

## REGULAR MEETING – AUGUST 28, 2018

The regular meeting of the Common Council of the City of Marshall was held August 28, 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: Steven Meister, John DeCramer, David Sturrock and James Lozinski. Absent: Craig Schafer and Glenn Bayerkohler. Staff present included: Sharon Hanson, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Public Works Director/City Engineer; Jason Anderson, Assistant City Engineer/Zoning Administrator; Karla Drown, Finance Director; Sheila Dubs, Human Resource Manager; Scott VanDerMillen, Director of Community Services; Ilya Gutman, Plan Examiner/Assistant Zoning Administrator; Preston Stensrud, Parks Superintendent and Kyle Box, City Clerk.

The Pledge of Allegiance was recited at this time.

### **Approval of Agenda.**

City Attorney Dennis Simpson requested that item number 36, Determination to go into Closed Session Pursuant to Minn. Stat. 13D.05 subd 3(b) to discuss final payment issues related to final City construction Project Y62 Saratoga Street overpass, be removed from the agenda. Attorney Simpson will address the item in his report.

There was a general consensus to operate under the new agenda

### **Consider approval of the minutes from the regular meeting held on August 7, 2018 and the council work session on August 15, 2018.**

Member **Steven Meister** Moved, Member **James Lozinski** Seconded to approve the **ORIGINAL** motion 'that the minutes of the regular meeting held on August 7, 2018 and council work session held on August 15, 2018 be approved as filed with each member and that the reading of the same be waived'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried. 5 - 0**

### **Crack Filling of Runways, Taxiways and Apron Areas at the Southwest Minnesota Regional Airport / State Project No. A4201-99 -- 1) Consider Resolution Authorizing Execution of Mn/DOT Agreement No. 1031865; 2) Consider Award of Proposal.**

Proposals were received on August 13, 2018 for Crack Filling Runways, Taxiways and Apron Areas at the Airport. Two proposals were received as shown on the attached bid tabulation. The low proposal is from KAMCO, Inc. of Dassel, Minnesota. The Resolution to Authorize to Execute Airport Improvement Excluding Land Acquisition, and the Mn/DOT Grant Agreement No. 1031865 / State Project A4201-99 from Mn/DOT Office of Aeronautics for Pavement Crack Fill and Seal at the Airport will remain in effect until December 31, 2021.

Member **John DeCramer** Moved, Member **Steven Meister** Seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4532, SECOND SERIES, which is the Resolution to Authorize to Execute Mn/DOT Agreement No. 1031865 / State Project A4201-99 for Crack Filling Runways, Taxiways and Apron Areas at the Southwest Minnesota Regional Airport for project costs not to exceed \$40,000.00.'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried. 5 - 0**



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Member **James Lozinski** Moved, Member **David Sturrock** Seconded to approve the **NEW** motion 'that the Council award the proposal for the project to KAMCO, Inc. of Dassel, Minnesota, in the amount of \$1.89/pound for project costs not to exceed \$40,000.00.'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried. 5 - 0**

**Project Z65-2018-1: Bike Trail Reconstruction Project (Legion Field Park) – Consider Award of Proposal.**

Quotes were received for this project (Z65-2018-1) on August 22, 2018. Four quotes were received as shown on the attached quote tab. Hisken Construction Inc. of Marshall, MN is the recommended low quote. This project is included as a portion of the \$75,000.00 in the 2018 Parks Maintenance Budget for bike trail reconstruction. Construction will begin promptly on this project with a deadline for completion of October 19, 2018.

Preston Stensrud Parks Superintendent provided information on the item. Council member Lozinski discussed using asphalt compared to concrete for cost savings. There was further discussion by Council and Staff.

Member **John DeCramer** Moved, Member **David Sturrock** Seconded to approve the **ORIGINAL** motion 'that the Council award the quote to reconstruct bike trail at Legion Field Park to Hisken Construction Inc. of Marshall, MN in the amount of \$36,988.00.'. Upon a roll call vote being taken, the vote was: Aye: **3** Nay: **2**. The motion **Passed. 3 - 2** with Meister and Lozinski voting no.

**Project Z65-2018-2: Bike Trail Construction Project (Patriot Park) – Consider Award of Proposal.**

Quotes were received for this project (Z65-2018-2) on August 22, 2018. Four quotes were received as shown on the attached quote tab. Hisken Construction Inc. of Marshall, MN is the recommended low quote. \$60,000.00 was included in the CIP for the completion of this project. Attached is copy of the plans showing the project location. Construction will begin promptly on this project with a deadline for completion of October 19, 2018.

Preston Stensrud Parks Superintendent presented the item to Council. There was further discussion by Council.

Member **David Sturrock** Moved, Member **John DeCramer** Seconded to approve the **ORIGINAL** motion 'that the Council award the quote to construct a new bike trail in Patriot Park to Hisken Construction Inc. of Marshall, MN in the amount of \$60,026.40.'. Upon a roll call vote being taken, the vote was: Aye: **3** Nay: **2**. The motion **Passed. 3 - 2** with Meister and Lozinski voting no.

**Asphalt Crushing – Consider Award of Proposal.**

Proposals were received for this project on August 20, 2018. One proposal was received from Rogge Excavating, Inc. from Ghent, Minnesota, as shown on the attached proposal tabulation. The work is to be completed by October 1, 2018.

Jason Anderson Assistant City Engineer/Zoning Administrator presented the item to Council.

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Member **John DeCramer** Moved, Member **Steven Meister** Seconded to approve the **ORIGINAL** motion 'that the Council award the proposal for asphalt crushing to Rogge Excavating, Inc. of Marshall, Minnesota, in the amount of \$3.85 per ton not to exceed \$47,000.'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried. 5 - 0**

**Crack Filling on Channel Parkway – Consider Award of Proposal.**

Proposals were received for this project on August 20, 2018. The work is to be completed by October 1, 2018.

Jason Anderson Assistant City Engineer presented the item to Council.

Member **Steven Meister** Moved, Member **John DeCramer** Seconded to approve the **ORIGINAL** motion 'that the Council award the proposal for Channel Parkway crack filling to KAMCO, Inc. of Dassel, Minnesota, in the amount of \$2.10/lb. not to exceed \$31,000.'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried. 5 - 0**

**Approval of Consent Agenda.**

Council member Lozinski requested that item number 15, Consider authorization to declare a duty weapon as surplus property for the Marshall Police Department and item number 19, Consider amendment to the Temporary/Seasonal Employee Wage Schedule, for further discussion.

Member **Steven Meister** Moved, Member **David Sturrock** 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: **5** Nay: **0**. The motion **Carried. 5 - 0**

Approval of Springsted Post Issuance Contract Updates.

Approval of a Tobacco License for Kuay Loo Klay.

Approval of a LG220 Application for Exempt Permit for Prairie Home Hospice Inc.

Approval of a LG220 Application for Exempt Permit for Pheasants Forever Lyon County Chapter 6.

Authorization to declare vehicles as surplus property for the Police Department.

Approval of a Joint Powers Agreement for the BLRR Drug Task Force and Task Force Emergency Response Unit.

Approval of a Services Agreement between SMSU and Studio 1 TV.

Vacation of Utility Easement in Broadmoor Valley First Addition - Receive Petition for Vacation of Utility Easement and Call for Public Hearing.



Declare equipment surplus from the Parks Department.

Approval of the bills/project payments.

**Consider authorization to declare a duty weapon as surplus property for the Marshall Police Department.**

Detective Jody Gladis has retired from the Marshall Police Department with 31 years of service with the Department and the City of Marshall. It is a tradition that officers often wish to keep their duty service gun when they retire. Detective Gladis has requested to be able to purchase his duty gun from the City. Detective Gladis' duty gun is a Glock .40 caliber, model 22 handgun, and includes 3 magazines.

Council member Lozinski pulled the item for further discussion. Rob Yant Director of Public Safety provided information on the item.

Member **John DeCramer** Moved, Member **Robert Byrnes** Seconded to approve the **ORIGINAL** motion 'That the duty weapon be declared surplus property by the City of Marshall and agree that it could be sold to Jody Gladis for \$325.00.'. Upon a roll call vote being taken, the vote was: Aye: **3** Nay: **2**. The motion **Carried. 3- 2** with Meister and Lozinski voting no.

**Consider amendment to the Temporary/Seasonal Employee Wage Schedule.**

Staff are recommending approval of the amended temporary/seasonal wage schedule. The Personnel Committee met and is recommending approval. A change of title and a decrease in the pay range are being recommended for the After-School Program (ASP) Coordinator position. Summary of recommended changes: Title: from After School Program Coordinator to After School Program Instructor Pay rate: from a range of \$17.00 to 25.00 to a range of \$14.00 to 20.00. The After-School Program is being re-aligned to more of an enrichment program. In prior years, the ASP served as a student tutoring/homework assistance program—the Success by 6 programs provided by the school now fulfills this need. Under the realigned MCS program, City Staff have revised the After-School Program Coordinator job description, amending the title to After-School Program Instructor with amended duties. We plan to hire multiple instructors over the course of the school year to provide enrichment courses, versus a single coordinator position. Each of the instructors hired will have expertise in the instructional material, which will include STEM/STEAM courses. This will provide students more "hands-on" experiences. The coordination responsibilities from the job description have been removed and will be performed by Amanda Beckler, our Community Education Coordinator. Staff have met with the Marshall Middle School administration and they are supportive of this change.

Council member Lozinski pulled the item for further discussion on why the City of Marshall provides this service and not the YMCA. Director of Community Services Scott VanDerMillen provided information on the item.

Member **James Lozinski** Moved, Member **Steven Meister** Seconded to approve the **ORIGINAL** motion 'that the Council approve the amendment to the Temporary/Seasonal Employee Wage Schedule'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried. 5 - 0**



**Minnesota State Hwy 68 Project: Marshall to Minneota.**

Representatives from MnDot presented information on the project. The project area will take place between Minneota and Marshall on Hwy 68. This project will begin in 2021 and will consist of shoulder widening and culvert replacement.

There was further discussion by Council.

**Coalition of Greater Minnesota Cities 2017 City Visit and Legislative Update.**

Marty Seifert, Lobbyist from Flaherty-Hood was present to give a legislative update related to the Coalition of Greater Minnesota Cities of which they provide services for the City of Marshall who are members. Councilmen Sturrock is a Board member of the Coalition of Greater Minnesota Cities as well.

There was further discussion from Council.

**Consider Resolution Number 4533, Second Series, Amending Liquor License and Tobacco Fees.**

Liquor and tobacco license fees have been reviewed by staff and listed with our comparable Cities. Current fees have been in place since 2003. This amendment to the fee schedule will allow collection for the proposed 2019 liquor and tobacco license during the annual renewal period (Fall). Ways and Means Committee met on 8/15/18 to discuss the proposed changes to the license fees. "Member Sturrock Moved, Member Bayerkohler Seconded, the proposed changes to the following license fees: \$3,000.00 for On-Sale Liquor, \$600.00 for Wine, \$500.00 for Brewer Taproom, \$150.00 for Tobacco and \$29.00 for Financial Background and all other related fees remaining the same. All voted in favor. 3-0.

City Clerk Kyle Box, presented the information to Council. There was further discussion by Council.

Member **James Lozinski** Moved, Member **Steven Meister** Seconded to approve the **ORIGINAL** motion 'to approve Resolution Number 4533, Second Series, Amending liquor license and tobacco fee changes for the 2018 Fee Schedule.'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried. 5 - 0**

**Consider the Request by Michael and Lynn VanPatten for a Conditional Use Permit to have a Yoga Studio in their home at 807 Silvervine Drive.**

This is a request by Michael and Lynn VanPatten for a Conditional Use Permit to have a yoga studio in their house as a home occupation. This yoga studio used to be located at 227 West Main Street. The applicant stated that each yoga class has four participants and lasts 60 to 90 minutes; the class will occur three times a week on a regular basis with possibility of several extra classes a month on weekends. The driveway in front of the garage is large enough to allow parking of four vehicles. Classes will be conducted early in the morning at about 6 am and late in the afternoon at about 5:30 pm on weekdays. Home occupation is a conditional use in R-1 One Family Residence District where this house is located. Section 86-50(b) lists nine specific conditions that home occupations shall meet as a minimum and it appears that all of those conditions will be met in this particular case. However, Section 86-49 lists standards (or



considerations) for hearing for any Conditional Use Permit; a few of them, such as additional traffic and effect on adjacent properties and residents, should be carefully considered. See Section 86-97 for the One Family Residence District regulations and Section 86-48 for the Conditional Use Permit procedure and 86-49 for the Standard for Hearing; Section 86-50 describes home occupation requirements. These sections, along with an aerial photo, are attached. At the Planning Commission meeting on August 8, 2018, after a public hearing, a motion was made by Fox, seconded by Ruud, to recommend approval as recommended by city staff to City Council with the change to condition #4 to allow four vehicles and six people in lieu of four people. All Voted in Favor

Jason Anderson provided information on the item. Lynn VanPatten, the applicant, was also in attendance to provide any information.

Council member Lozinski discussed requirements for ADA. Ilya Gutman Plan Examiner/Assistant Zoning Administrator commented that there are no ADA requirements for home occupation. Council member Meister commented that permit stays with the property. There was further discussion by Council.

Member **Steven Meister** Moved, Member **John DeCramer** Seconded to approve the **ORIGINAL** motion 'Planning Commission recommends to approve the request by Michael and Lynn VanPatten for a Conditional Use Permit to have a yoga studio in their house as a home occupation with the following conditions: 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 That not more than four parked vehicles and not more than six attendees are permitted for each class. 5 That all class attendees park their cars on the house driveway.'. Upon a roll call vote being taken, the vote was: Aye: 4 Nay: 1. The motion **Passed. 4 - 1** with Lozinski voting no.

**Consider an application for a Temporary On-Sale Intoxicating Liquor License for Sunrise Rotary Club of Marshall, MN on September 21- 23, 2018 at the Red Baron Arena Club Room, 400 Tiger Dr., Marshall, MN.**

Consider an application for a Temporary On-Sale Intoxicating Liquor License for Sunrise Rotary Club of Marshall, MN on September 21 - 23, 2018 at the Red Baron Arena Club Room, 400 Tiger Dr., Marshall, MN

Member **Steven Meister** Moved, Member **James Lozinski** Seconded to approve the **ORIGINAL** motion 'approve a Temporary On-Sale Intoxicating Liquor License for Sunrise Rotary Club on September 21 - 23, 2018 at the Red Baron Arena Club Room, 400 Tiger Dr., Marshall, MN.'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 0. The motion **Carried. 5 - 0**



**Project Z64 / SAP 139-111-006: Saratoga Street Reconstruction Project (4th to Southview)**  
**– 1. Consider Resolution Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment; 2. Consider Resolution for Hearing on Proposed Assessment.**

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.

Member **John DeCramer** Moved, Member **David Sturrock** Seconded to approve the **ORIGINAL** motion 'that the Council adopt Resolution Number 4534, Second Series which provides for the “Resolution Declaring Cost to be Assessed and Ordering the Preparation of the Proposed Assessment” for Project Z64 / SAP 139-111-006: Saratoga Street Reconstruction Project.'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried. 5 - 0**

Member **John DeCramer** Moved, Member **David Sturrock** Seconded to approve the **NEW** motion 'that the Council adopt Resolution Number 4535, Second Series which provides for the “Resolution for Hearing on Proposed Assessment” for Project Z64 / SAP 139-111-006: Saratoga Street Reconstruction Project setting the hearing date on the proposed assessments for September 25, 2018. '. Upon a roll call vote being taken, the vote was: Aye: **4** Nay: **1**. The motion **Passed. 4 - 1** with Meister voting no.

**Project Z66: Marguerite Avenue/South Bend Avenue Reconstruction Project – 1. Consider Resolution Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment; 2. Consider Resolution for Hearing on Proposed Assessment.**

This project consists of the following: Reconstruction and utility replacement on Marguerite Avenue and South Bend Avenue between Camden Drive and Southview Drive. All utilities will be replaced, including watermain, sanitary sewer, and storm sewer.

Member **Steven Meister** Moved, Member **John DeCramer** Seconded to approve the **ORIGINAL** motion 'that the Council adopt Resolution Number 4536, Second Series which provides for the “Resolution Declaring Cost to be Assessed and Ordering the Preparation of the Proposed Assessment” for Project Z66: Marguerite Avenue/South Bend Avenue Reconstruction Project.'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried. 5 - 0**

Member **John DeCramer** Moved, Member **David Sturrock** Seconded to approve the **NEW** motion 'that the Council adopt Resolution Number 4537, Second Series which provides for the “Resolution for Hearing on Proposed Assessment” for Project Z66: Marguerite Avenue/South Bend Avenue Reconstruction Project setting the hearing date on the proposed assessments for September 25, 2018. '. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried. 5 - 0**

**Project Z67: Michigan Road/Superior Road Reconstruction Project – 1. Consider Resolution Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment; 2. Consider Resolution for Hearing on Proposed Assessment.**

This project consists of the following: Reconstruction and utility replacement on Michigan Road between Hahn Road and Superior Road and on Superior Road between Michigan Road and Ontario Road. All utilities will be replaced, including watermain, sanitary sewer, and storm sewer.

Member **Steven Meister** Moved, Member **James Lozinski** Seconded to approve the **ORIGINAL** motion 'that the Council adopt Resolution Number 4538, Second Series which provides for the “Resolution Declaring Cost to be Assessed and Ordering the Preparation of the Proposed Assessment” for Project Z67: Michigan Road/Superior Road Reconstruction Project.'. Upon a roll call vote being taken, the vote was: Aye: **4** Nay: **0** Abstain: **1**. The motion **Passed. 4 - 0 - 1** with DeCramer Abstaining

Member **Steven Meister** Moved, Member **James Lozinski** Seconded to approve the **NEW** motion 'that the Council adopt Resolution Number 4539, Second Series which provides for the “Resolution for Hearing on Proposed Assessment” for Project Z67: Michigan Road/Superior Road Reconstruction Project setting the hearing date on the proposed assessments for September 25, 2018. '. Upon a roll call vote being taken, the vote was: Aye: **4** Nay: **0** Abstain: **1**. The motion **Passed. 4 - 0 - 1** with DeCramer Abstaining.

**Commission/Board Liaison Reports**

Byrnes	No Report
Meister	No Report
DeCramer	<u>Marshall Municipal Utilities Commission</u> did meet and discussed a wage analysis report and MMU is concluding on the auto meter integration.
Sturrock	<u>Public Improvement/Transportation Committee</u> met and discussed different road classifications effecting state aid.
Lozinski	No Report

**Councilmember Individual Items**

Council member Lozinski discussed the budget and ways to reduce the levy.

Council member Sturrock commented on the July 3, 2018 flood event.

**City Administrator**

City Administrator Sharon Hanson commented on an update on the long-term debt study. Administrator Hanson mentioned that a preliminary levy will be adopted at the September 11, 2018 Council meeting. Hanson discussed responding to public social media postings.

City Administration Hanson presented a travel request to Council.



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Member **James Lozinski** Moved, Member **David Sturrock** Seconded to approve the motion to approve the travel request to Salina, Kansas with authorization to stay in a hotel. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried. 5 - 0**

Administrator Hanson asked City Clerk Kyle Box to provide a recap of the Primary Election on August 14, 2018. Clerk Box discussed the new equipment and preparation for the General Election on November 6, 2018.

**Director of Public Works**

Assistant City Engineer/Zoning Administrator Jason Anderson provided an update on street construction projects.

**City Attorney**

City Attorney Dennis Simpson provided information on Unique Opportunities. Attorney Simpson also discussed final payment issues related to final City construction Project Y62 Saratoga Street overpass.

**Information Only**

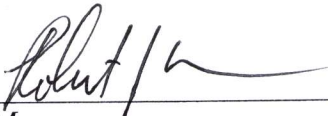
There were no questions on the information items.

**Upcoming Meetings**

There were no questions on the upcoming meeting list.

**Adjourn Meeting**

At 7:04 P.M., Member **Steven Meister** Moved, Member **James Lozinski** Seconded to approve the **ORIGINAL** motion 'Adjourn Meeting'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried. 5 - 0**

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
City Clerk