

REGULAR MEETING – MARCH 27, 2018

The regular meeting of the Common Council of the City of Marshall was held March 27, 2018 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, David Sturrock and James Lozinski. Absent: None. Staff present included: Sharon Hanson, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Karla Drown, Finance Director; Rob Yant, Director of Public Safety and Kyle Box, City Clerk.

The Pledge of Allegiance was recited at this time.

Approval of Agenda:

Member **Steven Meister** Moved, Member **Craig Schafer** Seconded to approve the **ORIGINAL** motion 'approve agenda'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

Consider approval of the minutes of the regular meeting held on March 13, 2018:

Member **Craig Schafer** Moved, Member **James Lozinski** Seconded to approve the **ORIGINAL** motion 'that the minutes of the regular meeting held on March 13, 2018 be approved and that the reading of the same be waived.'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

Conduct Public Hearing for Liquor License Transfer; Consider Approval of the Transfer of an On-Sale Intoxicating Liquor License and the transfer of an On-Sale Sunday Liquor License:

On February 22, 2018 the Ramada Inn was placed into Receivership and will now be operated by RMMN Associates LLC. A Court Order along with conformation from the Minnesota Alcohol and Gambling Enforcement Division (AGED) have allowed the Receiver to operate under the current liquor license held by Bingo LLC while RMMN Associates LLC submits a liquor license application to transfer operations from Bingo LLC to RMMN Associates LLC.

City Clerk Kyle Box, presented the item to Council.

Member **John DeCramer** Moved, Member **David Sturrock** Seconded to approve the **ORIGINAL** motion 'To close the Public hearing for the Liquor License Transfer'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

Member **Steven Meister** Moved, Member **John DeCramer** Seconded to approve the **NEW** motion 'To approve the transfer of an On-Sale Intoxicating Liquor license from Bingo LLC dba Ramada Inn, to RMMN Associates LLC dba Ramada Inn, 1500 East College Drive, Marshall, MN effective March 28, 2018 contingent upon all requirements being met.'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

Member **Craig Schafer** Moved, Member **David Sturrock** Seconded to approve the **NEW** motion 'To approve the transfer of a Sunday Liquor License from Bingo LLC dba Ramada Inn, to RMMN Associates LLC dba Ramada Inn 1500 East College Drive, Marshall, MN effective

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March 28, 2018 contingent upon all requirements being met.'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion Carried. 7 - 0

Project Z64 / SAP 139-111-006: Saratoga Street Reconstruction Project – 1) Public Hearing on Improvement; 2) Consider Resolution Ordering Improvement and Preparation of Plans:

Property owners affected by the above-referenced project have been notified, according to law, that a hearing would be held on March 27, 2018. A public presentation will be made followed by any discussion. This project consists of the following: Reconstruction and utility replacement on Saratoga Street from the bridge on Saratoga Street (between South 4th Street and West College Drive) to Southview Drive; Sanitary sewer replacement and watermain replacement on the abandoned South 1st Street from Marvin Schwan Memorial Drive to Saratoga Street; Sanitary sewer replacement on South "A" Street from Marvin Schwan Memorial Drive to Saratoga Street; Sanitary sewer replacement on Greeley Street from Saratoga Street southerly approximately 200 feet. A public informational meeting was held on February 1, 2018 at 5:30 p.m. at Marshall Municipal Utilities. Information and handouts were provided to all those in attendance. In addition, City staff conducted individual meetings with representatives of Marshall Public Schools, Schwan's, YMCA, Murray's Auto Glass, Carr Properties, and Steve Otto. If the City Council decides to proceed with the project, the attached resolution has been prepared ordering the improvement and the preparation of plans.

Director of Public Works/City Engineer Glenn Olson, presented the item to Council.

Council Member Meister stated that he was against the changes to the Fire Hall approach from Saratoga Street.

Director Olson commented on grant funding that was applied for to place digital speed limits signs and radar speed indicators in school zone areas. The grant funding will likely not be available during the construction period.

Council member DeCramer commented on the sidewalks being placed on both sides of the road.

Gary Watson with Radiant Life Church asked about the sidewalks being placed in front of the Church. Director Olson mentioned this would have been discussed at the informational meeting Mr. Watson was asked to contact the Public Works Department for further discussion on the construction project.

Council member Meister commented on the placement of the sidewalk on both sides as it may not be necessary to have a sidewalk on both sides of the street.

Council member Sturrock commented on the sidewalk placement and was not in favor of sidewalk placement on both sides of the road.

Council member Schafer and Lozinski commented they were in favor of sidewalks. There was further discussion by Council and Staff.

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Member **Craig Schafer** Moved, Member **James Lozinski** Seconded to approve the **ORIGINAL** motion 'That the Council close the public hearing on improvement Project Z64 / SAP 139-111-006: Saratoga Street Reconstruction Project.'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

Member **John DeCramer** Moved, Member **Craig Schafer** Seconded to approve the **NEW** motion 'That the Council adopt RESOLUTION NUMBER 4490, SECOND SERIES, which is the Resolution Ordering Improvement and Preparation of Plans" for Project Z64 / SAP 139-111-006: Saratoga Street Reconstruction Project.

Council member Lozinski mentioned he would oppose this agenda item due to the City's Special Assessment policy not being addressed. City Administrator Sharon Hanson mentioned that the Ways and Means Committee will meet April 5, 2018 to discuss assessments.

Member **David Sturrock** Moved, Member **Steven Meister** Seconded to **AMEND** the current motion 'to not include sidewalk construction on 13 parcels on the west side of the Saratoga Street Reconstruction Project' Upon a voice vote being taken, the vote was Aye: 3 Nay: 4. The motion **Failed. 3 - 4** with Schafer, Bayerkohler, Byrnes and Lozinski voting no.

Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 2. The motion **Passed. 5 - 2** with Meister and Lozinski voting no.

Approval of Consent Agenda:

Member **Steven Meister** Moved, Member **James Lozinski** Seconded to approve the **ORIGINAL** motion 'the following consent agenda items be approved as presented.'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

Approval of a Temporary On-Sale Intoxicating Liquor License for Marshall Convention and Visitors Bureau for June 9-10, 2018.

Approval of a Temporary On-Sale Intoxicating Liquor License for Avera Marshall for April 21, 2018.

Approval of the bills/project payments

Consider authorization to purchase vehicles for the police department:

Marked police vehicles are the primary means for officers to be able to get about and perform their duties. We currently have six marked squads plus the Chevrolet Tahoe (supervisor's vehicle) for patrol. A marked Ford Interceptor for our Corporals and a Dodge pickup is assigned for the CSO (Community Service Officer). At this time, we are proposing to replace two squads, both Ford Interceptor Utility AWD -- units 1503 and 1508 as well as the Supervisor's Chevrolet Tahoe, unit 0810. The cycle for our six patrol vehicles is to turn them over every three years, where they generally have about 90,000 miles on them. The cycle for the Police Department support vehicles is intended to be every seven years, but the Tahoe has been in service for nine years and will likely have over 140,000 miles on it by then. But the last two years it has been having increasing maintenance problems and in 2017 it had to be towed in a couple of times and

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we don't drive it significantly out of town because of its lack of dependability. Having reliable vehicles, especially for police patrol, is crucial for the delivery of police services to the community and the safety of officers. Replacing the cars before they have chronic maintenance problems both assures police personnel to be better able to respond quickly with minimal maintenance costs and time out of service. The Ford Police Interceptor Utility AWD has been an excellent patrol vehicle. Besides becoming the industry standard for police vehicles, it has the space for both our officers and all of their equipment and generally works well in bad weather conditions. The Chevrolet Tahoe has been a very good supervisor's vehicle. It is 4-wheel drive instead of just all-wheel-drive and has a larger interior space for personnel - especially in the back seat, it has more room for the supervisor's equipment - which includes one of a kind equipment that only they carry, finally it has frame construction versus the standard vehicle's unibody construction which like a truck makes it much sturdier. This sturdier construction is important with the life of this unit being seven to nine years as a patrol vehicle.

Director of Public Safety Rob Yant, presented the item to Council. Council member Lozinski provided discussion from the Equipment Review Committee. There was further discussion by Council and Staff.

Member **Steven Meister** Moved, Member **James Lozinski** Seconded to approve the **AMENDED** motion 'for the purchase of one Chevrolet Tahoe with the Police Package from Lockwood Motors for \$37,725, with the set-up allocation of approximately \$7,000, and the declarations of the Chevrolet Tahoe (sergeant's vehicle) 0810 as surplus vehicles once it's replacement is purchased and in service. '. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

Member **James Lozinski** Moved, Member **Craig Schafer** Seconded to approve the **NEW** motion 'The purchase of one Ford Police Interceptor SUV's with All-Wheel-Drive from Kruse Motors for \$28,989, with the set-up allocation of approximately \$5,000, and the declarations of one current patrol unit as a surplus vehicle once the replacement is purchased and in service. '. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed. 6 - 1** with Meister voting no.

Sounds of Summer - Call for Public Hearing for Private Use of Public Streets and Parking Lots for Sounds of Summer – August 17-19, 2018:

A request from the Sounds of Summer Committee requesting permission for the following: - Entire Celebration: Closure of West College Drive (TH 19) from Main Street to Saratoga Street, and also closure of Marvin Schwan Memorial Drive from West College Drive (TH 19) to South 1st Street on Friday, August 17, 2018 from 3:00 p.m. to approximately 10:00 pm, and again on Saturday, August 18, 2018 from 6:00 am to Sunday, August 19, 2018 to approximately 3:00 am. to allow adequate time for clean up after the Saturday evening activities. "Exhibit A". -Parade Line-Up: Closure of East Lyon Street from Jewett Street to South Bruce Street on Saturday, August 18, 2018 starting at approximately 1:00 pm to approximately 5:00 pm. Line-up would begin at 2:00 pm. "Exhibit B". -Parade: Closure of East Lyon Street from South Bruce Street to Main Street and closure of Main Street from East Lyon Street to North 6th Street Saturday, August 18, 2018 from 3:00 pm to approximately 6:00 pm. Parade would start at 4:00 pm with an estimated 5:30 pm end time. "Exhibit B". In accordance with Section 62-6 of the Marshall City

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Code, any private use of public streets and parking lots on either a temporary or permanent basis should be considered by the Marshall City Council. Due to the magnitude of the proposed event and potential impact to the businesses adjacent to the areas that are being requested to be blockaded, City Staff would recommend that the City Council hold a public hearing on this request prior to granting final approval. In the past, the City's Public Safety and Public Works Departments have been worked with applicants on the issues and public safety concerns that would have to be addressed as part of this request. In addition, it would be City Staff's intent to have a representative from the Committee present at the hearing to provide a brief overview of the activities and events that are going to occur during the celebration.

Member **Craig Schafer** Moved, Member **Steven Meister** Seconded to approve the **ORIGINAL** motion 'That the Council call for a public hearing to be held on April 10, 2018 for the private use of public streets and parking lots for Sounds of Summer (August 17-19, 2018)'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

Commission/Board Liaison Reports:

Byrnes No Report

Schafer No Report

Meister Economic Development Authority met and discussed a potential project that is dependent on Tax Increment Financing.

Bayerkohler No Report

DeCramer Economic Development Authority discussed having a public informational meeting for the residence in the parkway area.

Sturrock Convention and Visitors Bureau met on 3/15/18.

Lozinski Marshall Area Transit met and discussed the new look to the MAT busses and bus stops.

Councilmember Individual Items:

Councilmember Schafer commented on the positive responses from the latest townhall meetings. Member Schafer discussed the recent event at the Red Baron Arena.

Councilmember Meister discussed the townhall meetings and touched on the event held at the Red Baron Arena. There was a complaint about parking.

Councilmember Lozinski discussed the townhall meetings.

Councilmember Sturrock touched on the turnout for the townhall meetings and Red Baron event. Member Sturrock attended an event in St. Paul on March 14, 2018 for Greater Minnesota Cities Lobby Day to visit and discuss Marshall's needs.

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Councilmember DeCramer mentioned the townhall meetings thanked staff for their work.

Mayor Byrnes commented on the parking issue at the Red Baron Arena. Mayor Byrnes discussed staff's work on snow removal over the past weekend.

City Administrator:

City Administrator Hanson, talked about the parking issue at the Red Baron Arena. Administrator Hanson discussed the Townhall events and would like to respond to frequent questions the public has and to set up additional townhall meetings in the future.

Director of Public Works:

Director of Public Works/City Engineer Glen Olson, discussed the townhall meetings and addressed stop sign placement in a neighborhood. Staff will work on addressing parking at the Red Baron Arena.

City Attorney:

No Report

Pending Items:

There were no questions on the pending items.

Information Only:

There were no questions on the information items.

Upcoming Meetings:

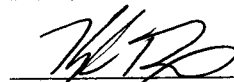
There were no questions on the upcoming meeting list

At 7:05 PM, Member **Craig Schafer** Moved, Member **David Sturrock** Seconded to approve the **ORIGINAL** motion 'Adjourn Meeting'. Upon a roll call vote being taken, the vote was: Aye: 7
Nay: 0. The motion **Carried. 7 - 0**



Mayor

Attest:



City Clerk