

**CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, December 08, 2020**

The regular meeting of the Common Council of the City of Marshall was held December 8, 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; Annette Storm, Director of Administrative Services; Dave Parsons, City Assessor; Lauren Deutz, Economic Development Director; Sheila Dubs, Human Resource Manager; Ilya Gutman 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 November 24, 2020.

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer that the minutes of the regular meeting held on November 24, 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. The motion **Carried. 6-0**

Border States Electric: 1) Public Hearing regarding a business tax abatement request. 2) Consideration of Resolution Number 4765, Second Series, a resolution approving business tax abatement.

The City and Border States Electric have exchanged draft purchase agreement for the purchase of 2.5 acres of land in order to allow for construction of a 13,200 square foot warehouse/distribution building with an approximate 20,00 outside yard. The tax abatement amount is not to exceed \$55,000. The EDA Board provided a recommendation to the Council to consider the tax abatement.

City Administrator Sharon Hanson provided the background information on the agenda item.

Shawn Peterson, Border States Electric Branch Manager provided information on their facility needs and the commitment from BSE to stay in Marshall.

Councilmember Schafer discussed the proposed abatement and mentioned the local support to have BSE stay in the community.

Bentley Graves, Border States Electric thanked city staff for working with BSE throughout the abatement process and further discussed BSE's commitment to stay in the community.

Motion made by Councilmember DeCramer, Seconded by Councilmember Schafer 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 Meister to Adopt Resolution Number 4765, Second Series, a Resolution approving a business tax abatement. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat,

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

Consider Approval of the Consent Agenda

Agenda item number 4, Consider approval of the 2021 Temporary and Seasonal Employee Wage Schedule, 7, Consider Resolution regarding FCC Form 394 – Consent to Assignment or Transfer of Control of Cable Television Franchise and 11, City Hall Change Order 9 Approval, were removed for further discussion.

Motion made by Councilmember Meister, Seconded by Councilmember Schafer 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 4766, Second Series a Resolution Decertifying Tax Increment Financing District 2-4.

Approval of the Wastewater Treatment Facilities Improvement Project – Consider Application for Payment No. 17 to Magney Construction, Inc.

Approval of Various Liquor License and Tobacco License Renewals

Approval of an Annual agreements for renewal with Lutheran Social Services & Marshall Area Senior Citizens for 2021.

Approval of Taxicab License Renewals.

Approval of the bills/project payments.

Consider approval of the 2021 Temporary and Seasonal Employee Wage Schedule

On an annual basis, the Council reviews the wage schedule for temporary/seasonal employees. The Personnel Committee reviewed the proposed 2021 wage schedule at their November 18 and December 2 meetings and recommend unanimous approval.

Amendments to the schedule:

- The majority of amendments on the schedule reflect a new State minimum wage adjustment; effective January 1, 2021, the minimum wage in Minnesota will be increasing from \$10.00 to \$10.08 per hour.
- The pay rates for select pool staff, the WSI (water safety instructor) certified staff, as well as manager and assistant manager, are proposed to be increased to be consistent with the level of training and responsibility required of the positions. Two background memos are provided in the packet related to the pool positions. Staff revised the original recommendation based on Personnel Committee desires to increase the pay rates for employees who achieve WSI certification. The Personnel Committee reviewed the pool positions in detail with Staff and recommended the proposed increases.
- The other proposed amendments are explained in the supporting staff memos attached in the background information.

- Implementation date of 12/21/20—this reflects the 1st day of the pay period that includes January 1. This implementation date is consistent among all classes of employees (i.e., full-time, part-time, paid-on-call).

Councilmember Labat discussed the wage increases for three positions; building custodian, office assistance and public ways worker.

Human Resource Manager Sheila Dubs and Jason Anderson Director of Public Works and members of the Personnel Committee provided input on the three positions citing work demands and type of work, attracting quality employees and market comparisons.

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer That the Council approves the 2021 Temporary and Seasonal Employee Wage Schedule. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Lozinski. Voting Nay: Councilmember Labat. The motion **Passed. 6-1**

Consider Resolution regarding FCC Form 394 – Consent to Assignment or Transfer of Control of Cable Television Franchise

On October 22, 2020, Clarity Telecom, doing business as Vast Broadband, submitted to the City Form 394 - Application for Franchise Authority Consent to Assignment or Transfer of Control of Cable Television Franchise. Pursuant to applicable law and the City's franchise, this proposed change of control is prohibited without the written consent of the City. Federal law provides the City with a period of one hundred twenty (120) days to examine the legal, technical and financial qualifications of the proposed transferee – GI DI Rushmore TopCo, LLC ("Rushmore"). Under federal law, if the one hundred twenty (120) days expires without action by the City, the Application is deemed granted. Given that Clarity will retain control of the Franchise as the "Grantee" following completion of the proposed transaction Moss & Barnett's review does not address the legal and technical qualifications of Clarity, but rather focuses solely on the financial qualifications.

Councilmember Bayerkohler commented on financial concerns for Clarity.

There was further discussion on the agenda item.

Motion made by Councilmember DeCramer, Seconded by Councilmember Lozinski to approve Resolution Number 4767, Second Series, a Resolution Consenting to Assignment or Transfer of Control of Cable Television Franchise upon approval of the City Attorney. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Lozinski. Voting Nay: Councilmember Bayerkohler, Councilmember Labat. The motion **Passed. 5-2**

City Hall Change Order 9 Approval

Upon further inspection and demolition, it was discovered that the existing city hall roof system was a "flexing" whereas the new roof system is a "ridged" roof system. This change in the design and construction allows for a both roof systems to function together and avoid long-term issues between the old and new roof systems.

Councilmember Bayerkohler asked for clarification on the change order.

City Administrator Sharon Hanson and Plans Examiner/Assistant Zoning Administrator Ilya Gutman commented that the roof system design was not identified in the original bid. The item could not have been identified until construction took place. The amount in the change order would have been included in the original bid if it could have been identified.

Motion made by Councilmember Lozinski, Seconded by Councilmember DeCramer to approve Change Order Payment in the amount of \$18,875.00 Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. Voting Nay: Councilmember Meister, Councilmember Bayerkohler. The motion Passed. 5-2

With consensus from the Council, Mayor Byrnes requested that item number 16 be moved up on the agenda.

Consider request of Shades of the Past Car Club for Roll-In on May 6, 2021.

The City has received a request from the Shades of the Past Car Club for street closure on Main Street from College Drive (intersection of T.H. 19 & T.H. 59) northwest to North 6th Street for a Spring Car Roll-In on Thursday, May 6, 2021, from 2:00 pm-10:00 pm. Upon approval of the City Council, the request will be forwarded to Mn/DOT for their approval of the State permit.

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

Truth in Taxation Public Meeting

Public Meeting Public meeting requirements Counties, cities with a population over 500, school districts, metropolitan special taxing districts, and regional library authorities established under section 134.201 are required to hold a meeting at which the budget and levy will be discussed, and the public allowed to speak. The meeting must be after Nov. 24 and no later than Dec. 28 and held at 6:00 p.m. or later. This meeting may be part of a regularly scheduled meeting. If a regular meeting is not scheduled after Nov. 24 and no later than Dec. 28 at 6:00 p.m. or later, it will be necessary to schedule a special meeting for this purpose. Towns are not required to hold a public meeting. Special taxing districts (except for the three metropolitan special taxing districts and regional library authorities established under section 134.201) are not required to hold a public meeting. Public meeting announcement A taxing authority shall announce, at the meeting in which the proposed tax levy is adopted, the time and place of its subsequent regularly scheduled meetings at which the budget and levy will be discussed, and the public allowed to speak.

No later than December 28, 2020 Cities with a population over 500, counties, the Metropolitan Council, the Metropolitan Airports Commission, and the Metropolitan Mosquito Control District adopt their final payable 2021 property tax levies and their payable 2021 budgets.

The final levy be approved at the December 22, 2020 Council meeting.

Consider Approval of the Marshall Resiliency Grant Program

Economic Development Director Lauren Deutz presented the Marshall Resiliency Grant Program that was approved by the Economic Development Authority.

There was a consensus from the council to allow sit down locally owned franchised restaurants to be included in the grant program.

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

Marshall Visitors and Convention Bureau; 1) Marshall Visitors and Convention Bureau Update. 2) Consider approval of the 2021 Service Agreement between the City of Marshall and Marshall Visitors and Convention Bureau.

Visit Marshall Director Cassi Weiss will provide a 2020 update for the CVD, MARSH and Red Baron Arena. Also, for Council consideration is the 2021 City of Marshall Schwan Regional Amateur Sports Center Service Agreement with Marshall Visitors and Convention Bureau.

Motion made by Councilmember Meister, Seconded by Councilmember Schafer To approve the 2021 Service Agreement between the City of Marshall and Marshall Visitors and Convention Bureau. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. Voting Nay: Councilmember Bayerkohler. The motion **Carried. 7-0**

Approve Audio Visual Equipment and Installation Work

City Hall Committee assigned a Sub-Committee of Councilmember DeCramer, Staff Kyle Box, Alex Peterson and Sharon Hanson to review and assess the audio-visual (AV) equipment. On Tuesday December 1st the full City Hall Committee approved the AV proposal and recommended it go forward to the full Council for approval.

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer to Approve Proposal/Scope of Work to Tierney in the amount of \$252,359.29. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. Voting Nay: Councilmember Bayerkohler. The motion **Passed. 6-1**

Approve City Hall Door Security Proposal

City Hall Committee assigned a Sub-Committee of Councilmember DeCramer, Staff Kyle Box, Alex Peterson and Sharon Hanson to review and assess the door security proposals. City Hall Committee reviewed the proposals at prior City Hall Committee meeting. Living Connected provided a quote and an alternate quote was reviewed as well from Pro-Tech Design: Living Connected: \$36,808.83 Pro-Tech Design: \$23,295.89 (plus implementation costs of up to \$43,908).

Motion made by Councilmember DeCramer, Seconded by Councilmember Labat Approve Proposal/Scope of Work to Living Connected for City Hall door security system in the amount of \$36,808.83 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 No Report

Schafer No Report

Meister Economic Development Authority met and discussed the council items acted on this meeting.

Bayerkohler No Report

DeCramer No Report

Labat Police Advisory Board met and reviewed a Sergeant promotion and will begin Detective interviews

Convention and Visitors Bureau met and discussed the council items acted on this meeting.

Lozinski City Hall Committee met and discussed the council item acted on this meeting.

Councilmember Individual Items

Councilmember Meister reminded everyone to continue to wear a mask and that a COVID vaccine is coming in the near future.

Mayor Byrnes commented on the Light Up the Night event at Independence Park and that he will be sending out a form for council members to complete to list their preferred committees and liaison that they wish to serve on.

City Administrator

No Report

Director of Public Works

Director of Public Works/ City Engineer commented that the Ways and Means Committee will meet to review the Special Assessment Policy, proposals will begin to come in for the City's Comprehensive plan and staff are working on updating various department policies.

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 7:43 P.M., Motion made by Councilmember Schafer, Seconded by Councilmember Meister 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