

**CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, October 13, 2020**

The regular meeting of the Common Council of the City of Marshall was held October 13, 2020, at the Minnesota Emergency Response and Industrial Training (MERIT) Center, 1001 West Erie Road. 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; Jason Anderson, Director of Public Works/ City Engineer; Karla Drown, Finance Director; Jim Marshall, Director of Public Safety; Dave Parsons, City Assessor; Sheila Dubs, Human Resource Manager; Laura Wing, Payroll/ Benefit Specialist; Jasmine DeSmet, Training Facility Coordinator and Kyle Box, City Clerk.

The Pledge of Allegiance was recited at this time.

There was a consensus to operate under the current agenda.

Consider approval of the minutes of the regular meeting held on September 22, 2020.

Motion made by Councilmember Meister, Seconded by Councilmember Labat that the minutes of the regular meeting held on September 22, 2020 be approved as filed with each member and that the reading of the same be waived. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried.**
7-0

Carr Estates Fifth Addition – 1) Public Hearing on Preliminary Plat; 2) Approval of Preliminary Plat; 3) Consider Resolution Adopting the Final Plat.

The developer approached the City with a request to plat one additional lot onto the end of Continental Street, adjacent to Lot 6, Block 3 of Carr Estates Second Addition. The street and utilities are already installed along the frontage. Staff's only concern is street drainage on Continental Street from the intersection with Cadillac Drive to the east toward the field. The street grade drains east to the field, but drainage is blocked by a small hill. Staff had informed the developer, and the developer, also owner of the adjacent field, indicated that a drainage path will be created to drain surface water runoff from the city street.

Copies of the proposed subdivision have been sent to the local utility companies for their review and comments, and their requirements, if any, have been incorporated into the plat.

The preliminary plat was presented at the Planning Commission meeting on September 9, 2020. The property owners of 510 Continental Street expressed concerns relating to drainage, and discussion was conducted regarding the topic. Following discussion, Schroeder MADE A MOTION, SECOND BY Lee, to recommend approval of the preliminary plat to the City Council. All voted in favor.

Director of Public Works/ City Engineer Jason Anderson provided the background information on the agenda item. Director Anderson addressed staff's concern of the street drainage and notified the developer who has agreed to correct the issue.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski that the Council close the public hearing and approve the Preliminary Plat of Carr Estates Fifth Addition. 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 RESOLUTION NUMBER 4753, SECOND SERIES, which is the Resolution Approving the Final Plat of Carr Estates Fifth Addition. Voting Yea: Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. Voting Abstaining: Mayor Byrnes. The motion **Passed. 6-0-1**

Ice and Snow Removal and Weed Elimination from Private Property in the City of Marshall. 1) Conduct a Public Hearing. 2) Consider a Resolution Adopting the Assessment.

City shall conduct public hearing to consider approving of special assessment to be levied against City property to allow for collection of costs incurred by the City to remove ice and snow and to mow lawns-eliminate weeds on private property. Minnesota Statutes Chapter 429.101 does set forth the various types of City charges that can be assessed against property taxes pursuant to the special assessment process. Minnesota Statutes §429.101 subd. 1(1) indicates that snow, ice, or rubbish removal from sidewalks may be assessed against property owners. §429.101 subd. 1(2) indicates that “weed elimination from streets or private property” may be assessed against property owners.

The procedure by which those types of costs incurred by the City may be assessed against private property owners is outlined in Minnesota Statute §429.061 and procedures further outlined in a Minnesota Court of Appeals decision Sykes v. Rochester City Council Court of Appeals case A13-2421. The Sykes decision does require full compliance with §429.061, when levying those costs as assessments against private property. §429.061 does require public hearing to be held before those amounts can be assessed.

The City Council has previously passed a resolution declaring the costs to be assessed as required by Minnesota Statute §429.061 and further that a second resolution has been passed calling for a public hearing regarding those costs to be assessed. Notice of public hearing has been sent to property owners and has been published in the Marshal Independent as required by Statute. Public hearing is to be held as scheduled.

City Clerk Kyle Box provided the background information on the agenda item.

Motion made by Councilmember DeCramer, Seconded by Councilmember Schafer that the Council close the public hearing on assessments for ice and snow removal and for weed elimination from private property in the City of Marshall. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat. The motion **Carried. 7-0**

Motion made by Councilmember Schafer, Seconded by Councilmember Meister that the Council adopt RESOLUTION NUMBER 4754, SECOND SERIES, which is the “Resolution Adopting Assessment” for ice and snow removal and for weed elimination from private property in the City of Marshall. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat. The motion **Carried. 7-0**

Consider Award of Bids for Winter Road Salt and Winter Sand.

Bids were received on September 22, 2020 for winter road salt and sand as shown. Three bids were received for the rock salt. The low proposal was from BlackStrap, Inc. of Neligh, Nebraska in the amount of \$75.48/ton and a total bid price of \$37,740.00. Three bids were received for the sand. The low proposal was from Tolk

Graveling, LLC of Minneota, Minnesota, in the amount of \$12.99/ton for a total bid price of \$12,990.00. The 2020 Street Department budget included \$45,000 for salt and \$15,000 for sand.

Motion made by Councilmember DeCramer, Seconded by Councilmember Schafer that the Council award the winter road salt bid to BlackStrap, Inc. of Neligh, Nebraska, in the amount of \$75.48/ton and a total bid price of \$37,740.00. 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 Lozinski, Seconded by Councilmember Schafer that the Council award the winter sand bid to Tolk Graveling, LLC of Minneota, Minnesota, in the amount of \$12.99/ton for a total bid price of \$12,990.00. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Consider Approval of the Consent Agenda.

Councilmember Lozinski requested that item number 13, Approve Final Pay Application-LinnCo-Former Hotel Demolition Contract, be removed for further discussion.

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

Approval of Resolution Number 4755, Second Series a Resolution for a National Highway Traffic Safety Grant.

Approval for Law Enforcement Center Repairs

Authorization to declare vehicle as surplus property for the Marshall Police Department.

Approval of the Farm Lease between Paul & Fran Deutz, Inc. Tenant, and the City of Marshall as Landlord.

Approval of an agreement with Sun Life Financial for Basic Life, AD&D, Child Life, and Supplemental Life insurance

Approval of the Wastewater Treatment Facilities Improvement Project – 1) Consider Application for Payment No. 15 to Magney Construction, Inc.; 2) Consider Payment of Invoice 1302262 to American Engineering Testing, Inc.; 3) Consider Payment of Invoice 0258087 to Bolton & Menk, Inc.

Approval of a Vacation of Utility Easement in Carr Subdivision I, Block One, Lots 9-10 (Vierstraete) -- Receive Petition for Vacation of Utility Easement and Call for Public Hearing.

Approval of a LG220 Application for Exempt Permit for SWMN Ducks Unlimited.

Approval of a LG214 Premises Permit Application for the American Legion Post 113.

Approval of the bills/project payments

Approve Final Pay Application-LinnCo-Former Hotel Demolition Contract.

LinnCo, Inc has completed the demolition of the former hotel property located at 326 West Main Street. Staff have reviewed the pay request and are in agreement with the final pay application.

Councilmember Lozinski reviewed the city hall project and hotel demolition project.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to approve the Final Pay Application from LinnCo, Inc. in the amount of \$63,418.80. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Approve Amended Schwan Regional Amateur Sports Center City of Marshall Convention Visitors Bureau 2020 Service Contract.

City Administrator notified Marshall Convention and Visitors Bureau on 9/1/2020 of the need to discuss the Schwan Regional Amateur Sports Center City of Marshall Convention Visitors Bureau (CVB) 2020 Service Contract due to an approximate 40% reduction in FBL sales tax from April to present. FBL sales tax the sole source of funding the service contract.

City and CVB staff/Board members subsequently met to discuss amending the contract for services and on 9/10/2020, a formal notice to amend the contract was provided to CVB.

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer Approve Amended Schwan Regional Amateur Sports Center City of Marshall Convention Visitors Bureau 2020 Service Contract. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Purchase of tactical rescue equipment for the Marshall Fire Department.

The City of Marshall's fire service responds to a variety of emergency situations that can be presented in many different ways. As more demands are put on our fire services, it is important that they are prepared to respond to these incidents within our community and surrounding area. The Marshall Fire Department has been planning and preparing to have a designated Tactical Rescue Team within our own department. The Tactical Rescue Team would respond and provide scene management in structural collapse, rope rescue, confined space search and rescue, and other critical events where their skills can be utilized.

In prior years, our department relied on the response from a Tactical Rescue Team located in the Granite Falls area to respond if needed. This Tactical Rescue Team has disbanded and is no longer available. This loss combined with the time it would take for others to respond makes our leadership, training and need for equipment in this area of response highly important.

In the 2020 Capital Improvement Plan, \$20,000 dollars had been budgeted for equipment needed to begin the specialized training for our firefighters selected to be part of this response team. This team would receive training and would be expected to maintain proficiency with these specialized skills and equipment.

The quote received from ALEX Air Apparatus for the needed equipment for the Tactical Rescue Team is \$6,065.61. The addition of a Tactical Rescue Team with the Marshall Fire Department will be an asset to our community and surrounding area.

Motion made by Councilmember Schafer, Seconded by Councilmember Meister to the approval for the purchase of equipment from ALEX Air Apparatus for \$6,065.61. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Project Z83: James Avenue/Camden Drive Reconstruction Project - Consider Resolution Ordering Preparation of Report on Improvement.

This project consists of the following: Reconstruction and utility replacement on James Avenue from the intersection of Camden Drive and James Avenue to the intersection of South 4th Street and James Avenue and on Camden Drive from the intersection of Camden Drive and James Avenue to the intersection of Camden Drive and South 4th Street; Sanitary sewer, watermain, and storm sewer replacement on James Avenue. Storm sewer catch basin replacement on Camden Drive. This project will include new curb & gutter, driveway aprons, water services, and sewer services to the right-of-way, and new 7' sidewalk on both sides of James Avenue. Also included will be new pavement on Camden Drive. This project will also include replacement of storm sewer from Camden Drive to the outfall at the Redwood River, including outfall improvements.

The project is identified in the City Capital Improvement Plan (CIP) for 2021.

All improvements are proposed to be assessed according to the current Special Assessment Policy or Policy amended prior to certification of assessments including, but not limited to, Marshall Municipal Utilities, Wastewater Department, Surface Water Management Utility Fund and Ad Valorem participation. Final approval of the project must include determination of funding sources.

Motion made by Councilmember Lozinski, Seconded by Councilmember DeCramer that the Council adopt RESOLUTION NUMBER 4756, SECOND SERIES, which is the "Resolution Ordering Preparation of Report on Improvement" for Project Z83: James Avenue/Camden Drive Reconstruction Project. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Project Y71: North Bruce Street/Skunk Hollow Road Reconstruction Project.

City Public Works staff continually receives complaints from the residents that live along North Bruce Street (Skunk Hollow Road) between County Road 35 and the city bike trail crossing north of Emerald Court. The residents complain about the dust, the 'wash boarding' of the street surface, and the general lack of acceptable maintenance from their view in light of the level of traffic.

For background, Skunk Hollow Road used to be County Road 67, a route on the County State Aid Highway System. In 1996, the County relinquished control of the street to the City as a "County Road Turnback". Therefore, the city assumed ownership of the right of way and the street and the segment was added to our Municipal State Aid System mileage. As part of the process of relinquishing control of the roadway, Lyon County paid the city for the cost to resurface the roadway at that time. The thought process at the time was that the city would grow in this direction and it made more sense for the route to be operated by the city. As of December 2019, the city had \$125,711.13 in funds that can be spent on improving Skunk Hollow Road.

Since construction of the levee to the south, the land north of the levee (which includes Skunk Hollow Road) is almost entirely located in the floodway or floodplain. Therefore, the property south of Skunk Hollow cannot be developed, and the roadway is frequently under threat of flooding. The residents on the north side of Skunk Hollow Road are not located in city limits; the city limits terminate on the north side of the Skunk Hollow Road right of way. In 2011- 2012, city staff and Council explored the option of relinquishing control of Skunk Hollow Road back to Lyon County. There were meetings involving city and county staff and officials. Eventually, it was decided that Skunk Hollow Road and the land to the south would remain in city limits and the street would remain under city control until a later date when the city would establish a new route that moved the alignment to follow a path straight south to Fairview Street. It was determined at that time that a project should be included in the 5-year CIP.

It is now nearly 10 years later, and no movement has occurred with this project. The roadway surfacing of Skunk Hollow was 'reclaimed' in 2016 in lieu of completing an expensive surfacing project. This essentially turned the surface into a gravel road by mixing the bituminous millings into the gravel base. There has been no investment into the surface since this time, beyond regular blading of the surface and a few spot treatments of dust control products. There are roughly 500 vehicles per day that travel this route, and this level of traffic is quite high for a gravel road.

This project was discussed at the Public Improvement/Transportation Committee meeting on September 23, 2020, with recommendation to bring forward to City Council for discussion as presented. Alternative options included discussions regarding resident access, maintain as a local access road, dead end alternatives, maintaining access to properties and dust control options.

The purpose of this memo is to provide Committee and Council with an update on where we stand with this segment of city street, and to obtain feedback from the current Council and give staff guidance moving forward with this roadway. With nearly 10 years having passed and many new Council members, staff would like to get some reinforcement from Council on our direction going forward and our messaging to the public.

Director of Public Works/ City Engineer provided the background information on the agenda item. After discussion the council opted to maintain the road as is for the immediate future.

Consider approval of the 2021 Health Insurance Renewal with PEIP.

Last year, the Council approved a transition in carriers to PEIP (Public Employees Insurance Program). The transition to PEIP required a 2-year commitment with no rate guarantee in the 2nd year.

Health insurance is the foundation of an employee benefit package. As the labor force in southwest MN becomes increasingly tight, our ability to compete for highly skilled employees improves with a competitive benefit package. During the past few years, the Council, Administration, and employees were becoming increasingly concerned about the rising costs and volatility of our health insurance plans, both in terms of premiums and deductible amounts. This year, under the PEIP plan, while the overall pool renewal is 9.7%, the City of Marshall is being "slotted" (underwriters' analysis) for the first time into the pool, which resulted in a favorable lower renewal, at 6.60% for single plans and 6.66% for family plans on the Advantage H.S.A. Option plan. Rates are included in the on the last page of the PEIP renewal letter: see medical rates at the top of the page. (The City does not offer Dental or Life plans through PEIP.) This is a favorable renewal as it reflects greater stability than we've seen in prior years, which in turn, means lower increases for both the employer and employee premiums.

Bill Chukuske Insurance Services is our Broker for health insurance. He will be presenting our renewal information to the Council. Staff will also be presenting a 2021 cost-share option with the Council using the same cost-share model that the Council approved in 2020. The proposal is that the employee and employer share equally in the rate increase percentage.

Staff projected a budget increase of \$106,670 for the 2021 budget. However, the renewal rates are lower than anticipated at a projected budget increase of \$86,839.16. The projections are based on current plan selection by employees.

Open enrollment information:

PEIP delayed sending out renewal rates by one month this year due to the COVID-19 pandemic. Due to this delay, the timing for the employee open enrollment period is impacted. Staff will be requesting that the Council consider approval of the cost-share option at the regularly scheduled Council meeting being held on the same evening as the work session, October 13th. If approved, it will provide HR staff more time with employees who have questions during the open enrollment period since we cannot meet in large groups this year. However, should the Council choose to want additional time, a decision would then need to be made at the October 27th regular meeting and the employee open enrollment period would begin immediately thereafter, on October 28th. All renewal information and employee changes are required to be submitted to PEIP by November 12th. To comply with pandemic social distancing laws and guidelines, our employee open enrollment will include in-person and virtual visits with our benefit carriers by appointment. Cost projections are estimated based upon current plan enrollment.

Motion made by Councilmember Meister, Seconded by Councilmember DeCramer to approve the 2021 Health Insurance Renewal with PEIP. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Consider amendment to the Travel and Training Personnel Policy.

At the September 22, 2020 regular Council meeting, Councilmember Labat suggested a language amendment to the Travel Policy, section 11.11. The Council referred the item to the Personnel Committee. The Personnel Committee reviewed the policy language, the rates and insurance coverages for rental vehicles, the available general-use pool cars. The Committee recommended unanimously to approve the proposed policy amendment.

With the proposed language, employees are required to review the available options in determining the lowest cost method of travel. The Supervisor will approve the method of travel utilized. Where a rental vehicle is the lowest cost option and declined by the traveler, there will be a reduction in mileage reimbursement to be paid to the employee.

Per direction from the Personnel Committee, Staff will work towards disposing of the 2005 general use pool vehicle at a future Council meeting.

As informational for the Council, under the State contract with Enterprise, rentals include full comprehensive and collision coverages and Supplemental Liability Protection coverage of \$2,000,000. The City receives the

same rates as specified in the State contract for rentals: economy cars are \$36 per day and standard cars are \$38.50 per day.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to approve the amendment to the Travel and Training Personnel Policy. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

2021 EDA Budget-EDA Chamber Contracted Services.

City Administrator would like to discuss and recommend that the City Council consider bringing EDA Chamber contracted services within existing city staff resources for the 2021 year. This past year City Administrator began an evaluation of the EDA Services Chamber Contract. The main focus has been the goal of having the services provided on-site, in the City of Marshall rather than off-site assistance. The pros and cons are many/varied. EDA Board approved the Chamber contract at their July 2020 Board meeting.

Motion made by Councilmember Lozinski, Seconded by Councilmember Labat that the City direct EDA Board to give 30-day notice to terminate the 2021 EDA Chamber Contracted Services as per contract and utilize existing city staff for the services provided in the contract. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. Voting Nay: Councilmember Bayerkohler. The motion **Passed. 6-1**

Commission/Board Liaison Reports

Byrnes Southwest Regional Development Commission met to evaluate projects over the next 5 -10 years with MnDOT.

Schafer Southwest Amateur Sports Commission met and discussed its partnership with MAHA and commended their forward thinking on how to keep athletes engage during the COVID-19 pandemic. The Fairbanks Ice Dogs Juniors Hockey Team will play three weekends (6 games) at the Red Baron Arena. MABA hosted two tournaments this year.

Meister No Report

Bayerkohler No Report

DeCramer Economic Development Commission met to review CARES Funding issued to local businesses.

Labat Library Board received a donation from the Kiwanis club.

Convention and Visitors Bureau will take over the scheduling for the Red Baron Arena and there has been discussion to move the CVB office to the Red Baron Arena and Expo.

Lozinski City Hall Committee met to tour the City Hall project and to receive an update on the project.

Councilmember Individual Items

Councilmember Schafer proposed the have a city wide scheduled clean up.

Councilmember Bayerkohler commented on the Governor of South Dakota's visit to Marshall.

Councilmember Lozinski asked for an update on the ice rink project awarded to the city of Marshall. Mayor Byrnes provided an update on the location and installation to happen this year at Independence Park. Member Lozinski requested that virtual town hall meetings could be scheduled in the coming months.

Councilmember Labat brought forward a resident's positive comments on construction projects happening within the city.

Councilmember DeCramer commented on the concern at the right-in, right-out intersection in the Hy-Vee parking lot. Member DeCramer requested that communication be sent to MnDOT to make the intersection more visible to prevent cross traffic.

Councilmember Meister provided insight from Avera's perspective surrounding COVID-19.

Mayor Byrnes commented on the dedication of the Veteran's memorial and Memorial Park.

City Administrator

City Administrator Sharon Hanson provided an update on the City's CARES funding as well as provided an update on use from the County's CARES funding also helping local businesses.

Director of Public Works

Director of Public Works/ City Engineer commented on upcoming informational meetings for future construction projects. Every resident that lives within the project limits has received an invite. Public Works employees have received a Smart Salt certification. Director Anderson provided an update on construction projects throughout the city.

City Attorney

City Attorney Dennis Simpson provided an update on the remaining farm leases to be signed, the MAHA agreement for ice rental/ concessions is with MAHA and the land sale completed by the HRA.

Administrative Brief

There were no questions on the Administrative Brief.

Information Only

There were no questions on the information items.

Upcoming Meetings

There were no questions on the upcoming meetings.

Adjourn

At 7:44 P.M., Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to adjourn.
Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler,

Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Mayor

Attest:

City Clerk