

**CITY OF MARSHALL  
CITY COUNCIL MEETING  
M I N U T E S  
Tuesday, December 12, 2023**

The regular meeting of the Common Council of the City of Marshall was held December 12, 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: Craig Schafer, Amanda Schroeder, John Alcorn, See Moua-Leske, James Lozinski and Steve Meister. Absent: None. Staff present included: Sharon Hanson, City Administrator; Pamela Whitmore, City Attorney; Jason Anderson, Director of Public Works/ City Engineer; E.J. Moberg, Director of Administrative Services; Scott Truedson, Wastewater Supervisor; Katie Brusven, Adult Community Center Coordinator; Jasmine DeSmet, Community Education Coordinator; Preston Stensrud, Park and Rec Supervisor; Ilya Gutman, Plans Examiner; Karla Drown, Finance Director; Sheila Dubs, Human Resource Manager; Quentin Brunsvold, Fire Chief; and Steven Anderson, City Clerk.

**Consider Approval of the Minutes from the Regular Meeting and Work Session on November 28th and the TNT Meeting from December 5<sup>th</sup>**

There were no amendments 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.**

**Approval of the Consent Agenda**

No items were requested to be removed from the consent agenda for additional discussion.

Motion made by Councilmember Meister, Seconded by Councilmember Schafer to approve the items on the consent agenda. 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 the Red Baron Arena & Expo and Bremer Bank Sponsorship Agreement
- Consider Approval for the Renewal of an On-Sale Liquor License for The Gym and a 3.2% Off-Sale License for Kwik Trip
- Consider Approval of a Tobacco License for Kwik Trip
- Consider Approval of Taxicab License Renewal
- Consider Resolution for Signage – 1) ADA Parking-Post Office; 2) ADA Parking-Holy Redeemer; 3) No Parking-W Saratoga Street (near S 6<sup>th</sup> Street)
- Consider Approval of the 2024 Wage Schedule for Temporary and Seasonal Employees
- Consider Approval of an Amendment to the Employee Recognition Policy and Service Award Schedule
- Consider Approval of an Amendment to the Holiday Policy
- Consider Approval of a Resolution Declaring the Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds or Other Obligations to be Issued for the Aquatic Center
- Consider Lease Agreement between Vishay Hirel Systems LLC and the City of Marshall
- Consider Resolution Authorizing Transfer of Funds from Fund 609 to Funds 101 and 481
- Consider Resolution Approving the Changes for the 2024 Fee Schedule
- Consider Approval of an Agreement to Contract with Hearing Officers for the Administrative Citation Process
- Acceptance of Donations Made to the Adult Community Center for FY 2023
- Acceptance of Donations Made to the Marshall Fire Department for FY 2023
- Acceptance of Donations Made to the Administration Department for FY 2023
- Consider Approval of Employee Retirement Resolutions
- Consider Approval of the Bills/Project Payments

### **Jump In, Make A Splash Committee**

Sharon Hanson introduced Marc Klaith and Amanda Schwarz from the Jump In, Make a Splash Committee. Following the successful referendum held on November 7, 2023, that would provide \$18.3 million in funds through the extension of the sales tax in Marshall. The Jump In, Make A Splash Committee, which was a community-based organization, was formed in partnership with the Marshall Community Foundation, and City of Marshall, with the intention of offering residents and local businesses sponsorship and special recognition opportunities. Additional funds will help support additional amenities such as a body slide flume, lily pad water walk, climbing wall and more shade structures. All donations are being made to the Marshall Community Foundation, who is also managing the aquatic center fund. The Marshall Community Foundation had already pledged \$75,000 towards additional amenities for the Aquatic Center project.

### **Annual Convention and Visitors Bureau Update and Contract Renewal**

Cassi Weiss, Convention and Visitors Bureau Director, presented her annual update for the CVB and the Red Baron Arena and Expo. Highlights of the presentation included a summary of the marketing campaigns done in 2023, a commercial spot that was produced and aired on KELO Land, major events such as the Made in Minnesota Beer and Wine Festival; Prairie Jam; Sounds of Summer and the Fairbanks Ice Dogs games. The CVB donated approximately \$99,000 in grants, cash, and in-kind marketing during 2023. The CVB hopes to increase the number of tournaments and events that are hosted in Marshall and also to continue to build partnerships with local businesses and local outdoor associations.

Motion made by Councilmember Moua-Leske, Seconded by Councilmember Schafer to approve the contract renewal between the Convention and Visitors Bureau and the City of Marshall as well as the lease agreement between the Convention and Visitors Bureau and the Red Baron Arena and Expo. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

### **Project ST-015 / SP 4204-40): 2025 MnDOT College Drive Improvement Project - Consider Resolution for Municipal Consent and Layout Approval**

MnDOT Project Manager, Jesse Vlaminc presented the MnDOT plans to complete State Project 4204-40, Reconstruction of Hwy 19 from 700' west of Marlene Street through Bruce Street. In accordance with Minnesota Statute 161.164, MnDOT had submitted for City approval the project's Final Layout Flap, identified as Layout Flap No. 2A, S.P. 4204-40. The City's approval was required for the project because it altered access (Many accesses will be closed and /or altered to right in right out) and required acquisition of permanent rights of way (permanent right of way would be obtained to bring city alleys to city access standards). Mayor Byrnes explained that part of this extension was at the behest of the city. The city to help reduce cost would have liked to have the utility work done at the same time as the reconstruction instead of having to create a new project and generate additional expenses. The RAISE grant would also cover a number of the expenses for both the City of Marshall and MnDOT. Councilmember Schafer asked for clarification on how far down that 700 feet would actually cover. Vlaminc indicated the 700 feet would terminate roughly at the entrance to Buffalo Ridge Concrete. The reconstruction would also be adding paint for shared bike lanes out to the Camden Regional Trail at the Lyon County Fairgrounds.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to approve Resolution 23-xxx for the consent and layout approval for MnDOT 2025 College Drive Improvement Project. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. Voting Nay: Councilmember Meister. The motion **Carried. 6-1.**

### **Consider Approval of Amendments to the Personnel Policy Manual Relating to Sick Leave Policies**

Sheila Dubs explained to the City Council that Minnesota had recently passed new legislation that provided for earned sick and safe time leave to employees effective 01/01/2024. The City of Marshall's current policy on sick leave required

amendments to comply with the new law. Additionally, a new sick leave policy applicable to part-time, paid-on-call, temporary, and seasonal staff was also required to comply with the new law. The Personnel Committee reviewed the policy on December 5 and recommended approval. Dubs detailed that the approval of the policy, with an effective date of 01/01/2024, would bring the City into compliance with the new law. The policy revision would not provide employees with additional sick leave accruals; full-time employees would continue to accrue at the same rates. Rather, the policy would cross-designate the first 48 hours of sick leave used per calendar year as earned sick and safe time leave. Only those first 48 hours of sick leave used per year will be subject to the requirements of the new law. The remaining sick leave accruals used by an employee will be subject to our existing requirements. Part-time, paid-on-call, temporary, and seasonal staff that worked 80 hours in a calendar year will earn one hour of sick leave for every 30 hours worked, up to a maximum of 48 hours per year. Employees may carry-over a maximum of 80 hours of sick leave from one calendar year to the next. The policy would be administered in accordance with state law. Dubs also introduced an amendment to the current employee policy to include sick leave to be used following the death of an employee's spouse/domestic partner, child, or stepchild, up to a maximum of 40 hours. The sick leave, if used must be used consecutively with funeral leave and must be pre-approved by the supervisor.

Motion made by Councilmember Schroeder, Seconded by Councilmember Lozinski to approve the amendments to the Personnel Policy Manual relating to sick leave policies. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

#### **Public Use of Cannabinoid Products and Prohibition on Smoking of Cannabinoid and Tobacco Products in City Parks and City Recreational Facilities -Introduction of Ordinance**

Pamela Whitmore provided background information on the three ordinances being introduced. At the October Legislative & Ordinance Committee meeting ("L&O"), the Committee discussed the use of Cannabinoid Products in public spaces in the City of Marshall. The L&O Committee received an update from the City Attorney and City Administrator regarding the Community Services Advisory Board's recommendation related to use in public spaces. The L&O committee also reviewed the County ordinance prohibiting public use of cannabinoid products in the County. The L&O Committee directed staff to update city ordinances to mirror the county ordinance for a prohibition on use of cannabinoid products in city parks and at recreational facilities and amend current ordinances to prohibit tobacco smoking and vaping in parks and recreational facilities as well. Section 46-29 was the ordinance created to address the direction from city council to prohibit all smoking and vaping in city parks and recreational facilities. Chapter 42 was amended to prohibit use of cannabinoid products on public streets but still does allow smoking on public streets. Councilmember Meister asked about the use of lobelia in the definition of "electronic delivery device". Whitmore retorted that the definition used was what the State of Minnesota uses, and legislation decided to include lobelia as part of it. Councilmember Lozinski commented that the L&O Committee opted to ban all smoking in parks to reduce the questions from the Police Department about what was being smoked, if everything was banned it didn't matter what the product was. The matter of enforcing a county ordinance would also be cleared up by the city having its own ordinance in place and not testing jurisdictional boundaries.

Motion made by Councilmember Meister, Seconded by Councilmember Lozinski to introduce the three ordinances amending Chapter 46, Chapter 42 and Chapter 10 of the City Code. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

**SP 5105-30 TH 59 Detour Agreement – Consider Resolution Authorizing Execution of MnDOT Agreement No. 1055122**

Jason Anderson said the proposed detour agreement between MnDOT and the City of Marshall provided payment by the State to the City for road life consumed on the portion of S. Saratoga Street that was proposed to be used as a Temporary Trunk Highway detour. The project was outlined as follows:

1. The State was going to perform concrete pavement rehabilitation and diamond grinding construction upon, along, and adjacent to Trunk Highway No. 59 from 201<sup>st</sup> Street to Trunk Highway No. 23 in 2024 under State Project No. 5105-30 (T.H. 59=17).
2. The State required a detour to carry T.H. 59 traffic on Saratoga Street during the construction.
3. The City was willing to maintain the T.H. 59 detour.
4. The State was willing to reimburse the City for the road life consumed by the detour and detour maintenance as hereinafter set forth.
5. Minnesota Statutes § 471.59, subdivision 10, § 161.25, and § 161.20, subdivision 2(b), authorize the parties to enter into this Agreement.

Per MnDOT, the dates of the detour route are July 8-August 9, 2024, but are subject to change. Councilmember Meister asked how MnDOT determined the reimbursement amount for road life consumed. Anderson stated that MnDOT had a formula that was used to determine road wear and tear during a detour. Hanson asked about traffic around the Walmart/Hitching Post intersection. Anderson said that MnDOT planned to work under traffic for that section of road, possibly by closing one or two lanes at a time.

Motion made by Councilmember Lozinski, Seconded by Councilmember Alcorn to approve Resolution 23-xxx authorizing the execution of MnDOT agreement number 1055122. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

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

The City of Marshall Public Works desired 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 was planned to be constructed on the East Building Area of the airport along Madrid Circle. The Project has been identified on the Airport CIP since FFY2011. The following is the most recent timeline received from TKDA, the City's consultant:

- Advertise for Bids – December 15, 2023
- Bid Opening – January 16, 2023
- Contract Award – February 2024
- Material Order (Materials on hand) – March 2024 (City will need to carry costs until grant award which will likely be no sooner than 09/2024.)
- Grant Applications – March 2024
- Notice to Proceed – June 2024
- Construction Completion – July 2025

The Public Improvement/Transportation Committee met with the Airport Commission on 12/5/2023 to review the proposed SRE building plans with TKDA and City staff and also at separate, additional PI/T Committee meeting on 12/12/2023. TKDA removed a number of elements from the original bid that had failed and have worked extensively with the Airport Commission and city staff to ensure the designs still met the needs of the facility. Councilmember Meister mentioned that even with a re-bid the project was still very expensive and the hope would be to bring in additional airport business.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to approve authorization to advertise for bids for Project AP-003: Airport Snow Removal Equipment Building. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. Voting Nay: Councilmember Meister. The motion **Carried 6-1**.

#### **Consider Approval of the 5 Year Capital Improvement Plan (CIP)**

E.J. Moberg presented the Capital Improvement Plan. The CIP was a fluid document and was updated on an annual basis. Nothing in the plan was set in stone. An example was given by Moberg for a motor grader that was re-allocated to be spread out over three years instead of all at once. The 5-year CIP served as a guide that lays out capital expenditures over the next 5 years by department as well as by the funding sources. The CIP was meant as a guide for Council and Management and does not give authorization for the projects until formally approved based on the City's Purchasing Policy.

Motion made by Councilmember Schafer, Seconded by Councilmember Alcorn to approve the five-year capital improvement plan. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0**.

#### **Resolution Adopting 2024 Budget**

Moberg gave a brief overview of the budget items, and that staff were recommending no change from the preliminary budget that was passed on September 12, 2023.

Motion made by Councilmember Schafer, Seconded by Councilmember Meister to approve Resolution 23-xxx adopting the budget for 2024. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0**.

#### **Consider Resolution Adopting Tax Levy for 2024**

At the August 29th Council work session, staff proposed a property tax levy increase of 13.63%. The main contributing factors for this increase were increased personnel and health insurance costs, an increase in debt related levies from 2023 to 2024 and increasing the levy for capital equipment after using grant dollars to lower that levy for 2023. Staff continued to work to reduce the increase for the preliminary levy that that was set on September 12th. The 2024 preliminary levy was set at \$8,988,670, which was an increase of 9.9% from the 2023 levy. Staff recommended no change to the final levy to be set at \$8,988,670, which is an increase of 9.9% from the 2023 levy.

Motion made by Councilmember Schafer, Seconded by Councilmember Moua-Leske to approve Resolution 23-xxx adopting the tax levy of 9.90% for 2024. 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 2024 Workers Compensation Insurance and Volunteer-Accident Plan**

The workers compensation insurance covers City employees, elected and appointed officials, volunteer firefighters, Library employees and Marshall Municipal Utilities employees. The Safety Committee continues to meet and discuss safety improvements and/or changes on a regular basis. Workers' compensation rates for 2024 had increased an average of 36.1% overall, because of increased payroll in 2024 and payout on claims. The volunteer-accident plan through CHUBB-Federal Insurance Company had remained constant at a \$2,793 premium from 2023 and 2024 coverage. Councilmember Schroeder asked about the service provided by BITCO. Dubs said that Laura Wing dealt with BITCO the most but when Dubs had to work with BITCO they were very responsive and good to work with.

Motion made by Councilmember Schroeder, Seconded by Councilmember Lozinski to approve the workers compensation insurance and volunteer-accident plan for 2024. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

**Consider Appointment to Boards, Commission, Bureaus, and Authorities**

The City Council conducted an interview with Sam Jens prior to the regular meeting. Mayor Byrnes made the recommendation to appoint Mr. Jens to the Diversity, Equity, and Inclusion Commission.

Motion made by Councilmember Moua-Leske, Seconded by Councilmember Alcorn to appoint Sam Jens to the Diversity, Equity and Inclusion Commission with a term ending May 31, 2026. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

**Commission/Board Liaison Reports**

Brynes	No report.
Schafer	No report.
Meister	No report.
Schroeder	No report.
Alcorn	No report.
Moua-Leske	DEI met to discuss Juneteenth and also talked about strategic visions for the future.
Lozinski	No report.

**Councilmember Individual Items**

Councilmember Meister entered the City of Marshall into a community-based initiative aimed at improving the post-storm pizza pick-up and delivery experience through road plowing partnerships with select communities through Dominoes Plowing for Pizza promotional campaign.

Councilmember Schroeder commented that the Red Baron Arena held a youth hockey tournament and many of the participants had positive reviews of the arena.

Mayor Byrnes mentioned that the Charter Commission had one opening and recommended that James Zmeskal be considered by the District Judge to be added to the commission. Byrnes also requested that parts of the ordinance limiting production, manufacturing and distribution of THC and cannabinoid products be amended to allow Brau Brother Brewery to manufacture THC seltzers.

**City Administrator**

Boards and Commissions in general need membership and discussions are underway to re-evaluate the need for certain commissions. Staff continue to meet with consultants regarding the upcoming tax abatement public hearing on December 19<sup>th</sup>.

**Director of Public Works/City Engineer**

The water softener rebate program was still in effect and has money that needs to be used. The program was opened up to DIY citizens and doesn't require professional installation. The MnDOT District 8 Active Transportation Partnership was hosted here in Marshall on December 8<sup>th</sup> and was well received.

**City Attorney**

No report.

**Administrative Brief**

There were no questions on the Administrative Brief.

**Information Only**

There were no questions on the Information Only items.

**Upcoming Meetings**

There were no questions on the Upcoming Meetings.

**Adjourn**

At 7:14 PM Motion made by Councilmember Schafer, Seconded by Councilmember Schroeder 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.**

Attest:

\_\_\_\_\_  
Steven Anderson, City Clerk

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Robert Byrnes, Mayor