

**CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, September 26, 2023**

The regular meeting of the Common Council of the City of Marshall was held September 26, 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, Steve Meister and James Lozinski. Absent: None. Staff present included: Sharon Hanson, City Administrator; Christina Cruz-Jennings, Assistant City Attorney; Jason Anderson, Director of Public Works/ City Engineer; E.J. Moberg, Director of Administrative Services; Sheila Dubs, Human Resource Manager; Karla Drown, Finance Director; Preston Stensrud, Park & Recreation Supervisor; and Steven Anderson, City Clerk.

The Pledge of Allegiance was recited at this time.

Mayor Brynes requested Item 3. Project ST-034: Intersection Control Evaluation (ICE) for Intersection of Susan Drive and US 59 Frontage Road be moved to new business as there was not an actual bid to award. All members agreed to the agenda change.

Consider Approval of the Minutes from September 12

There were no amendments to the minutes from September 12, 2023.

Motion made by Councilmember Alcorn, Seconded by Councilmember Schroeder. Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. Voting Abstaining: Councilmember Schafer. The motion **Carried. 6-0-1.**

Consider Award of Bids for Rock Salt for Street Department

Jason Anderson announced that five good bid proposals were received for 500 tons of #7 rock salt for the Street Department on September 1, 2023. The low bid was received from Blackstrap, Inc of Neligh, Nebraska in the amount of \$90.24/ton for a total of \$45,120. The 2023 Street Department budget included \$45,000 for the purchase of winter road salt and \$8,500 for sand. It was determined that an order for sand would not be required for this winter season. Councilmember Lozinski asked about the increase in the tonnage of salt compared to previous years. Anderson indicated the Street Department typically orders enough each year to keep availability stable but the winter season last year required more than normal and this order would bring available salt levels back to previous years amounts. Councilmember Meister questioned if there was a way to get a state bid price for salt, Anderson said he would investigate if it was possible.

Motion made by Councilmember Schafer, Seconded by Councilmember Meister to accept the bid of \$90.24/ton of #7 rock salt from Blackstrap, Inc of Neligh, Nebraska. 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

There were no requests to remove any items from the consent agenda 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 Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion Carried. **7-0.**

- Consider Approval of a Raffle Permit for Ducks Unlimited
- Consider Approval of a Raffle Permit for United Way
- Consider Approval for a Temporary On-Sale Liquor License for Marshall Area Chamber of Commerce
- Consider Approval for a Temporary On-Sale Liquor License for SMSU Gameday Roundup vs Moorhead

- Consider Approval for a Temporary On-Sale Liquor License for SMSU Gameday Roundup vs Sioux Falls
- Consider Approval for a Temporary Sunday Liquor License for The Gambler on New Years Eve
- Consider Request of Prairie Home Hospice & Community Care for the Light Up the Night Parade on Friday, November 24, 2023.
- Consider Renewal of the Safety Management Services Agreement with MMUA
- Consider Authorization to Declare Vehicles as Surplus Property
- Declaration of Use Restriction for Independence Park as part of MN DNR Outdoor Recreation Grant
- Consider Approval of the Bills/Project Payments

Project ST-034: Intersection Control Evaluation (ICE) for Intersection of Susan Drive and US 59 Frontage Road – Award of Proposal

Anderson explained that the intersection of Susan Drive just east of US 59/Main Street is an important and busy intersection in our community. The intersection is wide and there are numerous travel lanes designated on each leg of the intersection. The intersection is further troubled by the “free” movements into the intersection coming off Main Street. The City Engineering Department had been interested in seeking proposals from a consulting engineering firm to help analyze the intersection and to perform an Intersection Control Evaluation (ICE). The purpose of the evaluation was to recommend geometric solutions for the intersection that improve traffic flow and safety for all users of the intersection. Staff budgeted \$30,000 for this work in the 2023 engineering budget. At the August 14, 2023 meeting of the Public Improvement/Transportation Committee, City staff received concurrence from the PI/T Committee to seek proposals from engineering consultants to perform an ICE and to offer some design options for geometric improvement at the intersection to help improve traffic flow and safety for all users of the intersection. On September 15th, proposals were received from SEH and Bolton & Menk to perform this work. The proposals were sent to members of the PI/T Committee for review as well. After review and grading, the highest scoring and lowest cost proposal was submitted by Bolton & Menk in the amount of \$33,773.85.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to award the proposal for Project ST-034 to Bolton & Menk in the amount of \$33,773.85. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. Voting Nay: Councilmember Meister. The motion Carried. **6-1**.

Tree City, Emerald Ash Borer Plan, Grant Updates

Preston Stensrud, Park & Recreation Supervisor, gave a update on the \$329,080.00 ReLeaf grant through the MN DNR that the Parks Department had applied for. The City of Marshall qualifies for a “Tree City” designation by the Arbor Day Foundation. To obtain this designation four criteria must be met which include: Spending \$2 per capita on tree care/maintenance, having a department dedicated to tree upkeep, ordinances regarding trees, and a proclamation from the Mayor declaring the last day in April as Arbor Day within the City of Marshall. Stensrud informed the council that certified applicators are in Marshall that can apply Arbormectin or emamectin benzoate to trees with would protect them for about 2 years before reapplication would be needed. The applications would need to be done for the entire life of the tree to prevent Emerald Ash Borer. The primary purpose of the grant money would be for removal of Ash Trees and the city would replace the removed tree with two of a different species. If a homeowner only wanted to receive one tree the additional tree would be planted somewhere on public property. The grant money would also reimburse those who wish to become tree inspectors and to purchase additional tree watering bags. Stensrud was also working on an additional grant that would be strictly for the removal of trees in public spaces. The plan was to remove 75 trees and have them replaced with 200 trees.

Consider Amendments to the Personnel Policy Manual

Sheila Dubs, Human Resource Manager explained the proposed amendments to the Personnel Policy Manual. There were three categories of amendments: new Minnesota laws, recommended amendments, and technical amendments. For new Minnesota laws the policy changed section 1.9 Reasonable Break Time for Nursing Mothers; 7.6 Pregnancy and Parenting Leave; 7.7 School Conference/Activity Leave; 7.16 Bone Marrow and Organ Donation Leave; 7.17

Elections/Voting; and Chapter 10 Drug Free Workplace. Dubs recommended that 7.2 Vacation Leave; 7.5 Funeral/Bereavement Leave; and 8.6 Use of City-owned vehicles be amended. Dubs also recommended minor (technical) amendments to 5.1 Direct Deposit; 5.7 Overtime/Compensatory Time; 5.10 Exempt Employees; 6.1 Eligibility; 6.2 Group Health and Welfare; 6.5 Public Employees Retirement Fund; 6.7 Workers Compensation Insurance; 6.8 Disability Insurance; 7.0 Leave Policies; 7.3 Vacation Donation; 7.11 Leave of Absence without Pay; 8.4 Clothing Allowance; 8.18 Social Media; 9.1 Workplace Accidents, Injuries, and Illnesses; 11.5 Travel Advances; and 12.5 Employee Responsibilities. The Personnel Committee did not find any issues with the revisions and recommended that it go to council.

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

Project ST-004: Halbur Road Reconstruction Project - Consider Change Order No. 6 (Final) and Acknowledgement of Final Pay Request (No. 7)

The project consisted of reconstruction and utility replacement on Halbur Road from Michigan Street to Erie Road (CR 33); sanitary sewer and storm sewer were replaced, and the bituminous road surface was replaced with a new concrete surface. The items on Change Order No. 6 (Final Reconciling Change Order) for the project are the result of final measurements and changes in item quantities during construction. All work had been completed in accordance with the specifications. The Final Pay Request (No. 7) was the amount of \$11,227.07. Change Order No. 6 (Final) resulted in a contract decrease in the amount of \$46,776.17 and the final contract amount was \$1,122,707.21. The original contract amount was \$1,142,009.72, a total contract net decrease of \$19,302.51.

Motion made by Councilmember Meister, Seconded by Councilmember Lozinski to approve change order number six and acknowledge final pay request number seven. 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 2023-2024 Property/Casualty and Liability Insurance

Karla Drown, Finance Director, informed the council that the insurance renewal covers the City, Marshall Municipal Utilities, and the Marshall Lyon County Library. Staff accounted for a 5% increase in the LMCIT coverage for 2024 under the guidance of North Risk Partners and the increase ended up being 9%. Under the LMCIT coverage staff recommended to increase the deductible structure to \$50,000 per occurrence/\$100,000 Aggregate/\$1,000 Maintenance from \$25,000 per occurrence/\$50,000 Aggregate/\$2500 Maintenance. Coverage for Equipment Breakdown through Cincinnati Insurance was locked in for one more year at \$58,491. Staff recommended to add six additional locations to this coverage. Staff was waiting on Cincinnati Insurance to provide an updated premium with the six additional locations, the premium of \$73,857 as recommended by Cincinnati Insurance was for 51 extra locations. The hope is that the six additional locations will be a little bit higher than the \$58,491 that the city is currently paying. Joe Larson from North Risk Partners answered a question posed by Councilmember Meister regarding location coverage. Larson explained that City Staff and North Risk Partners reviewed key locations that were not being covered such as the Liquor Store. Councilmember Schafer expressed concerns about increasing the deductible amounts and if something were to happen how department budgets would be impacted. E.J. Moberg, Director of Administrative Services mentioned that there was an insurance fund with a small amount set aside to cover emergencies. Moberg also mentioned that staff reviewed the 10-year history and staff believed the increase would be more than adequate.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to approve the LMCIT and Illinois Casualty Coverage recommendations. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion Carried. **7-0.**

Marshall Aquatic Center Update, 2023 Local Option Sales Tax Report

City Administrator Hanson presented the Local Option Sales Tax analysis from the University of Minnesota Extension Office. The analysis looked at the per capita sales in Minnesota, the population of Marshall and an Index of Income. The data revealed that roughly 6,400 workers come into Marshall and about 2,200 residents work outside of city limits. The study noted that most people tend to spend money where they work. The U of M also forecasted sales tax revenue if the vote passes to be in the \$1.8million – \$2.1million range per year. The largest highlight from the analysis revealed that 65% of sales tax proceeds were paid by non-residents and 35% were paid by residents of Marshall with much of spending in building materials, general merchandise, and eating/drinking establishments. Hanson noted that in 2012 similar data was found that 60% of residents paid for sales tax which has dramatically changed as Marshall has become more of a regional hub for Southwest Minnesota.

Commission/Board Liaison Reports

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| Brynes | The SRDC held their monthly meeting in Lakefield and are fully staffed. |
| Schafer | Personnel Committee discussed the policy amendments that were passed during the September 26 council meeting. The Public Improvement and Transportation Committee had a good discussion on proposed bike trails along East Lyon Street. |
| Meister | No report. |
| Schroeder | EDA: Revitalization grants are still being considered. The EDA was also looking into options for the development of the hotel near the Red Baron Arena. There was also talk about a new daycare center possibly in the works. |
| Alcorn | No report. |
| Moua-Leske | The CVB received an Aquatic Center update from Preston Stensrud. |
| Lozinski | No report. |

Councilmember Individual Items

Councilmember Schafer shared about the passing of Dave Smiglewski who served as Granit Falls mayor since 1996.

City Administrator

Staff will be doing a coffee conversation hour regarding the Aquatic Center. Staff will also be participating in the SMSU Homecoming Parade. Hanson attended the League of Minnesota Cities Board Members meeting. Hanson and Lauren Deutz reached out to Woodcrest Capital and still believe that Marshall's is still coming to Marshall.

Director of Public Works/City Engineer

Construction projects are very close to completion.

City Attorney

No report.

Information Only

There were no questions on the Information Only items.

Upcoming Meetings

There were no questions on the Upcoming Meetings.

Adjourn

At 6:32 PM Motion made by Councilmember Alcorn, Seconded by Councilmember Lozinski 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:

City Clerk

Mayor