

**CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, February 12, 2019**

The regular meeting of the Common Council of the City of Marshall was held February 12, 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; Jim Marshall, Director of Public Safety; Annette Storm, Director of Administrative Services; Sheila Dubs, Human Resource Manager; Ilya Gutman, Plan Examiner/Assistant Zoning Administrator and Kyle Box, City Clerk.

The Pledge of Allegiance was recited at this time.

There was a consensus to operate under the presented agenda.

Consider approval of the minutes of the work session and regular meeting held on January 23, 2019.

Motion made by Councilmember Schafer, Seconded by Councilmember Labat to approve the minutes of the works session and regular meeting held on January 23, 2019. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. Voting Abstaining: Councilmember Meister. The motion **Passed. 6-0-1**

Public Hearing of Ordinance Amendment to Section 62-2 Ice and Snow.

This City Ordinance regulates snow and ice removal from public sidewalks. It requires owners of adjacent properties to have snow and ice removed within certain time frame and permits the City to have the nuisance abated if the sidewalks are not cleared; the City may then assess the cost if a bill for snow or ice removal is not paid for. However, snow on private streets is not addressed despite it being a health and safety hazard and the City's receiving multiple complaints.

Staff reviewed the State Statute that gives the City authority to remove the snow from public sidewalks and determined that it also permits a similar procedure on private properties, including private streets. Therefore, the Ordinance section was revised by adding references to "private streets." A private street is defined in the ordinance as "one that has not been dedicated but rather reserved as public access to property. The private street or road shall be owned and maintained by the property owner which it serves."

Additionally, several changes were made to better reflect the actual process that the City is using in dealing with this problem, for example the option of civil suit was removed. Also, a provision was added that limited owners' obligations and measures to the ones the City customarily follows.

At the meeting on January 18, 2019, Legislative and Ordinance Committee voted to recommend to council the approval of Ordinance amendment to Section 62-2 Ice and snow as recommended by staff.

The Ordinance amendment to Section 62-2 Ice and snow was introduced at January 23, 2019, City Council meeting.

Plan Examiner/Assistant Zoning Administrator presented the background information to Council. Director of Public Works/City Engineer clarified that the term "private streets" does not include driveways.

Misty Butler, 127 E Street, addressed the council on concerns within Broadmoor Valley. Ms. Butler provided 11 photos to the council and described the lack of maintenance, specifically snow removal, within the mobile home park which contains private streets. Ms. Butler commented on several instances where snow was not removed causing several issues for residence of the park.

Al Greg, a resident of Marshall, commented on the timeline of snow removal. Mr. Greg discussed the requirement of having the snow removed from areas described in the ordinance within 12 hours after the snow fall as ceased.

Councilmember Bayerkohler confirmed that the 12-hour requirement was not an addition to the ordinance and has been in place for several years.

Councilmember Labat discussed the 12-hour timeline with the Director of Public Works/City Engineer Glenn Olson and if it should be amended.

Director Olson commented on the current snow removal procedure.

Christina Izquierdo, 305 Timber Ln., Broadmoor Valley, commented on the lack of snow removal within Broadmoor Valley over the New Year's Day Holiday and how it has affected the residents. Ms. Izquierdo mentioned it took several days for the park owner to organize the snow removal and during that time, Southwest Sanitation initially refused to provide trash removal services, the City organized a secondary plan to have the roads in case of emergencies, and residents missed work because of the lack of snow removal. Ms. Izquierdo commented that residents of Broadmoor Valley should not have to rely on a secondary plan to receive emergency services. Ms. Izquierdo discussed the parks deterioration over past several years. Ms. Izquierdo asked that the ordinance be passed so that the residents of the park can be one step closer to the services the rest of the city enjoys.

Greg Taylor, a resident of Marshall, commented to Council that there are additional areas, such as abandoned buildings/properties that need to be taken care of first. Mr. Taylor asked if the property owners, where snow had not been removed (from the sidewalks), had been cited.

Councilmember Schafer commented on the snow removal policy and that City Staff do not patrol looking for areas to remove snow from sidewalks and that it is a complaint driven policy.

Mr. Taylor commented on the 12-hour time line described in the ordinance. Mr. Taylor described his company's snow removal policy.

Councilmember Bayerkohler and Plan Examiner/Assistant Zoning Administrator Ilya Gutman provided information on comparable cities and that 24 hours is the most common time line for residents to remove snow.

Jesus Hernandez, a resident of Broadmoor Valley of 18 years, and described the on-going problems with the park and the decline in road maintenance over the years. Mr. Hernandez mentioned that these issues have affected different families financial, emotionally and psychologically. Mr. Hernandez commented that roads connect communities and when the residents are stuck in the park for several days without access out or in they feel trapped.

Leroy Affolter, a resident of Marshall, asked clarification on the background information on the item.

Carol Carlson, a resident of Marshall, discussed the excess snow put back on the sidewalks from snow plows.

There was further discussion by Council to amend the proposed ordinance from 12 hours to 24 hours regarding snow removal.

Councilmember Bayerkohler mentioned concerns from homeowners that maintain sidewalks and pedestrians that use the sidewalks. Member Bayerkohler thanked members of the community for coming out and addressing their concerns.

Councilmember Lozinski referenced state statute and what defines and hazard vs. a health and safety issue regarding snow.

City Attorney Dennis Simpson provided clarification and that there are two different statutes that are being discussed in this ordinance.

Greg Taylor asked who would be charged if the property was being leased.

Director Olson commented that the owner of the property would receive the invoice.

Leroy Affolter commented on properties that are not in compliance.

There was further discussion by Council whether this item should go back to the Legislative and Ordinance Committee.

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 Schafer, Seconded by Councilmember DeCramer that the Council adopt Ordinance No. 733, Second Series, amending Section 62-2 Ice and snow, as well as changing the ordered clear period from 12 hours to 24 hours. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer Voting Nay: Councilmember Labat, Councilmember Lozinski. The motion **Passed. 5-2**

Public Hearing of Ordinance Amendment to Section 86-96 A - Agricultural District.

At the November 27, 2018 Council Meeting, Mr. Ty Brouwer presented a proposal for a public archery range to be located at the MERIT Center property. The Council approved this proposal and gave staff directions to proceed in accommodating the archery range. Marshall Community Services Department will be the lead in the entire process.

The proposed location is zoned I-2 General Industrial District, which does not permit archery ranges. In fact, in Marshall archery ranges are permitted only in a B-3 General Business District, which most likely was intended for indoor locations only.

Staff reviewed various ways for achieving a desired goal. Considering that the intent is for this archery range to become a public park, the decision was made to proceed in this direction. All City parks are zoned A – Agricultural District; however, an archery range is currently not a permitted or conditional use in an A – Agricultural District. In a few cities reviewed by staff, archery ranges are either not listed anywhere or permitted in Floodway Districts only.

It seems that a reasonable path to creating a park with an archery range would be a three-step process:

1. Change the Ordinance to add archery ranges as a conditional use in an A – Agricultural District;
2. Rezone a desired area from I-2 General Industrial District to A – Agricultural District to match other city parks;
3. Approve a conditional use permit for an archery range in an A – Agricultural District.

This action is the first step of the three-step process outlined above.

At the January 9, 2019, regular Planning Commission meeting, ordinance amendment was discussed, and a motion was made by Knieff and second by Carstens to recommended approval for adoption. All voted in favor of the motion.

At the meeting on January 18, 2019, Legislative and Ordinance Committee voted to recommend to council the approval of revisions amending Section 86-96 A - Agricultural District by adding archery ranges as a conditional use as recommended by staff.

The Ordinance Amendment to permit an archery range was introduced at the January 23, 2019, City Council meeting.

Plan Examiner/Assistant Zoning Administrator Ilya Gutman presented the item to Council.

Motion made by Councilmember Schafer, Seconded by Councilmember Meister 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 Schafer, Seconded by Councilmember Meister that the Council adopt Ordinance No. 734, Second Series, Amending Section 86-96 A - Agricultural District to permit an archery range as a conditional use in an A – Agricultural District. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Vacate Easements in Commerce Industrial Park – 1) Public Hearing.

The City of Marshall is in the process of developing a new industrial area known as Commerce Industrial Park. The area has been reconstructed to include a new street (Michigan Road extension), connection of Michigan to T.H. 68, utilities, and stormwater ponding and drainage areas throughout the subdivision.

Because of the newly developed areas, it was necessary to replat the area. The new plat includes revised developable properties, outlot areas, and new utility easement designations.

It is necessary to vacate the utility easements shown on the attached resolution prior to the recording of Commerce Industrial Park Second Addition, previously approved by City Council.

A Housing & Redevelopment Authority meeting will be scheduled on February 12, 2019, prior to the hearing for HRA review and approval.

Prior to the public hearing and adoption of the resolution, all utility companies have been contacted. No adverse comments have been received from the utility companies.

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

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski 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 Meister, Seconded by Councilmember Labat that the Council adopt Resolution Number 4587, Second Series, which is the "Resolution Authorizing Vacation of Easements for Commerce Industrial Park". Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

MERIT Center Driving Track - Phase 2: Consider Award of Bids.

This project consists of grading and bituminous paving of a 3,500 LF extension of the existing MERIT Center Road Course, a 1,700 SY parking lot (for the MERIT Center classroom facility south of CSAH 33/Erie Road), and concrete paving of a 9,100 SY skid pad. The project also consists of pond excavation, construction of 1,000 LF of storm sewer, 2,000 LF of water main, and a loading dock prop. Bid Alternates include: 8,800 LF of perimeter fencing, grading and 550 Tons of bituminous pavement access drive with cul-de-sac, and 450 Tons of bituminous pavement for cold storage building with parking lot.

Project funding is provided by the Minnesota Department of Public Safety in an amount up to \$3.1 million, including design, construction, inspection, testing, furnishings and equipment. Bids were received on February 5, 2019. Three bids were received as shown on the attached bid tabulation.

After review of the bids, Alternate A-Perimeter Fencing was recommended to not be awarded.

It is recommended to award the project to the low bidder, R&G Construction Co. of Marshall, Minnesota, for the Base Bid (\$2,405,242.00) plus Alternate B-Cul-de-sac (\$160,475.80) plus Alternate C-Cold Storage Building (\$146,812.70) for a total award of a construction amount of \$2,712,530.50.

We will be monitoring the total expenses for the project, including design, construction, testing, furnishings and equipment, and inspection costs to ensure total project costs be constrained to the \$3.1 million available funding.

The project will be funded from the MERIT Center Driving Track-Phase 2 Fund (493-50551-5530). For funding considerations, 5% is added for contingencies, for a total estimated construction project cost of \$2,848,157.00.

Director of Public Works/City Engineer presented the item to Council. Director of Public Safety Jim Marshall also discussed items specific to the Driving Track.

There was further discussion by Council and Staff.

Motion made by Councilmember Schafer, Seconded by Councilmember Labat that the Council authorize entering into an agreement with R&G Construction Co. of Marshall, Minnesota, in the amount of \$2,712,530.50 for the MERIT Center Driving Track-Phase 2 (Base Bid plus Alternate B plus Alternate C). 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 Consent Agenda

Councilmember Meister pulled item number 12, Surplus Property – Police Department for further discussion.

Councilmember Bayerkohler pulled item number 13, MERIT Center/State of Minnesota amendment of Lease No. 2 for further discussion.

Council member Lozinski pulled item number 16, Consider ratifying an application for an On-Sale Intoxicating Liquor License for Marshall Convention and Visitors Bureau from February 7, 2019 to February 12, 2019.

Motion made by Councilmember DeCramer, Seconded by Councilmember Labat to approve the consent agenda. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Passed. 7-0**

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

Approval of Resolution Number 4587, Second Series, Authorizing Transfer of Surplus Funds and Closure of Debt Service Fund 366

Approval of an application for an On-Sale Intoxicating Liquor License for Marshall Convention and Visitors Bureau for March 9, 2019.

Approval of the bills/project payments

Surplus Property – Police Department

There are 42 bikes that have been abandoned or seized by the Marshall Police Department and have gone through the notification processes and required periods for disposal. These bikes will be sold in Marshall, donated or will be taken to Alters for disposal.

Councilmember Meister pulled the item to ask that the bikes go to a good cause before they are destroyed. Director of Public Safety Jim Marshall mentioned that the bikes will go between two different programs before they are destroyed.

Motion made by Councilmember Meister, Seconded by Councilmember Schafer to declare property as surplus for the Marshall Police Department. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

MERIT Center/State of Minnesota amendment of Lease No. 2

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, Driver & Vehicle Services for use of the MERIT Center driver's track and skills pad for the performance of commercial driver's license skills testing and motorcycle testing.

Councilmember Bayerkohler pulled the item to discuss the rental rates paid elsewhere by the State of Minnesota. There was further discussion by Council and Staff.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to approve the Amendment of Lease 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 Lozinski Voting Nay: Councilmember Labat. The motion **Passed. 6-1**

Consider ratifying an application for an On-Sale Intoxicating Liquor License for Marshall Convention and Visitors Bureau from February 7, 2019 to February 12, 2019.

On January 8, 2019 Council approved a Temporary Intoxicating Liquor License for Marshall Convention and Visitors Bureau to use on February 7, 2019.

Marshall Convention and Visitors Bureau requested to change the event date to February 12, 2019 due to severe weather. City staff contacted Alcohol and Gambling Enforcement Division and were approved to change the date.

Councilmember Lozinski pulled the item for further discussion. City Clerk Kyle Box provided additional information on the item.

Motion made by Councilmember Lozinski, Seconded by Councilmember Meister to approve the ratification of a Temporary On-Sale Liquor License for Marshall Convention and Visitors Bureau to February 12, 2019 at Schwan's Mercantile Ballroom, Marshall, Minnesota. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Change Order Authorization.

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

Periodically, construction contracts require the use of change orders for a variety of reasons--unforeseen construction items not included in the original contract, variations of contract quantities, unit price changes, time extensions, or plan errors.

Currently, the department initiates a change order whenever any of these contract changes occur, but the work is normally completed prior to Council action.

The Council has requested City staff to review the current change order process and recommend revisions to streamline the process.

In order not to delay construction progress, in accordance with our standard construction Agreement, Article 2 indicates that the "ENGINEER shall act as OWNER'S representative, assume all duties and responsibilities and

have the rights and authority assigned to ENGINEER in the Contract Documents in connection with completion of the Work in accordance with the Contract Documents.”

Also, in accordance with the Standard General Conditions of the Construction Contract, Section 9.01, A, indicates “Engineer will be the Owner’s representative during the construction period.”

However, I believe it is necessary for the Council to be aware of changes to the work previously authorized by the Council. When a construction project is authorized, the Council approves the contract with the contractor plus 5% contingencies.

In the last 10 years of project history for all projects over \$100,000.00, change orders have fallen within the 5% range. For projects up to \$100,000.00, change orders vary widely from -3% to +45% and average just under 10% because of the small original contract amounts. In accordance with our current Purchasing Policy, Council approval is not required for contracts under \$25,000.00. If a sliding scale would be considered, use \$25,000.00 or 5%, whichever is greater.

After review, it is our recommendation to allow change orders according to the following administrative procedure:

- (A) Change orders, cumulatively or singly, that do not exceed the project’s contingency funding may be approved by the department director or their designee.
- (B) Change orders that cumulatively or singly increase the value of a contract to exceed the project’s contingency funding by twenty-five thousand dollars or less require the approval of the City Administrator. The City Administrator may choose to seek additional approval from the Council.
- (C) The Council must approve change orders that increase the value of the contract to more than twenty-five thousand dollars beyond the project’s contingency funding.
- (D) The Council approve the final reconciling change order and final payment.

Councilmember Meister discussed his previous no vote on the item. Member Meister commented that change orders are a part of a project, however, it is still staffs responsibility to manage projects effectively.

There was further discussion by Council on previous projects and the change order process.

Motion made by Councilmember DeCramer, Seconded by Councilmember Schafer to allow change orders according to the following administrative procedure.

Councilmember Bayerkohler discussed that the Council is here to provide oversight on tax payer dollars. Member Bayerkohler provided examples of projects with additional funds staff could spend without Council approval and mentioned he is in favor of Council oversight and how change orders are currently handled.

Mayor Byrnes clarified that the City Council would still be informed of every change order as well as still approving the final change order/final payment.

There was continued discussion by Council on the proposed change order policy.

Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Lozinski Voting Nay: Councilmember Bayerkohler, Councilmember Labat. The motion **Passed.**
5-2

At 7:11 P.M., Mayor Byrnes called for a five-minute recess.

Marshall Lyon County Library Update

Director of the Marshall Lyon County Library, Michele Leininger provided an update from the Marshall Lyon County Library. Director Leininger provided a letter of support, passed by the Library Board, to requested additional funds from the State of Minnesota.

Motion made by Councilmember Labat, Seconded by Councilmember Meister to provide Council support to the Marshall Lyon County Library. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

LEC Building Maintenance

On January 25th, 2019, the Joint Law Enforcement Center Management Committee met to discuss maintenance needs that require immediate attention by the committee. The two areas discussed were related to the electronic security system and the air conditioning condenser and coil unit. Per the Law Enforcement Joint Powers Agreement both Lyon County and the City of Marshall are responsible for the common costs of operation which includes: repair, servicing, maintenance and replacement of mechanical and electrical systems, roof repair and replacement, utility costs and custodial and maintenance services.

The electronic security system that controls all access points to and inside the LEC started to fail in January 2019. The inability to enter offices and exterior doors has affected the work environment and created safety concerns for staff. Lyon County received cost proposals for repair or replacement of the system. Brothers Fire and Security submitted the lowest proposal for \$39,054.69

The existing air conditioning condenser and coil are over 20 years old. Attempts have been made to repair leaks and fix the controls on the existing unit. Maintenance staff and engineers have determined the unit needs to be replaced in the spring of 2019. Lyon County received cost proposals. Bisbee Plumbing & Heating submitted the lowest proposal for \$63,900.00.

The total anticipated cost to replace both the electronic security system and the AC condenser and coil is \$102,954.69. The City of Marshall's expected cost for these repairs is \$51,477.35. These expenses were not budgeted for in 2019.

Director of Public Safety Jim Marshall provided the background information to Council. There was further discussion by Council and Staff on funds to be used and the language in the current agreement between the City of Marshall and Lyon County.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to proceed with needed repairs as outlined above and payment of listed expenses per Law Enforcement Joint Powers Agreement once work is completed. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The

motion **Carried. 7-0**

Consider approval of labor agreements between the City of Marshall and AFSCME Council No. 65

The 2016-2018 labor agreement with AFSCME expired on December 31, 2018. Tentative agreement on contract terms for a new three-year agreement (2019-2021) has been reached.

Summary of contract amendments:

- 1) Duration: January 1, 2019 – December 31, 2021
- 2) Union Security—technical change relating to the payment of dues by union members; language was proposed by the City as recommended by our labor attorney
- 3) Overtime/Compensatory time—housekeeping item---compensatory time records are maintained by the Human Resource department
- 4) Standby—housekeeping item---addition of job title to clause
- 5) Insurance—amended contract years; new clause added to permit 1-3 union representatives on an insurance committee—this clause will sunset on 12/31/2019.
- 6) Holidays—on 3 designated holidays, employees who are not scheduled to work, but are called in to work, will be compensated double overtime for actual hours worked. The holidays are: Thanksgiving Day, Christmas Day, and New Year’s Day.
- 7) Separation from Employment—this is new “good standing” language proposed by the City. This clause mirrors the personnel policy language. Employees must provide a two-week written notice to resign/retire in good standing; if less than two weeks’ notice is provided, the employee is not eligible for a payout of leave accruals or severance benefits and not eligible for re-hire.
- 8) Wages: 2% general wage increase for 2019, 3.25% general wage increase for 2020, and 3.25% general wage increase for 2021.
- 9) Memorandum of Understanding—identifies the effective dates of the proposed wage schedule for the term of the agreement (effective 1st day of the pay period that includes January 1).

A 2% general wage increase is consistent with the non-union employee group increase and budget for 2019.

Human Resource Manager Sheila Dubs provided the background information on the item. City Administrator Sharon Hanson provided additional insight on the labor agreements.

There was further discussion by Council.

Motion made by Councilmember Meister, Seconded by Councilmember Schafer to approve the adoption of Resolution Number 4589, Second Series, a resolution approving a collective bargaining agreement and memorandum of understanding between the City of Marshall and AFSCME Council 65 and authorizes proper City officials to sign said agreements. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski Voting Nay: Councilmember Bayerkohler. The motion **Passed. 6-1**

REQUEST FOR MAP AMENDMENT (REZONE) 1007 Erie Road

At the January 9, 2019, Planning Commission meeting, after a public hearing, and a motion was made by Steen, second by Carstens to recommend approval to City Council to rezone the property as recommended by staff. All voted in favor of the motion.

The Ordinance Amendment to rezone 1007 Erie Road from I-2 General Industrial District to an A – Agricultural District was introduced at the January 23, 2019, City Council meeting.

Plan Examiner/Assistant Zoning Administrator Ilya Gutman presented the item to Council.

Motion made by Councilmember Meister, Seconded by Councilmember Schafer to that the Council adopt Ordinance Number 735, Second Series to rezone 1007 Erie Road from I-2 General Industrial District to an A – Agricultural District. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Request for Conditional Use Permit / Archery Range in A - Agricultural District

The conditional use permit regulations are found in Section 86-46 and the Standards for Hearing are found in Section 86-49.

At the January 9, 2019, Planning Commission meeting, after a public hearing, a motion was made by Ruud, seconded by Carstens, to recommend approval to City Council as recommended by city staff. All voted in favor.

Plan Examiner/Assistant Zoning Administrator Ilya Gutman presented the item to Council. There was further discussion by Council on the number of paved spaces and to add a requirement to have paved sidewalk connected to the accessible parking space.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to approve the request for a Conditional Use Permit to have an archery range in an A – Agricultural District 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 that the City serve the person with written notice specifying items of any default and allow the applicant a reasonable time in which to repair such default.
3. That the property is maintained to conform to the Zoning Code and not cause or create negative impacts to adjacent existing or future properties.
4. Comply with NFAA and IFAA safety rules and clearances.
5. Provide gravel parking for 20 spaces including one paved accessible space.
6. Maintain at least 50 yards distance from all targets to existing structures.
7. Provide accessible sidewalk connecting accessible parking space with the range shooting line.

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

Strategic Planning Request for Proposal

Strategic planning is the process the City uses to set its long-term goals and develop plans to achieve those goals. The City's strategic plan would include the City's Vision, Values, Goals and Strategic Directions. The City's vision, values, goals and strategic directions also inform how departments and the City spend financial resources.

A strategic planning facilitator is needed for a few reasons:

- They don't have any vested interest in any decisions, so they ask questions that will uncover the core issues.

- They can control the conversation so that everyone gets an opportunity to speak and share their input.
- They can ask probing questions without creating conflict.

Development of a City Strategic Plan was identified as part of Administrator's Needs for City.

City Administrator Sharon Hanson provided the item to Council.

Motion made by Councilmember Schafer, Seconded by Councilmember Labat to approve a RFP for Strategic Planning Services. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski Voting Nay: Councilmember Bayerkohler. The motion **Passed. 6-1**

Wetland Mitigation HRA Owned Property Located in Sonstegard Subdivision

HRA has received an offer to purchase HRA owned property located in Sonstegard Subdivision. That property contains 0.43 of designated wetland. The existence and location of the designated wetland makes the property difficult to develop as the wetland is located in the center of the property.

The EDA has retained the services of wetland delineator employed with Bolton & Menk engineering firm. The 0.43-acre wetland has been identified as Types 1 and 2 wetlands. The local, state and federal agencies have agreed that the wetland has been properly identified by size and type. The Minnesota Board of Water and Soil Resources has state jurisdiction over the designation of wetlands. The basic wetland policy for the state of Minnesota is zero net loss of wetlands. Minnesota state law does require that Types 1 and 2 wetlands may be filled if they are replaced on a 2:1 basis. Therefore, 0.86 acres of wetland bank credits have been identified and the City is prepared to purchase the wetland credits from the wetland bank. The Lyon County Soil and Water District has signed off on the appropriate forms. It is hereby requested that the City Council approve the following payments for the acquisition of wetland bank credits:

1. Non-Corps of Engineers jurisdiction wetlands may be acquired from wetland bank credit at a rate of \$19,000 per acre. Total purchase to Hultgren Farms for 0.86 wetland credits is \$16,340.00.
2. State of Minnesota Board of Water and Soil Resources requires payment of \$2,519.80 as the appropriate state fee for acquisition of 0.86 acres of wetland bank credit.

The wetland bank purchase form has been signed by all local officials. The bank purchase form is ready to be sent into the wetland bank credit manager. For informational purposes, City Attorney is requesting that the two checks in the above stated amounts be approved so that those checks can be forwarded with wetland bank credit to the wetland bank manager and subsequent submittal to the Minnesota Board of Water and Soil Resources.

Sale of property is contingent upon wetland bank mitigation approval and approval by property owner after public hearing.

City Attorney Dennis Simpson presented the item to Council. There was further discussion by Council.

Motion made by Councilmember Schafer, Seconded by Councilmember Meister to approve the authorization recommended by the City Attorney. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember

Lozinski. The motion **Carried. 7-0**

Consider a LG220 Application for Exempt Permit for SMSU Ducks Unlimited for February 28, 2019

Motion made by Councilmember DeCramer, Seconded by Councilmember Schafer BE IT RESOLVED, that the City Council hereby (1) grants local unit of government approval to SMSU Ducks Unlimited to hold a raffle on February 28, 2019, 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**

Consider a LG220 Application for Exempt Permit for SMSU Foundation for March 3, 2019

Motion made by Councilmember Schafer, Seconded by Councilmember Labat BE IT RESOLVED, that the City Council hereby (1) grants local unit of government approval to SMSU Foundation to hold a raffle on March 3, 2019, 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 No Report

Bayerkohler No Report

DeCramer No Report

Labat Library Board met and has produced a library newsletter to provide information over the next few months.

Police Advisory Board met and Director of Public Safety Jim Marshall provided a status updated on the officers.

Lozinski No Report

Councilmember Individual Items

Councilmember Lozinski reminded the public that Lauren Deutz, Director of the Convention and Visitors Bureau was not involved with the CVB until August of 2018. Member Lozinski also mentioned that Boards that oversee finances should take an ethics training. Member Lozinski also commented on snow removal.

Councilmember Labat discussed snow removal at Patricia Court and commented on the League of Minnesota Cities training.

Councilmember DeCramer commented on snow removal

Councilmember Schafer commented on snow removal.

Councilmember Meister commented on snow removal.

Councilmember Bayerkohler commented on snow removal and the willingness of neighbors to help each other.

Mayor Byrnes commented on snow removal as well as the League of Minnesota Cities Legislative Day and Coalition of Greater Minnesota Cities Legislative Day.

City Administrator

City Administrator Sharon Hanson mentioned that the average levy set by Minnesota Cities in 2019 was 6.2%.

Director of Public Works

Director of Public Works/City Engineer Glenn Olson introduced Street Superintendent Dean Coudron to provide an update on snow removal equipment. Director Olson mentioned that with any additional significant snow fall may cause the City to declare a snow emergency.

City Attorney

City Attorney Dennis Simpson commented on the purchase of a lot that will be filled by a dwelling that approved to be moved into town at a previous council meeting.

Information Only.

There were no questions on the information items.

Upcoming Meetings.

There were no questions on the upcoming meetings.

Adjourn Meeting

At 8:30 P.M., 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 **Passed. 7-0**



Mayor

Attest:


City Clerk