

**CITY OF MARSHALL  
CITY COUNCIL MEETING  
M I N U T E S  
Tuesday, November 10, 2020**

The regular meeting of the Common Council of the City of Marshall was held November 10, 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, Steve 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; Sheila Dubs, Human Resource Manager; Ilya Gutman and Kyle Box, City Clerk.

The Pledge of Allegiance was recited at this time.

Mayor Byrnes provided one addition to agenda item number 5, Consider approval of the sale of alcoholic beverages at the Red Baron Arena on November 27-28 & December 4-5, 2020, in that the applicant has requested to add December 18-19, 2020 to the permit.

There was a consensus to operate under the amended agenda.

**Consider approval of the minutes of the regular meeting held on October 27, 2020.**

Motion made by Councilmember Lozinski, Seconded by Councilmember Meister that the minutes of the regular meeting held on October 27, 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**

**Project Z83: James Avenue/Camden Drive Reconstruction Project -1) Public Hearing on Improvement; 2) Consider Resolution Ordering Improvement and Preparation of Plans.**

Property owners affected by the above-referenced project have been notified, according to law, that a hearing would be held on November 10, 2020. A public presentation will be made followed by any discussion.

This project consists of the following: reconstruction and utility replacement on James Avenue between Camden Drive and South 4th Street and Camden Drive between James Avenue and South 4th Street. All utilities will be replaced, including watermain, sanitary sewer, and storm sewer on James Avenue and Camden Drive. Other items of work included in this project are pavement removal, aggregate base, bituminous surfacing, sidewalks, curb and gutter and other minor work.

A public informational meeting was held on October 15, 2020 at the MERIT Center and attendance available via Zoom. Information was provided to all those in attendance.

If the City Council decides to proceed with the project, a resolution has been prepared ordering the improvement and the preparation of plans.

Director of Public Works/ City Engineer Jason Anderson provided an overview of the project.

Councilmember Labat asked a clarifying question in whether the proposed project road width is 3 ft. or 4ft. narrower.

Director Anderson discussed that Camden Dr. would be put back to the same width as it is today and James Ave. would be 3 ft. narrower, 40 ft. to 37 ft.

Councilmember Lozinski provided discussion from the Public Improvement and Transportation Committee and that the city would not enforce residents to remove snow from the entire width of a 7 ft. sidewalk but that a 4 ft. path be maintained during the winter months.

Councilmember Labat asked if staff have reached out to the Marshall Golf Course to discuss the project. Director Anderson mentioned that staff have contacted the Marshall Golf Course and will continue to work with them throughout the project.

Councilmember Lozinski provided further discussion on street width in residential areas.

Councilmember DeCramer mention special assessments that will be up to the city to pay.

Motion made by Councilmember DeCramer, 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 Lozinski that the Council adopt RESOLUTION NUMBER 4760, SECOND SERIES, which is the Resolution Ordering Improvement and Preparation of Plans” for Project Z83: James Avenue/Camden Drive Reconstruction Project. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Lozinski. Voting Nay: Councilmember Labat. The motion **Passed. 6-1**

**Consider the Approval of the Consent Agenda.**

Councilmember Labat requested that item number 5, Consider approval of the sale of alcoholic beverages at the Red Baron Arena on November 27-28, December 4-5 & December 18-19, 2020 be removed for further discussion.

Councilmember Lozinski requested that item number 4, Wastewater Treatment Facilities Improvement Project – 1) Consider Application for Payment No. 16 to Magney Construction, Inc.; 2) Consider Payment of Invoice 1302333 to American Engineering Testing, Inc.; 3) Consider Payment of Invoice 0259136 to Bolton & Menk, Inc. 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. The motion **Carried. 7-0**

Approval of the bills/project payments

**Wastewater Treatment Facilities Improvement Project – 1) Consider Application for Payment No. 16 to Magney Construction, Inc.; 2) Consider Payment of Invoice 1302333 to American Engineering Testing, Inc.; 3) Consider Payment of Invoice 0259136 to Bolton & Menk, Inc.**

Three invoices for council consideration are as follows for the above-referenced project:

3) Application for Payment No. 16 to Magney Construction, Inc. of Chanhassen, Minnesota, in the amount of \$310,631.02

2) Invoice 1302333 to American Engineering Testing, Inc. of St. Paul, Minnesota, in the amount of \$30.00

3) Invoice 0258087 to Bolton & Menk, Inc., of Mankato, Minnesota, in the amount of \$25,631.50 As this project is financed with a Public Facilities Authority low interest loan through the State of Minnesota, pay applications are required to be placed on the City Council agenda for approval. This project is financed with a Public Facilities Authority low interest loan through the State of Minnesota.

Councilmember Lozinski provided discussion that this project has not received any significant change orders or delays.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to approve Recommendation No. 1 that the Council authorize Application for Payment No. 16, per the recommendation of the City's consultant, Bolton & Menk, Inc., to Magney Construction, Inc. of Chanhassen, Minnesota, in the amount of \$310,631.02. Recommendation No. 2 that the Council authorize payment of Invoice 1302333 to American Engineering Testing, Inc. of St. Paul, Minnesota, in the amount of \$30.00. Recommendation No. 3 that the Council authorize payment of Invoice 0259136 to Bolton & Menk, Inc., of Mankato, Minnesota, in the amount of \$25,631.50. 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 sale of alcoholic beverages at the Red Baron Arena on November 27-28 & December 4-5, 2020.**

Visit Marshall/ Marshall CVB have applied for the approval to sell alcoholic beverages at the Red Baron Arena on November 27 – 28, December 4 -5 & December 18-19, 2020 in coordination with the Fairbanks Ice Dogs Hockey games. The vendor supplying the alcoholic beverages is currently licensed by the city of Marshall.

Councilmember Bayerkohler clarified asked if the motion was to approve the permit with or without waiving the fees. City Clerk Kyle Box stated that the motion was to include waiving the fees.

Councilmember Labat discussed the ordinance and if law enforcement was going to be required to be at the event at all times. There was a consensus that the discretion of enforcement was up to the Director of Public Safety.

Motion made by Councilmember Labat, Seconded by Councilmember Schafer to approve the permit for Marshall CVB/Fuzzy's Bar for November 27 – 28, December 4 -5 & December 18-19, 2020. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat,

Councilmember Lozinski. Voting Nay: Councilmember Bayerkohler. The motion **Passed. 6-1**

**TH 19/College Drive Reconstruction Project – MnDOT Update.**

MnDOT and engineering consultant SEH would like to present the proposed layout for the 2025 College Drive reconstruction project. The project team has put forth considerable effort in meshing public and stakeholder input along with good engineering design practice to get to this point. Considerable progress has been made in formulating design concepts for the project and the team is ready to present the preliminary layout for the project.

Jesse Vlaminck, MnDOT project manager, and Nikki Farrington, SEH project manager, presented the proposed project layout via PowerPoint. Lindsey Bruer, District 8 Planning Director presented the results and public feedback from the center median demonstration project that was put into place near True Light School.

**Water Plant Construction Update.**

Jeff Larson, MMU Water Operations Manager, presented a project status update via PowerPoint.

**Consider approval of a Request for Proposals to conduct a Classification and Compensation Study**

Staff are requesting Council consideration and approval to initiate a Request for Proposals (RFP) to conduct a Classification and Compensation Study. This item was brought forward to the Personnel Committee on September 29<sup>th</sup>. The Personnel Committee recommended approval and directed staff to develop an RFP.

An approval decision by the Council would not require a commitment to performing a study. At this time, Staff are requesting approval to initiate the RFP process only. If approved, staff would return to the Council with the proposals received at a future meeting; the Council could decide to approve or decline to proceed with a study at that time. Staff have budgeted \$20,000 in the 2020 budget and tentatively budgeted \$30,000 in the 2021 budget for this study.

The most recent study conducted entailed a classification study in 2011 and a compensation study in 2012; the results of the study were presented to and accepted by the City Council for implementation in 2013. The study included City, Library, and Public Housing positions. The cost of this study was \$31,500. For the past two studies (2006/07 and 2011/12), the Library and Public Housing Commission did not pay towards the cost of the study; but they were responsible for the cost of implementation of the study's accepted recommendations within their organizations. In 2013, the cost of implementation of the adopted study recommendations was \$138,479---which included a 2% general wage increase for all employees in 2013. At this time, Staff are not able to project an implementation cost estimate if the Council would proceed with a study in 2021.

At the conclusion of the 2011-2012 study, the Council gave direction to staff to complete these studies approximately every five (5) years to ensure the City maintains market comparable wages and compliance with the Minnesota Pay Equity Act. Staff have included the study as a proposed budget item since 2017; however, due to budget constraints, the studies haven't been approved.

To reduce costs, it is proposed that HR staff would engage employees and supervisory staff in reviewing and amending job descriptions, as needed, outside the scope of a study. We did this during the 2011 study with success. This job description review process would occur internally, not as a component of a study. The timing of a study to be completed by mid-to-late 2021 would be beneficial for union negotiations. Each of our three

union contracts expire on 12/31/21; the Council will be asked to consider new contracts for each bargaining unit. Having knowledge of market salary data would be highly beneficial in negotiating the contracts.

Performing these types of studies provide the Council with several outcomes:

- To establish a compensation structure and philosophy that aligns with the Council's goals
- To ensure market/internal structure alignment
- To assure compliance with the Minnesota Pay Equity Act
- To resolve recruitment or retention issues due to compensation for selected positions
- To facilitate recruitment of the right talent pool by reviewing minimum qualifications and essential functions of positions
- To increase the City's ability to compete for talent (employees) due to the significant shortage of available workers in southwest MN
- To provide the Council with comparator wage information (market data) from which the Council may make informed decisions related to pay structure changes and union contracts. Staff are recommending to proceed with an RFP process.

Motion made by Councilmember DeCramer, Seconded by Councilmember Schafer To approve a Request for Proposals to conduct a Classification and Compensation Study. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Lozinski  
Voting Nay: Councilmember Bayerkohler, Councilmember Labat. The motion **Passed. 5-2**

At 6:57 P.M. Councilmember Lozinski excused himself from the meeting.

#### **Request for Map Amendment (Rezone) by Vesta LLC at 512 Continental Street**

This is a request by Vesta, LLC, Marshall, MN to rezone 512 Continental Street from A Agricultural District to R-1 One Family Resident District. This lot is adjacent to residential area and will be used for a single-family house. Rezoning procedures are described in Section 86-30 Amendments.

At the October 14, 2020, Planning Commission meeting, a public hearing was held, and a motion was made by Lee, second by Carstens to recommend approval to City Council to rezone the property as recommended by staff. All voted in favor.

The Ordinance Amendment to rezone property at 512 Continental Street from A Agricultural District to R-1 One Family Resident District was introduced at the October 27, 2020, City Council meeting.

Motion made by Councilmember Meister, Seconded by Councilmember DeCramer that the Council adopt Ordinance Number 755, Second Series to rezone property at 512 Continental Street from A Agricultural District to R-1 One Family Resident District. Voting Yea: Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat. Voting Abstaining: Mayor Byrnes. The motion **Passed. 5-0-1**

#### **Project Z82: N. 1<sup>st</sup> St. / W. Redwood St. / W. Marshall St. Reconstruction Project – Consider Resolution Receiving Feasibility Report and Calling Hearing on Improvement.**

This project consists of the following: reconstruction and utility replacement on North 1<sup>st</sup> Street between East Main Street to West Marshall Street and includes West Redwood and West Marshall Streets between East College Drive and North 1<sup>st</sup> Street. All utilities will be replaced, including watermain, sanitary sewer, and storm

sewer on North 1<sup>st</sup> Street and West Redwood Street. Sanitary sewer will be replaced on West Marshall Street. Other items of work included in this project are pavement removal, aggregate base, bituminous surfacing, concrete surfacing, sidewalks, curb and gutter and other minor work.

This Feasibility Report as authorized by the City Council covers the proposed improvements including scope, background/existing conditions, proposed improvements, probable costs, proposed assessments, feasibility and proposed project schedule.

The proposed improvements as described in the report are necessary, cost-effective, and feasible from an engineering standpoint.

The engineer's estimate for the construction portion of the project is \$1,107,000. The total estimated project cost, including 10% allowance for contingencies and 16% for engineering and administrative costs is \$1,413,000. All improvements will be assessed according to the current Special Assessment Policy, including but not limited to participation from Marshall Municipal Utilities, Wastewater Department, Surface Water Management Utility Fund and Ad Valorem. Final approval of the project must include determination of funding sources.

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer that the Council adopt RESOLUTION NUMBER 4761, SECOND SERIES, which is the Resolution Receiving Feasibility Report and Calling Hearing on Improvement for the above-referenced project and setting the public hearing on improvement date for November 24, 2020. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat. The motion **Carried. 6-0**

#### **Statement of Annual Performance Evaluation for the City Administrator**

In accordance with the personnel policy on Employee performance reviews (Policy 4.6) and the employment agreement between the City and Administrator Sharon Hanson, Hanson should receive an annual performance evaluation based upon the anniversary date of her hire date, which was November 16, 2017. On November 10, 2020, the City Council held a special meeting with a closed session in accordance with Minnesota Statute 13D.05, subd.3(a) to evaluate the performance of Administrator Hanson. A 360-degree feedback survey was utilized to gather feedback from the Council, Sharon's direct reports, peers, and a variety of other individuals who interact with and have knowledge of her job performance. Administrator Hanson was also provided an opportunity to complete a self-rating survey. In accordance with Minnesota law, the Council is required to summarize the conclusions of the evaluation and present a summary at the next open meeting. A summary of the performance evaluation will be presented by Mayor Byrnes.

Administrator Hanson is compensated at the top step on the wage schedule, at \$148,324.80 annually; therefore, no action will be presented to the Council related to compensation.

**Commission/Board Liaison Reports**

Byrnes Fire Relief Association met to discuss two upcoming retirements and the performance of the relief fund.

Schafer No Report

Meister No Report

Bayerkohler Planning Commission met and approved the Exterior finish on the city hall building, which is located in the central heritage district.

DeCramer Economic Development Authority met in its Housing Sub Committee and to acknowledge the CARES Act payments made to local businesses.

Marshall Municipal Utilities met to review its Partnership Agreement with the City of Marshall for 2021.

Diversity Committee met to begin to organize itself with the intent to become a recognized committee with the city.

Labat Police Advisory Board met to conduct interviews for the Sergeant position with the Marshall Police Department.

Library Board met and reviewed operations during COVID-19.

**Councilmember Individual Items**

Councilmember Labat discussed the construction project along 1<sup>st</sup> Street and the resident's overall satisfaction of the project.

Councilmember Meister provided an update on COVID-19. Meister discussed that area hospitals are reaching capacity. Lyon County is able to provide free COVID test kits through the Minnesota Department of Health. Avera is conducting a drive-up test site at the Carlson Street Clinic.

Councilmember Bayerkohler provided a reminder that Veteran's day is upcoming and to take the time to thank a Veteran.

Mayor Byrnes discussed the General Election and the sales and use tax for the month of August and mentioned that sales tax receipts were up 3.5% from August 2019.

**City Administrator**

City Administrator Sharon Hanson discussed that staff are still processes final CARES Act payments and will review these payments at the last meeting in November. Staff will revisit and review the City's pandemic plan. The City Hall Committee continues to meet and recently discussed the engineering design for the Main Stay wall.

**Director of Public Works**

Director of Public Works/ City Engineer provided a construction update within the city.

**City Attorney**

No Report

**Information Only**

There were no questions on the information items.

**Upcoming Meetings**

There were no questions on the upcoming meetings.

**Adjourn**

At 7:30 P.M., Motion made by Councilmember DeCramer, Seconded by Councilmember Meister to adjourn. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat. The motion Carried. **6-0**

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Mayor

Attest:

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City Clerk