

**CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, February 28, 2023**

The regular meeting of the Common Council of the City of Marshall was held February 28, 2023, at City Hall, 344 West Main 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: Amanda Schroeder, Craig Schafer, Steve Meister, John Alcorn, See Moua-Leske and James Lozinski. Absent: None. Staff present included: Sharon Hanson, City Administrator; Pamela Whitmore, City Attorney (via zoom); Jason Anderson, Director of Public Works/City Engineer; E.J. Moberg, Director of Administrative Services; Jim Marshall, Director of Public Safety; Quentin Brunsvold, Fire Chief; Preston Stensrud, ; and Steven Anderson, City Clerk.

The Pledge of Allegiance was recited at this time.

Approval of the Agenda

Agenda Item 13, David Locke from Stockwell Engineers will be presenting remotely and is unavailable until 6pm. Mayor Byrnes requested that this item be skipped and brought up again once Mr. Locke is available to present. There were no issues from the other councilmembers to the modification of the agenda.

Consider Approval of the Minutes from the Regular Meeting Held on February 14, 2023

There were no changes to the minutes.

Motion made by Councilmember Schafer, Seconded by Councilmember Meister to approve the minutes as presented. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Project ST-001-2023: Chip Sealing on Various City Streets - Consider Resolution Accepting Bid (Award Contract)

Bids were received on February 21, 2023. Four bids were received from the following: Allied Blacktop Company (\$225,430.05); Pearson Bros., Inc. (\$228,754.00); Asphalt Surface Technologies Corp. (\$235,436.56); and Asphalt Preservation Company Inc. (\$238,339.84). The apparent low bid was received from Allied Blacktop Company of Maple Grove, Minnesota, in the amount of \$225,430.05. The engineer's estimate for this project was \$169,126.78. The Street Department budget includes a \$170,000 line item for seal coating city streets in 2023. City staff will work with the contractor to reduce the project quantity to be below the budgeted amount. Emphasis will be given to newly reconstructed streets, State Aid routes, and re-seals of new street sections. The goal of this program is to work to extend the life of our pavements, thereby deferring future capital improvements.

Councilmember Meister questioned the benefits of the chip sealant and if there were other alternatives that could be used to improve the longevity of city roads. Director Anderson indicated that MN DOT has done testing throughout its districts and came to a consensus there is a benefit to road durability.

Motion made by Councilmember Schafer, Seconded by Councilmember Schroeder to approve Resolution 23-014 awarding Project ST-001 to Allied Blacktop Company up to \$170,000. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske. Voting Nay: Councilmember Meister, Councilmember Lozinski. The motion **Carried. 5-2.**

Approval of the Consent Agenda

Councilmember Lozinski requested that items 6) Consider Approval of an Amendment to the Community Services Organizational Structure, 7) Consider Approval of an Amended Wage Schedule, & 8) Consider Approval of 2023 Workers Compensation Insurance and a Recommended Policy for Volunteer Service be removed from the consent agenda for further discussion.

Motion made by Councilmember Meister, Seconded by Councilmember Schafer to approve the remaining consent agenda items. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

- Consider Authorization to Declare Vehicles as Surplus Property for the Marshall Police Department
- Consider Approval of Garbage/Refuse Haulers License Renewals
- Consider Approval of the 2023-2024 Township Fire Service Agreement Rates
- Consider Approval of Liquor Liability Insurance Through Illinois Casualty Company
- Consider Approval of Service Agreement for Concessionaire at Amateur Sports Complex
- Consider Approval to Allow Alcoholic Beverages at City-Owned Facilities and Parks
- Consider Approval of the Bills/Project Payments

Consider Approval of an Amendment to the Community Services Organizational Structure

Administrator Hanson explained that at the December 13, 2022, City Council meeting, the Council approved a reorganization of the Community Services Division. Following additional review, staff are proposing an amendment to replace the temporary Office Helper position with a part-time Office Assistant/Receptionist position. This position would be scheduled 24 hours per week to support the customer service needs at the reception desk and provide support for the work of community recreation and community education programming. Hiring this position as part-time instead of temporary allows for greater continuity of service and less staff time throughout the year to train in several temporary employees. The part-time Office Assistant/Receptionist would not be benefit eligible. With the restructuring of Community Services a number of job descriptions were changed with additional duties. With the description change a new DBM rating was assigned and leads into the next agenda item which is the amended wage schedule.

The Personnel Committee met to review this proposal and has unanimously recommended approval for staff to bring the item to the Council.

Motion made by Councilmember Lozinski, Seconded by Councilmember Meister to approve the amendment to the Community Services Organizational Structure. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Consider Approval of an Amended Wage Schedule

As this item was related to the previous agenda item no further discussion was had.

Motion made by Councilmember Lozinski, Seconded by Councilmember Alcorn to approve the amended wage schedule. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Consider Approval of 2023 Workers Compensation Insurance and a Recommended Policy for Volunteer Service

Councilmember Lozinski began the conversation by stating this item was originally on the December 27th, 2022 but was removed by staff to consider a new insurance policy. Workers compensation insurance covers City employees, elected and appointed officials, volunteer firefighters, and employees of the Library and Marshall Municipal Utilities. The Safety Committee continues to meet and discuss safety improvements and/or changes on a regular basis. Along with the continued safety training required for staff on an annual basis, that creates a safe workplace environment for staff. The policy specimen from CHUBB is also attached. Some coverage available from LMCIT is not included with the quote from BITCO. North Risk recommends this policy from CHUBB to conform more to what we are accustomed to with LMCIT's volunteer coverage.

When a city leaves LMCIT for workers compensation coverage, they are not able to go back to LMCIT for 3 years. The Personnel Committee met on February 21st to discuss the workers compensation options. Councilmember Meister wanted it known that this switch comes with risk and the presence of BITCO within the State of Minnesota is very minimal. Staff and the Personnel Committee recommend the Council approve the workers compensation insurance policy through BITCO. Staff agrees with the North Risk recommendation for the volunteer coverage through CHUBB (the information was not available when the Personnel Committee met). Staff will work with North Risk to be sure LMCIT is contacted for the existing policy to be cancelled.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to approve the 2023 workers comp insurance through BITCO and volunteer coverage through CHUBB Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Consider Amendment to Marshall Aquatics Center-Phase 1 Agreement Between City of Marshall and Stockwell Engineers, Inc

The original Agreement with Stockwell Engineers was initiated on siting the location of the aquatic center at its current location in Legion Field Park. Since a new location has and is being considered, additional work was needed to further complete some preliminary design. This amendment takes into consideration that additional work. David Locke from Stockwell Engineers went over some of the amendments to the original agreement. Some items to note on the amendment are to survey the new site location (Schwan's Parking lots between Greeley and Saratoga Streets), verify mechanical aspects of the plan with Parks staff, render new designs for public engagement and meetings, and address client comments for final concept plan and cost estimates. The hope is to begin bidding for this project this June for construction in 2024 if legislative approval and passage of a referendum vote occur.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to approve the amendment between the City of Marshall and Stockwell Engineers, Inc. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Wastewater Rate Study: Consider Acceptance of Wastewater Rate Study Proposal with Bolton & Menk, Inc.

The last wastewater study was done in 2009 and staff believes the rate is due for a review and structured properly. Wastewater does have this item budgeted for this year. Councilmember Meister questioned why the rate study wasn't included during the improvements to the wastewater facility. Director Anderson stated that the rate study wasn't within the scope of the improvement project that Bolton & Menk were hired for. Councilmember Meister also asked if there were alternatives to Bolton & Menk for the study. Anderson said Bolton & Menk was not the only engineering firm that does wastewater rate studies, but the cities past history and Bolton & Menk's familiarity with the wastewater plant made them a good fit. The proposal also seemed fair and reasonable for the work. Staff did consider looking at the engineering firm used by MMU but their expertise didn't fit for the facility.

Motion made by Councilmember Schafer, Seconded by Councilmember Moua-Leske to accept the rate study proposal with Bolton & Menk. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske. Voting Nay: Councilmember Meister, Councilmember Lozinski. The motion **Carried. 5-2.**

Project AP-003: Airport Snow Removal Equipment (SRE) Building - Project Update and Authorization to Advertise for Bids

The City of Marshall Public Works desires to construct a new Snow Removal Equipment (SRE) and Maintenance Equipment Storage Building at the Southwest Minnesota Regional Airport. The existing building does not adequately accommodate all airport maintenance equipment storage needs. The new facility is planned to be constructed on the East Building Area of the airport, as shown on the recently completed Airport Master Plan. The Project has been identified on the Airport CIP since 2011. The Airport Commission and Public Improvement & Transportation Committees have reviewed the project and voted to bring to city council. Current project cost estimate is \$3,343,023, including construction administration and special inspections fees. Local cost participation with the latest estimate is roughly \$1,059,000. After bidding, construction would be planned to start this fall and be completed in 2024.

Councilmember Schafer mentioned that if we don't move on this now much of the outside funding for this project will go away. The city is currently using space at the airport that could be utilized by the public because there is no additional room to store some of the larger equipment. Mayor Byrnes asked if the building could house other equipment not

specific to snow removal equipment. Director Anderson responded that other equipment could be stored and if the need arises the building was designed to allow for the addition of a airport fire station.

Motion made by Councilmember Lozinski, Seconded by Councilmember Alcorn to authorize staff to advertise for bids on Project AP-003. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Consider Resolution Requesting MnDOT for Marked Crosswalk(s)

MnDOT has reached out to City staff regarding the City’s desire to continue to have crosswalk striping across US 59/ TH 68 through Marshall. The city is requesting marked crosswalks at the following locations: Highway 59 and E Street; Highway 59 and A Street; Highway 59 and 1st Street; Highway 68 and 10th Street; and Highway 68 and Channel Parkway. MnDOT intends to have crosswalks installed across their highway signalized intersections at Highway 59 and Boyer Dr.; Highway 59 and Susan Dr.; Highway 59 and Southview Dr.; and Highway 59 and C Street. The city will be expected to utilize our own staff to re-stripe requested crosswalks once they are installed. This includes all locations that are not located at signalized intersections and all locations that are located at signalized intersections but are locally controlled routes. MnDOT is responsible for installation of initial crosswalk markings with any construction project. Marshall is responsible to utilize our staff and materials to re-stripe crossings and keep them visible. Costs are estimated at roughly \$350 per crosswalk site annually.

Mayor Byrnes asked with the RRFB project at the intersection of Highway 59 and A Street if that would be covered by the state. Anderson retorted it would be local dollars because of the grant. Mayor Byrnes also asked about the settling on Highway 59 from A Street to C Street where the state has come in numerous times to repair the sinkholes. Councilmember Moua-Leske inquired how often the crosswalks would have to be painted and maintained. Anderson stated it would vary from crosswalk to crosswalk for maintenance, but painting would likely occur annually.

Motion made by Councilmember Schroeder, Seconded by Councilmember Lozinski to approve Resolution 23-015 requesting MNDOT approval for requested marked crosswalks. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. Voting Nay: Councilmember Meister. The motion **Carried. 6-1.**

Commission/Board Liaison Reports

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| Byrnes | No report. |
| Schafer | <u>SW Amateur Sports Commission</u> : The original purpose of the commission was to come up with plans for the Red Baron Arena and Amateur Sports Complex. Discussions were had about a new purpose and what new organizations in the community should be part of the group. |
| Meister | <u>EDA</u> : With several new members on the authority the meeting was mostly about brainstorming and coming up with a direction for the group going forward. |
| Schroeder | No report. |
| Alcorn | <u>MMU</u> : Approved the bid for Project MMU-001 Trunk Highway 23 Water Main Crossings. Six bids were received, and the project was awarded to TE Underground out of Tyler MN in the amount of \$579,625.00 |
| Moua-Leske | <u>Library Board</u> : Will be meeting next week with Lyon County, |
| Lozinski | No report. |

Councilmember Individual Items

Councilmember Lozinski said that he received several calls from constituents about how well and quickly the street department cleared the roads in Marshall.

Councilmember Schafer wanted to remind citizens to help as much as possible to clear snow around fire hydrants.

Councilmember Meister wanted to thank the street department for allowing him to tag along during the last snow storm and see first hand how difficult it can be.

Mayor Byrnes also wanted to thank the street department staff and also the cities Media Communications staff for their efforts in making sure the city was informed. The mayor also testified at a hearing for Marshall's sales tax extension and another upcoming hearing for the tuition forgiveness program for workforce development in SW Minnesota. MNDOT District 8 Area Transportation Partnership will be meeting on March 3rd, the Mayor and Director Anderson will both be in attendance.

City Administrator

State of the City will be on March 8th, and on March 17th Parks Staff will be meeting to finalize the Indoor/Rec Study.

Director of Public Works/City Engineer

The Project MMU-001 TH23 Water Main Crossing that Marshall Municipal Utilities awarded was designed by the city engineering department. With the cities close relationship with MMU and the project being water mains only staff believed it was more appropriate for MMU to vote and award the bid. On March 7th there will be a bid opening for Channel Parkway resurfacing and the mill & overlay project. Legion Field Pond Phase 2 will be opened on March 8th and on March 9th the Lyon/3rd Street project bids will be opened. To expand upon Councilmember Schafer's comment on hydrant clearing, Anderson mentioned that clearing out intakes would also be greatly appreciated to help with drainage.

Jim Marshall, Director of Public Safety talked briefly about the snow emergency and how much planning goes into a snow emergency before anything is declared. A total of 27 vehicles wound up being towed during the snow emergency.

City Attorney

No report.

Information Only

There were no questions on the Information Only items.

Upcoming Meetings

There were no questions on the Upcoming Meetings.

Adjournment

At 6:35 PM Motion made by Councilmember Schroeder, Seconded by Councilmember Lozinski to adjourn the meeting. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Mayor

Attest:

City Clerk