pilot training services to be conducted at the A/D Building at the Airport for the period 01/02/2020 to 12/31/2024, pending review of insurance requirements. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

**Consider Appointments to the Various Boards, Commissions, Bureaus and Authorities.**

The City of Marshall has various openings on the Boards, Commission, Bureaus and Authorities. Interviews were conducted on January 28, 2020 with the City Council.

Library Board

Unexpired term to expire 12/31/22 Paula Botsford

Adult Community Center Commission

Unexpired term to expire 5/31/22 Raymond Sorenson

Motion made by Councilmember Labat, Seconded by Councilmember Meister approval of appointments to the various boards, commissions, bureaus and authorities. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

**Commission/Board Liaison Reports**

Byrnes No Report

Schafer MERIT Center provided recap of the recent MERIT Center training as well as the 2019 total number of people who participated in trainings or events at the MERIT Center.

Meister No Report

Bayerkohler No Report

DeCramer Economic Development Authority met and discussed a tax abatement application, the hiring of the new EDA Director as well as the block 11 project.

Marshall Municipal Utilities Commission met and discussed the WAPA agreement that was previously acted on.

Labat Convention and Visitors Bureau met welcomed three new board members as well as finalizing work on updated the job description for a new CVB Director.

Lozinski No Report

### **Councilmember Individual Items**

Councilmember DeCramer commented on refugee resettlement in Lyon County and the funding associated with those programs.

Mayor Byrnes discussed his attendance to a meeting with the Minnesota State Auditor.

### **City Administrator**

City Administrator Sharon Hanson discussed the continued work on Block 11 project. Administrator Hanson also added an update on the transition of city offices as well as strategic planning.

### **Director of Public Works**

Director of Public Works/ City Engineer provided an update on future construction projects.

### **City Attorney**

No Report

### **Information Only**

There were no questions on the information items.

### **Upcoming Meetings**

There were no questions on the upcoming meetings

### **Adjourn Meeting**

At 7:27 P.M., Motion made by Councilmember Labat, Seconded by Councilmember Lozinski.

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