

**CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, August 27, 2019**

The regular meeting of the Common Council of the City of Marshall was held August 27, 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; Glenn Olson, Director of Public Works/ City Engineer; Annette Storm, Director of Administrative Services; Dave Parsons City Assessor; Jim Marshall Director of Public Safety; Quentin Brunsvold, Fire Chief 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 two work sessions and regular meeting held on August 13, 2019.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski that the minutes of the two work sessions and regular meeting held on August 13, 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**

Consent Agenda:

Motion made by Councilmember Schafer, Seconded by Councilmember Decramer 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 to declare vehicles as surplus property for the Marshall Police Department.

Approval to declare a vehicle as surplus property for the City of Marshall.

Approval of the MERIT Center Lease with Minnesota West Community and Technical College.

Approval Resolution Number 4644 Second Serie, a Resolution Providing for the Prepayment & Redemption of GO Bond Series 2010B.

Approval Resolution Number 4645, Second Series, a Resolution Authorizing Transfer of Funds and Closure of Debt Service Fund 368.

Approval of a Transient Merchant License for Mike Firme, Allstate Insurance Company.

Approval of the Introduction on Amendments to Ordinance Section 54-3 – Special Assessment Deferral.

Approval of the Introduction to Ordinance Number _____, Second Series, An Ordinance allowing Alcoholic beverages at City-owned facilities and parks.

Approval of Resolution Number 4646, Second Series, A Resolution for Signage - Proposed Stop Signs on Lake Road, Michigan Road and Halbur Road.

Approval of an Amendment to current MOU with SMSU related to reporting of sexual assaults to local law enforcement agency.

Approval of a Tax Abatement request for Canoga Park Child Care – Call for Public Hearing.

Approval of the bills/project payments.

Introduction to Ordinance Number _____, Second Series, an ordinance establishing fees for emergency protection fire services.

Staff have created a draft ordinance regarding establishing fees for emergency protection fire service. This draft has been slightly modified from a League of Minnesota Cities model ordinance. Other similar variations of this ordinance have been adopted by several (various in size) other cities in Minnesota. This ordinance will allow for the collection of any unpaid fire service charges to be assessed to a property owners taxes at the end of each year.

At the July 22 Legislative & Ordinance Meeting the committee approved the draft ordinance for final approve by the City Council.

Councilmember Labat pulled the item from the Consent agenda in order to abstain.

Motion made by Councilmember Schafer, Seconded by Councilmember Decramer to approval the introduction of the agenda item. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember Decramer, Councilmember Lozinski. Voting Abstaining: Councilmember Labat. The motion **Passed. 6-0-1**

Project Z71: Street Department Parking Lot Project - Acknowledgement of Final Pay Request No. 3.

This project consisted of the following, but is not limited to: aggregate base, site excavation and grading, sanitary sewer, storm sewer structure removal, concrete paving, bituminous paving, and miscellaneous work for construction of a parking lot and entrance road at the Street Department located at 901 Oak Street.

Change Order No. 1 included actual quantities installed resulting from an additional sanitary sewer extension from the Street Department to the sanitary sewer main, additional paving at tie-in locations by UCAP and small variations in the concrete surfacing at locations adjacent to the parking lot concrete, in accordance with the current Change Order Authorization procedure.

All work has been completed in accordance with the specifications. UCAP has been billed for their portion of the project (\$35,000) in accordance with the Memorandum of Understanding dated September 11, 2018. The final payment, including release of retainage, will be funded from Account #475-60211-5570 (Public Improvements-Streets-Infrastructure).

Councilmember Lozinski pulled the item from the consent agenda to ask a clarifying question.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer that Council acknowledge Final Pay Request (No. 3) to Towne & Country Excavating, LLC of Garvin, Minnesota, in the amount of \$2,925.03. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember Decramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Tall Grass Liquor Annual Report & Proposed 2020 Budget

Tall Grass Liquor Store Manager, Eric Luther, will present the Annual Report & Proposed 2020 Budget. Luther provided handouts to the council and an overview of this year's operations.

2020 Budget Request from the Sounds of Summer Committee

Each year the City of Marshall receives request from local agencies for financial support from the City. Representatives from the committee will be present their budget request in the amount of \$10,000 for 2020, a \$2,500 increase from 2019.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to approve the request from Sounds of Summer in the amount of \$10,000. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember Decramer, Councilmember Lozinski. Voting Abstaining: Councilmember Labat. The motion **Passed. 6-0-1**

Rejection of Bid for Demolition of Building Structures in Block 11 (100, 102, 110 West Main Street).

This project involves the demolition and removal of the building structures and foundations at the following locations:

- A. 100 West Main Street – Marshall Taxi Building
- B. 102 West Main Street – Car Toyz Building
- C. 110 West Main Street – Middleton Building

One bid was received on August 21, 2019 for the above-referenced project from Landwehr Construction, Inc. of St. Cloud, Minnesota, in the amount of \$106,300.00.

The bidder did not acknowledge receipt of Addendum No. 1 concerning revisions dated August 8, 2019, a requirement of the bid proposal. City staff contacted the owner of Landwehr Construction, Inc., and he indicated that they did include the requirements of the addendum in the bid but did not acknowledge the receipt of the addendum as required on the bid sheet.

We did not provide an engineer's estimate for the demolition project, like we do provide for construction projects, as we did not have demolition information in our database that would estimate what the demolition cost would be.

As the sole bidder did not submit the information requiring the receipt of the addendum, and we don't have comparisons for reasonable prices for this work, we are recommending that the Council reject the bids and authorize City staff to proceed with the rebid of the project or solicitation of proposals in accordance with the current Administrative Policy related to Purchasing revised March 22, 2016.

Motion made by Councilmember Lozinski, Seconded by Councilmember Decramer that the Council reject the bid for the Demolition of Building Structures in Block 11 (100, 102, 110 West Main Street) and authorize City staff to proceed with the rebid of the project or solicitation of proposals. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember Decramer, Councilmember Lozinski. Voting Nay: Councilmember Labat. The motion **Passed. 6-1**

Consider a LG220 Application for Exempt Permit for SMSU Foundation for January 8, 2020.

Motion made by Councilmember Schafer, Seconded by Councilmember Meister BE IT RESOLVED, that the City Council hereby (1) grants local unit of government approval to SMSU Foundation to hold a raffle on January 8, 2020, at Southwest Minnesota State University , 1501 State Street, Marshall, Minnesota, (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 Decramer, Councilmember Labat, Councilmember Lozinski. Voting Abstaining: Councilmember Bayerkohler. The motion **Passed. 6-0-1**

Commission/Board Liaison Reports

Byrnes No Report

Schafer No Report

Meister Community Service Advisory Board met and toured and examined the condition of the pool with the City Council.

Bayerkohler No Report

DeCramer Economic Development Authority met and discussed the tax abatement request on the agenda. There will also be a schedule bus tour of the Marshall area in the near future.

Labat No Report

Lozinski No Report

Councilmember Individual Items

Councilmember Lozinski brought up discussion from a statement from the governor that Minnesota should start preparing for the legalization of marijuana. Member Lozinski also commented on the County Board's discussion to stop curb side recycling county wide. There was further discussion by Council and Staff to address this concern with the County.

Councilmember Labat commented on the great turn out at the World Café event which was a part of the ongoing strategic planning.

Councilmember DeCramer brought up the United Community Action Partnership's contributions throughout the county. Member DeCramer also mentioned the progression on the UCAP Head Start Facility.

Councilmember Schafer discussed curb side recycling in Lyon County.

Councilmember Meister also commented on the need for discussion on the need for curb side recycling. Member Meister also discussed the installation of an electric charging station that will be placed at Tall Grass Liquor.

Mayor Byrnes commented on events that took place in the month of August; Sounds of Summer, Home Town Hero's Walk, three ribbon cuttings in conjunction with the opening of Carter's Court, the opening of Ashely Furniture and Hobby Lobby.

City Administrator

City Administrator Sharon Hanson commented on the initial success of the world café event and also mentioned a draft development agreement for block 11 with a potential developer. Administrator Hanson also provided discussion on the 2020 Preliminary Levy. Administrator Hanson stated that at this time staff is at a 5.99% increase to the general levy, but additional cuts can accrue prior to setting the preliminary budget.

Director of Public Works

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

City Attorney

City Attorney Dennis Simpson mentioned that the purchase negotiations of the Helena Chemical property have restarted. Attorney Simpson also discussed that he met with local residence at Broadmoor Valley to discuss tenant rights.

Information Only

There were no questions on the information items.

Upcoming Meetings

There were no questions on the upcoming meetings.

Adjourn Meeting

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