

The regular meeting of the Common Council of the City of Marshall was held September 25, 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, Public Works Director/City Engineer; Karla Drown, Finance Director; Quentin Brunsvold; Bob VanMoer, Wastewater Treatment Facility Superintendent; Sheila Dubs, Human Resource Manager; Cathy Lee Administrative Assistant and Kyle Box, City Clerk.

The Pledge of Allegiance was recited at this time.

There was a general consensus to operate under the new agenda

Consider approval of the minutes from the regular meeting and council work session held on September 11, 2018.

Member **Craig Schafer** Moved, Member **Steven Meister** Seconded to approve the **ORIGINAL** motion 'that the minutes of the regular meeting and the council work session held on September 11, 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: 7 Nay: 0. The motion **Carried. 7 - 0**

Project Z64 / SAP 139-111-006: Saratoga Street Reconstruction Project – 1) Public Hearing on Assessment; 2) Consider Resolution Adopting 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. Currently the project is approximately 50% complete. Final measurements have been completed for installation of construction items from "C" Street to Southview Drive. The remaining portion of the project from the Redwood River to "C" Street remains under construction and plan quantities have been used for the determination of special assessments in that area. Adjustments can be made to the participation by all of the utility entities after the end of construction.

Director of Public Works/City Engineer Glenn Olson provided general information on special assessments.

Steve Otto of 300 E. Saratoga St, discussed his \$19,547.00 assessment on this property. Mr. Otto specified that this property is a four-plex with four different tax properties under one building. Mr. Otto questioned the eight-plex property and their special assessment.

Council member Bayerkohler discussed the special assessments on the previous property. Director of Public Works/City Engineer Glenn Olson provided information on the property - because the four-plex is four different parcels they are treated as residential with a \$5,500 special

assessment maximum. Director Olson added that multifamily housing classifications can be considered four-plex and above which would then be viewed as a commercial property and assessed at 100%, instead of the \$5,500 maximum, according to the City's current special assessment policy.

There was continued discussion from Council.

Member **Craig Schafer** Moved, Member **John DeCramer** Seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing on assessments for 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**

Council member Bayerkohler commented that the Commercial portion of the special assessment policy is currently under review and asked council if they would be willing to address multifamily housing as well. There was continued discussion on the Special Assessment Policy by Council.

Member **Craig Schafer** Moved, Member **David Sturrock** Seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NUMBER 4542, SECOND SERIES, which is the "Resolution Adopting Assessment" for Project Z64 / SAP 139-111-006: Saratoga Street Reconstruction Project. '. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed. 6 - 1** with Meister voting no.

Project Z67: Michigan Road/Superior Road Reconstruction Project – 1) Public Hearing on Assessment; 2) Consider Resolution Adopting Assessment.

This project consists of the following: Reconstruction and utility replacement on Michigan Road between Superior Road and Hahn Road and on Superior Road from a point approximately 175 feet north of Ontario Road to Huron Road. All utilities will be replaced, including watermain, sanitary sewer, and storm sewer. Currently the project is approximately 20% complete. No final measurements have been completed for installation of construction items. Plan quantities have been used for the determination of special assessments. Adjustments can be made to the participation by all of the utility entities after the end of construction.

Mayor Byrnes opened the public hearing and provided options for the Council to further discuss the special assessments for Commercial properties. There was further discussion by Council.

Member **Craig Schafer** Moved, Member **James Lozinski** Seconded to approve the **SUBSTITUTE** motion 'to continue the public hearing at the regular council meeting held on October 23, 2018 at 5:30 PM.

Brian Stucke of BH Electronics discussed their cost of special assessments as well as the commercial section of the current special assessment policy.

Lynn Chedder Mustang Truck and Trailer provided discussed on their portion on special assessments.

There was further discussion by Council and Staff.

Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0 Abstain: 1. The motion **Passed. 6 - 0 - 1** with DeCramer abstaining.

Project Z66: Marguerite Avenue/South Bend Avenue Reconstruction Project – 1) Public Hearing on Assessment; 2) Consider Resolution Adopting Assessment.

This project consisted of the following: Reconstruction and utility replacement on Marguerite Avenue and South Bend Avenue between Camden Drive and Southview Drive. All utilities have been replaced, including watermain, sanitary sewer, and storm sewer. The project is essentially complete with minor cleanup items remaining.

Director of Public Works/City Engineer provided information on the item.

Member **James Lozinski** Moved, Member **Craig Schafer** Seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing on assessments for Project Z66: Marguerite Avenue/South Bend Avenue Reconstruction Project.'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed. 6 – 1** with Meister voting no.

Member **John DeCramer** Moved, Member **David Sturrock** Seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NUMBER 4543, SECOND SERIES, which is the "Resolution Adopting Assessment" for Project Z66: Marguerite Avenue/South Bend Avenue Reconstruction Project. '. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed. 6 – 1** with Meister voting no.

Consider Authorization to Purchase Track Skid Loader for Wastewater Department.

Bob VanMoer Wastewater Superintendent provided information on the item.

Included in the proposed 2019 Wastewater Treatment Facility Budget is \$50,000 for the replacement of our wheeled skid loader for a track skid loader. We have the need for a tracked skid loader for our Biosolids drag line application to have the capability to move the hose in the fields after application without getting stuck or rutting up the field. We also use a skid loader daily at the treatment plant for all the snow removal, yard work, forklift, loading trucks, and many other projects. We received four quotes for the skid steer meeting the minimum specifications approved by the Council Equipment Review Committee at their meeting on September 19, 2018: Sterling Equipment (Cottonwood, MN): Gehl VT320 Compact Track Skid Loader \$61,780.00 less \$21,500 trade = \$40,530.00 Kibble Equipment (Marshall, MN): John Deere 331G Compact Skid Loader \$62,500 less \$19,500 trade = \$43,000.00 Kesteloot Enterprises (Marshall, MN): Kubota SVL95 Track Loader \$65,900.00 less \$20,000.00 trade = \$45,900.00 Swede's Service Center (Minneota, MN): \$63,293.53 offered \$10,000.00 trade = \$53,293.53.

There was further discussion by Council on the equipment and trade options.

Member **Craig Schafer** Moved, Member **David Sturrock** Seconded to approve the **AMENDED** motion to approve the full purchase of the Gehl VT320 Compact Track Skid Loader in the

Regular Meeting – September 25, 2018

amount of \$61,780.00 and to negotiate the trade options of either the Marshall Street Department Skid Loader or the Marshall Wastewater Treatment Facility Skid Loader.

There was continued discussion by Council. Chris Culver of Titan Machinery asked why they were not invited into the original bid and questioned specs that were written. Superintendent VanMoer discussed the specs are written for what the department needs and added that they were already working with four different dealers and asked for quotes instead of sealed bids. There was further discussion by Council and Staff.

Upon a roll call vote being taken, the vote was: Aye: **3** Nay: **4**. The Motion **Failed. 3 - 4** with Schafer, Meister, Bayerkohler and Lozinski voting no.

Member **James Lozinski** Moved, Member **Steven Meister** Seconded to approve the **NEW** motion that the equipment be sent out again for quotes with the Marshall Street Department skid loader being offered for trade and to reviewed at the October 9, 2018 regular council meeting. Upon a roll call vote being taken, the vote was: Aye: **7** Nay: **0**. The motion **Carried. 7 - 0**

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**

Adoption of a Resolution Number 4544, Second Series declaring costs to be assessed for ice and snow removal and for weed elimination and also the adoption of a Resolution Number 4545, Second Series calling for a hearing on the proposed assessment.

Approval of the bills/project payments.

Vacation of Utility Easement in Broadmoor Valley First Addition - 1) Remove from the table; 2) Continuation of Public Hearing on Resolution Granting Petition to Vacate Utility Easement; 3) Consider Resolution Granting Petition to Vacate Utility Easement.

A request for petition for vacation of a portion of a utility easement on the southerly portion of Lot 1, Block One in Broadmoor Valley First Addition was submitted from the sole owner of the property proposed to be vacated. The purpose of the vacation is to allow the construction of an egress window for a bedroom in the lowest floor of the proposed building, which would encroach 2 feet into the 10-ft. utility easement. All utility companies had been contacted for input prior to the public hearing held on September 11, 2018. At the public hearing held on September 11, 2018, a question arose from adjacent property owner, Mr. David Voigt, asking why the City Council is considering a vacation of a portion of the utility easement on Mr. Schierholz's property at the same time MMU is requesting an additional easement on his property. At the Council meeting on September 11, 2018, the item was tabled. MMU was contacted and indicated they had been working with Mr. Voigt, and there had been no apparent issues with the proposed easement on his property. After further discussions with MMU, MMU will not be proceeding with an easement with Mr. Voigt at this time.

Director of Public Works/ City Engineer provided information on the item from the previous meeting. There was continued discussion by Council and Staff.

Member **Steven Meister** Moved, Member **John DeCramer** Seconded to approve the **ORIGINAL** motion 'that the Council remove the item from the table and conduct continuation of public hearing.'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

Director of Public Works/City Engineer Glenn Olson provided information on the item from the previous meeting.

Member **David Sturrock** Moved, Member **Craig Schafer** Seconded to approve the **NEW** motion 'that the Council close the public hearing. '. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

Member **David Sturrock** Moved, Member **Steven Meister** Seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NUMBER 4546, SECOND SERIES, which is the "Resolution Granting a Petition for Vacation of a Utility Easement". '. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

Truth-in-Taxation for Payable 2019.

Counties, cities with a population over 500, school districts, and metropolitan special taxing districts are required to hold a meeting at which the budget and levy will be discussed and the public allowed to speak. The meeting must be after Nov. 24 and no later than Dec. 28 and held at 6:00 p.m. or later. This meeting may be part of a regularly scheduled meeting. If a regular meeting is not scheduled after Nov. 24 and no later than Dec. 28 at 6:00 p.m. or later, it will be necessary to schedule a special meeting for this purpose.

Member **John DeCramer** Moved, Member **James Lozinski** Seconded to approve the **ORIGINAL** motion 'to remove this item from the table.'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

City Administrator Sharon Hanson provided information on the item.

Member **John DeCramer** Moved, Member **Craig Schafer** Seconded to approve the **NEW** motion 'to set the Truth-in-Taxation hearing for December 4, 2018 at 6:00 PM.'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

Introduction of New Tall Grass Liquor Store Manager, Eric Luther.

Sharon Hanson City Administrator introduced the new Liquor store manager Eric Luther. Eric Luther introduced himself and provided a summary of the last week including staff and operations. Staff members Susan Lamorie and John Schroeder introduced themselves to Council.

Recognition of a Donation from R&G Construction for the Marshall Fire Department.

Quentin Brunsvold Fire Chief provided information on a grant given to the Marshall Fire Department. The Marshall Fire Department has been given a donation from R&G Construction

in the amount of \$15,000 to be used in conjunction with the Otto Bremer Foundation matching grant that was secured in February.

Consider 2019 League of Minnesota Cities Insurance Trust Property/Casualty and Liability Insurance.

The City of Marshall carries property and casualty insurance coverage with the League of Minnesota Cities Insurance Trust (LMCIT). The annual renewal begins October 1, 2018 through September 30, 2019. The City currently carries auto coverage of \$25,000/\$50,000/\$2,500 deductible. Staff are recommending reducing the deductible to \$1,000/\$50,000/\$2,500 for auto coverage beginning October 1, 2018.

Sheldon Kimpling and Jeff Nuese of Bremer Bank were in attendance to discuss insurance renewal. Council member Bayerkohler discussed auto deductibles. City Administrator Hanson provided additional information continued by further discussion from Council.

Member **James Lozinski** Moved, Member **Steven Meister** Seconded to approve the **ORIGINAL** motion 'to approve the LMCIT property and casualty/liability renewal with the change in auto coverage to \$1,000/\$50,000/\$2,500.'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 – 0**

At 7:06 P.M. Mayor Byrnes called for a five-minute recess.

Consider Approval of Banners and Holiday Decorations and Consider Approval of Resolution Accepting Donations.

A committee was established on August 17, 2017 which consisted of eight people (city employees, residents and business owners) to discuss the City of Marshall holiday decorations. This committee was formed after we received complaints from residents that our existing holiday decorations and banners were becoming weathered and worn. The replacement holiday decorations (snowflakes) are energy efficient, using 1/10 the electricity using LED bulbs. The committee is recommending the installation of new banners and LED-lighted snowflakes which will adorn the light poles along the downtown streets, providing a bright, inviting, and festive environment for our downtown businesses, residents, and visitors. A sample of the snowflake was displayed in front of City Hall during the holiday season 2017 to give residents and local businesses a chance to see the lighted snowflake. A donation form was sent to residents, local business owners, the Marshall Area Chamber of Commerce, and the Convention and Visitors Bureau, in hoping to raise money for the holiday decorations. After review of various suppliers for both banners and holiday decorations it is recommended to utilize Temple Display for the purchase of holiday decorations. Staff will continue to solicit additional donations to reduce the total city project expenses. The brackets are being provided by MMU. In accordance with our Purchasing Policy "In the amount of the contract is estimated to exceed \$1,000 but not to exceed \$24,999", the contract shall be made upon written quotation". Installation of the banners and holiday decorations will be similar to what we have done in the past, utilizing the street department and MMU personnel and equipment. A resolution Accepting Donations for the holiday decorations in the amount of \$4,315.00 from the businesses and residents of the City of Marshall will also be presented for council approval.

City Administrator Sharon Hanson provided information on the item. Cathy Lee Executive Assistant, provided continued discussion on the item. There was further discussion by Council. LeRoy Affolter, a resident of Marshall, provided information on previous holiday decorations in the downtown area.

Member **James Lozinski** Moved, Member **Craig Schafer** Seconded to approve the **ORIGINAL** motion 'approve purchasing holiday decorations for the City of Marshall in the amount of \$65,307.90.'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **1**. The motion **Passed**. **6 – 1** with Meister voting no.

Member **Craig Schafer** Moved, Member **David Sturrock** Seconded to approve the **NEW** motion 'approval of the resolution accepting donations.'. Upon a roll call vote being taken, the vote was: Aye: **7** Nay: **0**. The motion **Carried**. **7 - 0**

Consider adoption of an ordinance granting Marshall Daily Grind LLC., an intoxicating malt liquor on-sale license.

At the previous City Council meeting held on September 11, 2018, the City Council approved a Wine License and a 3.2 Percent Malt Liquor License for Marshall Daily Grind LLC. The Marshall Daily Grind LLC. is requesting that they be allowed to sell intoxicating malt liquors at on-sale as per State Statute 340A.404, Subd 5.

Member **John DeCramer** Moved, Member **Craig Schafer** Seconded to approve the **ORIGINAL** motion 'the adoption of ORDINANCE NUMBER 730, SECOND SERIES granting Marshall Daily Grind LLC., an intoxicating malt liquor on-sale license.'. Upon a roll call vote being taken, the vote was: Aye: **7** Nay: **0**. The motion **Carried**. **7 - 0**

Consider Resolutions Authorizing Transfer and Closure of Capital Improvement Project Funds.

Finance Director Karla Drown provided information on the item. Council member Bayerkohler thanked staff for the work on the agenda item and provided further discussion. Director Drown discussed where funds would be transferred to.

Member **John DeCramer** Moved, Member **Craig Schafer** Seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 4547, SECOND SERIES Authorizing Transfer of funds to Debt Service Funds 360 and 362'. Upon a roll call vote being taken, the vote was: Aye: **7** Nay: **0**. The motion **Carried**. **7 - 0**

Member **Craig Schafer** Moved, Member **James Lozinski** Seconded to approve the **NEW** motion 'the adoption of RESOLUTION NUMBER 4548, SECOND SERIES Authorizing Transfer and Closure of Capital Project Fund 452, 453, 454 and 460'. Upon a roll call vote being taken, the vote was: Aye: **7** Nay: **0**. The motion **Carried**. **7 - 0**

Member **David Sturrock** Moved, Member **Craig Schafer** Seconded to approve the **NEW** motion 'the adoption of RESOLUTION NUMBER 4549, SECOND SERIES Authorizing Transfer and Closure of Capital Project Fund 497, 499 and 457'. Upon a roll call vote being taken, the vote was: Aye: **7** Nay: **0**. The motion **Carried**. **7 - 0**

Member **Steven Meister** Moved, Member **Glenn Bayerkohler** Seconded to approve the **NEW** motion 'the adoption of RESOLUTION NUMBER 4550, SECOND SERIES Authorizing Transfer and Closure of Capital Project Fund 459 and 461'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

Consider Authorization to Enter into Agreement with Bolton & Menk, Inc. for Legion Field Road Stormwater Study.

The City of Marshall has received significant rainfall events over the last few months including the July 3rd event, as well as the September 17th - 20th event. There has been significant internal flooding of properties in the vicinity of Legion Field Road. The City is in the process of the development of Parkway III, which is included in this proposed review area. It also includes the area of runoff from the Buffalo Ridge Concrete plant and areas along the Burlington Northern Railroad. In order to get a handle on the proper improvements necessary to reduce future flooding conditions, it is important that we understand the development and runoff conditions prior to deciding on effective stormwater needs.

Director of Public Works/City Engineer Glenn Olson provided information on the item. There was further discussion by Council on the study.

Member **Craig Schafer** Moved, Member **David Sturrock** Seconded to approve the **ORIGINAL** motion 'that the Council authorize entering a professional services agreement for Legion Field Road Stormwater Study with Bolton & Menk, Inc. on an hourly basis not to exceed \$30,000.00.'. 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	<u>MERIT Center Commission</u> met to discuss recent training events as well as potential partnering with Marshall Community Services to host different events.
Meister	<u>Economic Development Authority</u> met and discussed their strategic plan within the City of Marshall as well as bids for Parkway II
Bayerkohler	No Report
DeCramer	<u>Marshall Municipal Utilities Commission</u> met to discuss the purchase of a sealed switch box. DeCramer also reported the auto meter installations are near 40 installs a day.
Sturrock	<u>Convention and Visitors Bureau</u> met and began working with the new CVB Director, Lauren Deutz.
Lozinski	<u>Marshall Area Transit</u> met to discuss an updated bus routes.

Councilmember Individual Items

Council member Sturrock mentioned the opening of an additional hospice home managed Prairie Home Hospice.

City Administrator

City Administrator Sharon Hanson discussed a trip to Salina, KS to visit a comparative arena and expo with Marshall representatives. Administrator Hanson discussed PFA Grant for the water treatment facility. Hanson also commented on a potential private developer for the Marshall Hotel and a tour of public housing.

Director of Public Works

Director of Public Works/City Engineer commented that construction has been delayed approximately three weeks due to weather. Director Olson commented on the river levels throughout the City.

City Attorney

No Report.

Information Only

There were no questions on the information items.

FY19 Work Plan - Regional Optimization of Roadside Turf Grass Seed Mixtures.

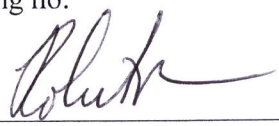
Director of Public Works/City Engineer Glenn Olson provided information on a research project work plan proposed by the Mn/DOT-Local Road Research Board (LRRB) to research regional optimization of roadside turfgrass seed mixtures. This is a field trial and economic analysis of roadside turfgrass in Southwest Minnesota. Their total project budget is approximately \$467,000 and will last approximately 4 years.

Upcoming Meetings

There were no questions on the upcoming meetings.

Adjourn Meeting

At 8:00 P.M, Member **James Lozinski** Moved, Member **Steven Meister** Seconded to approve the **ORIGINAL** motion 'Adjourn Meeting'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed. 6 - 1** with Schafer voting no.



Mayor

Attest:



City Clerk