

**CITY OF MARSHALL  
CITY COUNCIL MEETING  
M I N U T E S  
Tuesday, February 22, 2022**

The regular meeting of the Common Council of the City of Marshall was held February 22, 2022, 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: Craig Schafer, Steve Meister, John DeCramer, and Russ Labat. Absent: Don Edblom and James Lozinski None. Staff present included: Sharon Hanson, City Administrator; Dennis Simpson, City Attorney; Jason Anderson, Director of Public Works/ City Engineer; Jim Marshall, Director of Public Safety; Karla Drown, Finance Director; Sheila Dubs, Human Resource Manager and Kyle Box, City Clerk.

The Pledge of Allegiance was recited at this time.

There was a general consensus to operate under the amended agenda.

**Consider approval of the minutes from the regular meeting and work session held on February 8, 2022.**

Motion made by Councilmember DeCramer, Seconded by Councilmember Meister That the minutes from the regular meeting and work session held on February 8, 2022 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 DeCramer, Councilmember Labat. The motion **Carried. 5-0**

**Project ST-001-2022: Chip Sealing on Various City Streets - Consider Resolution Accepting Bid (Award Contract).**

Bids were received on February 16, 2022 for the above-referenced project. Five bids were received. The apparent low bid was received from Pearson Bros., Inc of Hanover, Minnesota, in the amount of \$222,455.10. The 2022 budget for this project is \$210,581. City staff will work with the contractor to reduce the project quantity below the budgeted amount. At this point in time, staff has identified Jewett Street as a likely candidate for removal from the project.

The project estimate is \$203,949 for proposed streets, and \$37,787 for proposed alternate streets.

<b><u>Proposed Streets</u></b>	<b><u>From-To</u></b>
Paris Road	Legion Field Road to London Road
London Road	Channel Parkway to Madrid Street
Athens Avenue	Madrid Street to Paris Road
Oslo Avenue	Madrid Street to Dublin Street
Rainbow Drive	Madrid Street to Paris Road
Dublin Street	Rainbow Drive to London Road
North 1st Street	Main Street to Marshall Street
Marshall Street	1st Street to E. College Drive
Redwood Street	1st Street to E. College Drive
James Street	S. 4th Street to Camden Drive
Camden Drive	S. 4th Street to James Avenue
South Bruce Street	E. College Drive to E. Lyon Street
East Lyon Street	E. Main Street to T.H. 23
Southview Drive	S. 4th Street to Overlay by Hy-Vee Driveway
Birch Street	N. Bruce Street to Mustang Trail

North Bruce Street	E. College Drive to 636' North of Emerald Ct
Country Club Drive	S. 4th Street to 316' W. of Westwood Drive
Jewett Street	E. College Drive to E. Lyon Street

**Proposed Alternate Streets From-To West**

Marshall Street	3rd Street to 7th Street
South 4th Street	W. Main Street to W. College Drive
West Saratoga Street	S. 4th Street to Bridge
Genesis Avenue	Saratoga Street to Scott Street
South 6th Street	W. Main Street to Saratoga Street

The 2022 budget for this project is \$210,581. This budget includes \$160,000.00 in Street 2022 budget (line item 101-43300-53425), \$28,298 in MSAS funds, and \$22,283 received from penalties assessed on last year's Z88 MSAS Overlay project.

Motion made by Councilmember Labat, Seconded by Councilmember Schafer that the Council adopt RESOLUTION NUMBER 22-028, which is the "Resolution Accepting Bid (Award Contract)" for Project Z50-2021: Bituminous Chip Sealing on Various City Streets to Pearson Bros., Inc of Hanover, Minnesota, for an amount not-to-exceed the budgeted amount of \$210,581. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer, Councilmember Labat. Voting Nay: Councilmember Meister. The motion **Passed.**  
**4-1**

**Project ST-004: Halbur Road Reconstruction Project - 1) Resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of TaxExempt Bonds; 2) Resolution Accepting Bid (Awarding Contract).**

This project consists of reconstruction and utility replacement on Halbur Road from Michigan Street to Erie Road (CR 33); sanitary sewer and storm sewer will be replaced with a concrete paved surfacing. This project will also include new curb & gutter, driveway aprons, and sewer services to the right-of-way.

On February 16, 2022, bids were received for the above-referenced project. Four bids were received. The low bid was from Duininck, Inc. of Prinsburg, Minnesota, in the amount of \$1,142,009.72. The engineer's estimate for the construction portion of the project is \$1,177,466.

The proposed project is included in the 2022 capital improvement plan (CIP) for complete reconstruction of the street, curb, driveways, storm water system, and sanitary sewer collection system.

The above-referenced project, or a portion thereof, may be financed by the sale of bonds with repayment coming from assessments and Debt Service Fund Levy. It is required that action be authorized by City Council via Resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds.

The "Resolution Accepting Bid" awarding the contract to Duininck, Inc. of Prinsburg, Minnesota, is in the amount of \$1,142,009.72.

The estimated total project cost including 5% allowance for contingencies and 16% for engineering and administrative costs is \$1,390,967.84.

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 participation.

The financing and cost participation will be forthcoming and addressed at the time of the Resolution Declaring Cost to be Assessed.

Motion made by Councilmember DeCramer, Seconded by Councilmember Schafer that the Council adopt RESOLUTION NUMBER 22-029, which provides for Resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for Project ST-004: Halbur Road Reconstruction Project. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat. The motion **Carried. 5-0**

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer that the Council adopt RESOLUTION NUMBER 22-030 which provides for the Resolution Accepting Bid (Awarding Contract) and authorizing entering into an agreement with Duininck, Inc. of Prinsburg, Minnesota, in the amount of \$1,142,009.72 for Project ST-004: Halbur Road Reconstruction Project. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer, Councilmember Labat. Voting Nay: Councilmember Meister. The motion **Passed. 4-1**

#### **Consider Approval of the Consent Agenda**

Motion made by Councilmember Meister, Seconded by Councilmember Schafer to approve the consent agenda. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat. The motion **Carried. 5-0**

Approval of the Frontline Warning Systems (outdoor warning sirens) contract with the City of Marshall.

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

Approval for Block 11 Redevelopment – Transfer of Land to the Housing and Redevelopment Authority.

Project ST-006: RRFB School Pedestrian Crossing Improvements Project - Consider Resolution Authorizing Entering into MnDOT Agreement No. 1049268 (TH 19/College Drive and Whitney Street).

Approval of the bills/project payments

#### **Consider Proposal from Bueltel-Moseng Land Surveying for Survey of the Marshall Flood Control Project property.**

Bueltel-Moseng has provided a proposal for surveying services for determination and location of select property points of the Flood Control Project, both levee and diversion channel property and easements. The survey would include setting property pins (where applicable) and setting stakes at requested locations along the Flood Control Project.

The flood control project is very important to the City of Marshall, and it is imperative that all adjacent property owners understand where their properties end. According to the US Army Corps of Engineers national levee database, roughly \$1.26B dollars of property value is protected by our flood control project,

including at least 2,101 buildings. There are numerous locations along the flood control project properties where adjacent property owners have planted trees, placed sheds, planted gardens, and parked trailers on city property. Any installation on City property should require City permission.

Staff is proposing that the survey be completed to better identify to adjacent property owners the actual locations of Flood Control Property, as determined by a licensed land surveyor. This would allow staff the option to install posts at selected points to indicate property boundaries. The posts could be outfitted with placards that state "City Flood Control Property" or something similar.

At locations where the City has easement, as opposed to fee estate, staff would not recommend posts but rather annual notifications to those property owners about the presence of the Flood Control easement. The purpose of hiring a licensed land surveyor to complete this work in lieu of city staff working to find property lines is to be certain that locations are accurate and defensible to the adjacent property owners.

This item was presented to the Public Improvement/Transportation Committee at their meeting on January 25, 2022, with a recommendation to the City Council for approval of the Buetel proposal for survey services associated with the Flood Control Project for a not-to-exceed amount of \$9,000. The PI/T Committee was also supportive of City staff installing posts and placards to permanently identify flood control project.

The proposal is for services as described for a not-to-exceed amount of \$9,000. The cost would be funded using the Surface Water Utility.

Motion made by Councilmember Schafer, Seconded by Councilmember Labat that the Council approve the proposal for survey services associated with the Flood Control Project with Buetel-Moseng Land Surveying of Marshall, Minnesota, for a not-to-exceed amount of \$9,000. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat. The motion **Carried. 5-0**

#### **Consider Resolution Establishing and Revoking Municipal State Aid Streets.**

The Municipal State Aid Street program (MSAS) provides funding to assist municipalities with the construction and maintenance of community-interest streets on their state aid systems. The program goals are to provide users with a city roadway network that is safe, provides adequate mobility and structural capability, and to provide an integrated transportation network. A city must have a population of at least 5,000 to be included in the MSAS system.

Within each eligible city, up to 20% of the local streets may be designated as MSAS. To be designated, the route must:

- Carry a heavier traffic volume or be classified as a collector or arterial.
- Connect points of major traffic interest.
- Provide an integrated and coordinated highway and street system.

According to the latest Annual Certification of Mileage (2021), the City has 14.10 miles designated as Municipal State Aid Streets. Currently, the City has 1.13 miles available to allocate to the state aid system. To maximize route designations and maximize annual MSAS funding, City staff has spent a lot of time and effort reviewing our system and proposing adjustments to the network. The proposed changes better identify highly traveled routes, routes that are important for connectivity throughout the City, and are congruent with recent work in updating our transportation functional classification map.

Below is a listing that shows proposed changes to our MSAS system. Any revision to the state aid system must also receive approval from MnDOT's State Aid for Local Transportation. As requested, the new designations (2.315 miles) and the proposed revocations (1.320 miles) would result in a proposed Municipal State Aid system mileage total of 15.10 miles, leaving approximately 0.13 miles available for designation.

### **Designation**

- West Marshall Street (N. 6th Street/Existing MSAS 103 to N. 7th Street) - 0.133 miles
- North 7th Street (N. 7th Street/W. Marshall Street intersection to Kossuth Avenue) - 0.460 miles
- West Fairview Street (US 59 to N. 7th Street) - 0.231 miles
- South 10th Street (Legion Field Road to W. Main Street/MN 68) - 0.159 miles
- Legion Field Road (Kendall Street to S. 10th Street) - 0.433 miles
- Kendall Street (Legion Field Road to S. 6th Street) - 0.144 miles
- South 6th Street (Kendall Street to W. Saratoga Street/Existing MSAS 109) - 0.192 miles
- C Street (E. Saratoga Street to US 59/E. Main Street) - 0.206 miles
- Susan Drive (US 59/E. Main Street to Clarice Avenue) - 0.357 miles

### **Revocation**

- Southview Drive – MSAS 119 (Country Club Drive/Elaine Avenue to S. 4th Street) - 0.318 miles
- Birch Street – MSAS 114 (Mustang Trail to State Street) - 0.463 miles
- North O'Connell Street – MSAS 125 (MN 19/E. College Drive to Birch Street) - 0.124 miles
- State Street – MSAS 135 (Birch Street to MN 23) - 0.415 miles

This item was presented to the Public Improvement/Transportation Committee at their meeting on January 25, 2022, with a recommendation to the City Council to adopt a resolution which revises the City's Municipal State Aid System (MSAS) routes designated herein.

Motion made by Councilmember Meister, Seconded by Councilmember DeCramer that the Council adopt RESOLUTION NUMBER 22-033 which is a "Resolution Establishing and Revoking Municipal State Aid Streets" revising the City's Municipal State Aid System (MSAS) as described herein. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat. The motion **Carried 5-0**

### **Consider acceptance of the Classification and Compensation Study Report by Gallagher Human Resources and Compensation Consulting practice and approve implementation for non-union employees**

In February 2021, the City Council authorized staff to enter into an agreement with Gallagher Benefit Services, Inc. (Gallagher) to conduct a comprehensive Classification and Compensation Study. The Marshall-Lyon County Library and Public Housing were included in the study. The project studied data from Marshall's 12 comparator cities across 33 benchmark positions.

The objectives accomplished through the study are:

- Development of a classification structure
- Evaluation of each job description utilizing the Decision Band Method® (DBM) to ensure proper internal equity and compliance with the MN Pay Equity Act
- Collection and review of market salary information to ensure external competitiveness
- Development of a pay structure that balances internal equity and external competitiveness, ensuring employees are compensated fairly and equitably

Gallagher will present a report of their findings and recommendations in employee meetings on February 24, 2022. All employee presentations will be held virtually, via Zoom. A reconsideration (appeal) process will be afforded to employees for a period of 2-weeks following the all-employee meetings. Any appeals received will be forwarded to Gallagher for reconsideration and final decision. Appeals are limited to reconsideration of proper classification. DBM Ratings and compensation are not appealable.

Staff recommend Council accept the Classification and Compensation Study report as presented.

Staff recommend the Council approve implementation of the salary structure schedule for nonunion employees, using the employee's base pay rate on 12/31/2021, in accordance with the following:

- effective 01/01/2022
- Placement of employees being compensated below the minimum pay range to Step A.
- Placement of employees onto the step closest to the base pay rate.
- Maintenance (no change) of wage rates of employees currently being compensated above step J, until such time as the maximum step is above the actual rate of pay. Employees compensated above step J are eligible for wage increases, up to the maximum of the range, at the same time and under the same conditions as granted to other non-union employees.

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer Motion to accept the Classification and Compensation Study Report by Gallagher and approve implementation for non-union employees, as presented. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer. Voting Nay: Councilmember Labat. The motion **Passed. 4-1**

### **Commission/Board Liaison Reports**

Byrnes Southwest Regional Development Commission met and heard a report on Southwest Minnesota Council of Mayors. This a group that is advancing implementations to be economically competitive with our neighboring States. Byrnes provided an example of tuition incentives for targeted occupations. There is support in the legislature for this item.

Schafer No Report

Meister No Report

DeCramer Economic Development Authority met and approved 8 additional façade improvement grant requests.

Diversity Equity and Inclusion Commission held it's a World Café event in conjunction with Cultures on the Prairie. DeCramer highly recommended future participation in these events.

Labat Convention and Visitors Bureau met and continues to receive applications for the community grants. The Craft Beef Show will be back in Marshall on May 14.

Library Board met and continue to review COVID-19 in the area and adjust their operation accordingly. A presentation was made to Lyon County for technology needs and visits to the library are up from 2021.

Marshall Area Transit Committee met and will be placing 19 more bus shelters within the City.

### **Councilmember Individual Items**

Councilmember Labat discussed three to four concerned calls regarding the removal of the stoplight at the intersection of 3<sup>rd</sup> Street and Main Street.

Mayor Byrnes commented that at this time only a proposal for the review of the intersection has been approved.

Councilmember Schafer provided discussion on a recent meeting with the Mayor and Chamber of Commerce President. Discussion included opening up boards and commissions to residents outside of city limits and suggested that the Legislative and Ordinance Committee review the list of boards and commissions may be amendable.

Councilmember Meister commented that he also received concerned calls regarding the removal of the stoplight at the intersection of 3<sup>rd</sup> Street and Main Street.

### **City Administrator**

City Administrator Sharon Hanson provided background information on a conceptual design on a future plaza next to city hall. There was unanimous consent to gather input on the naming of the plaza up to the public.

Administrator Hanson also provided an update on the sales tax project. Hanson commented that the indoor recreation center is not currently on the proposed legislation.

### **Director of Public Works**

Director of Public Works/ City Engineer Jason Anderson provided an update on the Comprehensive Plan. Over 600 survey responses were received. Additionally, small group meetings were held to further discussion focused areas in the Comp. Plan. Anderson commented that the Tiger Lake SCADA project has been completed.

Director Anderson commented that the 3<sup>rd</sup> Street and Lyon Street RFP proposals will be received and reviewed on March 8.

### **City Attorney**

City Attorney Dennis Simpson provided an update on Block 11 including the contract for private development. Simpson commented the Minnesota Department of Agriculture has responded the Helena Chemical that an excavation of 12 additional pesticides. Simpson also discussed his attendance at the League of Minnesota Cities Attorney's Conference.

### **Information Only**

There were no questions on the information items.

### **Upcoming Meetings**

There were no questions on the upcoming meetings.

**Adjourn**

At 6:35 P.M., Motion made by Councilmember Schafer, Seconded by Councilmember Meister to adjourn.  
Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer,  
Councilmember Labat. The motion **Carried. 5-0**

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Mayor

Attest:

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City Clerk