

**CITY OF MARSHALL  
CITY COUNCIL MEETING  
M I N U T E S  
Tuesday, October 26, 2021**

The regular meeting of the Common Council of the City of Marshall was held October 26, 2021, 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, Don Edblom, John DeCramer, Russ Labat and James Lozinski. Absent: Steve Meister. 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; Sheila Dubs, Human Resource Manager; Laura Wing, Payroll and Benefits Specialist, and Kyle Box, City Clerk.

The Pledge of Allegiance was recited at this time.

Mayor Byrnes asked for an addition to the agenda, an update from Marshall Municipal Utilities General Manager David Schelkoph.

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

**Consider approval of the minutes from a work session and regular meeting held on October 12, 2021.**

Motion made by Councilmember DeCramer, Seconded by Councilmember Schafer that the minutes of the work session and regular meeting held on October 12, 2021 be approved as filed with each member and that the reading of the same be waived. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

**Consider Award of Bids for Rock Salt for Street Department.**

Proposals were received for 250 ton of #7 rock salt for the Street Department on October 19, 2021. Four bids were received.

The low bid was received from Mills & Miller, Inc. of Brandon, South Dakota, in the amount of \$81.50/ton for a total of \$20,375.00. The 2021 Street Department budget included \$45,000 for the purchase of winter road salt and \$8,500 for winter sand. Due to a mild winter last year, the Street Department does not require an order of sand and the salt quote was reduced from 500 ton to 250 ton.

Motion made by Councilmember Schafer, Seconded by Councilmember Labat that the Council award the bid for 250 ton of #7 Rock Salt for the Street Department to Mills & Miller, Inc. of Brandon, South Dakota, in the amount of \$81.50/ton for a total of \$20,375.00. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

**Consider Approval of the Consent Agenda**

Motion made by Councilmember Schafer, Seconded by Councilmember Edblom to approve the consent agenda. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

Approval for the Request from Prairie Home Hospice & Community Care for the Light Up The Night Parade on Friday, November 26, 2021.

Approval of a Special Assessment Deferral for Hardship

Approval of Resolution Number, 21-084 , a Resolution Authorizing the Creation of Internal Service Fund 701 and the Transfer of Funds From Capital Fund 401 to Internal Service Fund 701.

Approval for a LG220 Application for Exempt Permit for Shades of the Past.

Approval for authorization to advertise for bids for Towing and Storage of vehicles.

Approval of the bills/project payments

**Marshall Municipal Utilities Update.**

MMU General Manager David Schelkoph provided a general utility update. Manager Schelkoph discussed a future project that will be taking place at Independence Park.

**Consider a Request for a Condition Use Permit.**

This request by the owner and Marshall Public Schools is for a conditional use permit to have a Career and Technical Education center. Career and Technical Education, or CTE, courses provide extended opportunities for participants to increase their knowledge of an identified field of interest and gain employability skills and some entry-level technical knowledge or skills. Classes taught at this center will focus on hands-on training and work readiness skills and will be mostly automotive and construction related: Welding, Auto Body, Auto Mechanics, Electrical, Plumbing, HVAC, and Certified Nursing Assistant (CNA). Students will be coming to this building for these classes but will be taught regular high school courses in other school buildings. There may be up to 50 to 60 students in this building at a time.

This area is in an I-2 General Industrial District. Ordinance lists industrial training schools as a permitted use in this district. The use proposed by the School District seems to be similar to the permitted use and therefore eligible for a Conditional Use Permit as a use of the same general character as a permitted use. Definition of a principle use that determines zoning district placement and compliance includes a requirement to occupy at least 75 percent of the building; as the only class not related to construction and technical field, CNA class will be limited to not more than 25 percent of the students by one of the conditions. To limit traffic and other impact on surrounding area, the number of students is limited to 60 at a time and an adequate parking lot is required by additional conditions.

The conditional use permit regulations are found in Section 86-46.

At the Planning Commission meeting on October 13, 2021, after a public hearing, a motion was made by Fox, seconded by Schroeder, to recommend approval as recommended by city staff to City Council. ALL VOTED IN FAVOR.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer that the City Council approve the request of Sandra K Mosch for a Conditional Use Permit for a Career and Technical Education Center as a use similar to a permitted use with the following conditions applied:

1. That the regulations, standards, and requirements as set forth in the City Code and as pertains to the class of district in which such premises are located shall be conformed with.
2. That the City reserves the right to revoke the Conditional Use Permit if any person has breached the conditions contained in this permit provided first, that the City serve the person with written notice specifying items of any default and allow the applicant a reasonable time in which to repair such default.
3. That the property is maintained to conform to the Housing Code, Zoning Code, Building Code, and not cause or create negative impacts to adjacent existing or future properties.
4. That the property is updated to conform to the Building Code.

5. That paved parking will be provided as required by Ordinance.

Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

### **Consider approval of 2022 Health Insurance with BCBS**

National Insurance Services (NIS) is our broker for health and dental insurances. Bill Chukuske was present at the Council work session on October 12, 2021 and provided our PEIP renewal proposal as well as results of an RFP for alternative health insurance carriers for 2022. Bill is unable to attend the meeting on October 26; in his place, our NIS account manager, Mari Wagner, will be present to provide a brief overview of the PEIP renewal and the RFP results for alternative health insurance carriers.

For 2022, the PEIP renewal proposal reflected a 9% increase. However, the City's 2-year commitment with PEIP expires on 12/31/2021; therefore, the City is not required to enter into this renewal. Staff are not recommending renewal with PEIP for 2022.

NIS completed a Request for Proposals for health insurance options from alternative carriers for 2022. A summary of the lowest cost proposals received was presented at the work session.

The lowest cost proposal was received by BCBS of Minnesota. The BCBS proposal provides a cost reduction in total premium, includes a 2nd year rate cap, and requires a 2-year commitment from the City. Staff are recommending the Council approve a 2-year commitment with BCBS of Minnesota for health insurance for 2022-2023.

Cost projections are estimated based upon current plan enrollment. The estimated 2022 cost decrease is \$176,992.06. See packet enclosure for a breakout by Fund.

Motion made by Councilmember Labat, Seconded by Councilmember Lozinski To approve the two-year Health Insurance Plan with BCBS of MN, cost-share Option B. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. Voting Nay: Councilmember Edblom. The motion **Passed. 5-1**

### **Consider approval of a two-year renewal with Delta Dental for 2022-2023**

National Insurance Services (NIS) is our broker for health and dental insurances. Bill Chukuske was present at the Council work session on October 12, 2021 and provided our Delta Dental renewal information. Bill is unable to attend the meeting on October 26; in his place, our NIS account manager, Mari Wagner, will be present to provide a brief overview of the renewal. For 2022-2023, the Delta Dental renewal reflects a 4% increase with a 2-year rate guarantee. Staff are recommending renewal with Delta Dental for 2022-2023 using the 80-20% cost share. The costs by fund in the background materials exclude retirees, Library, and Public Housing employees.

Motion made by Councilmember DeCramer, Seconded by Councilmember Edblom to approve the 2022-23 Delta Dental renewal option A. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Edblom, Councilmember DeCramer. Voting Nay: Councilmember Labat, Councilmember Lozinski. The motion **Passed. 4-2**

### **Renew Lease Agreement with Enterprise Leasing Company at Southwest Minnesota Regional Airport.**

City staff has been in contact with Enterprise leasing staff for many months working toward resolution on a new lease agreement. The existing lease agreement has been expired since 2011 and needs replacement.

To meet new company requirements, Enterprise requires an indoor vehicle detailing location for all-year vehicle cleaning and maintenance. To help accommodate this need, City staff has been allowing Enterprise to utilize the 'wash bay' space in the city maintenance building that is attached to the WPA hangar building.

Long term, Enterprise requires this 'wash bay' area to be improved to meet company standards. This includes epoxy floor painting, mold-resistant wall board, improved lighting, and some additional outlet locations. To accommodate Enterprise's needs, the City is proposing to install these improvements with our staff if Enterprise agrees to pay for the materials. Material costs are estimated at \$1,500.

The Airport Commission reviewed the agreement and recommended approval to the City Council at their October 5, 2021 meeting. The proposed agreement identifies the new wash bay space for Enterprise use, it updates parking space locations for Enterprise use, and it includes new monthly rental rates for the next five years. The rental rates for the first 3 years reflect a similar rate that was paid in the old agreement. Enterprise has cited our small market and difficult rental vehicle market in recent years as reasons for maintaining a similar rental rate. The rental rate is scheduled to increase in both 2025 and 2026.

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer that the Council authorize the execution of the lease agreement with Enterprise Leasing Company of Eagan, Minnesota. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Edblom, Councilmember DeCramer, Councilmember Lozinski  
Voting Nay: Councilmember Labat. The motion **Passed. 5-1**

**Project Z77: Legion Field Stormwater Improvements Project - Consider Change Order No. 3 (Final) and Final Pay Request No. 5.**

This project consists of the following: Construction of normally dry stormwater detention basins and associated stormwater piping and improvements. Minor street patching and repair will be required. The project will occur on and between Out lot A of Buffalo Ridge Addition and Legion Field Park. The items on Change Order No. 3 (Final Reconciling Change Order) for the above project are the result of final measurements and changes in item quantities during construction. All work has been completed in accordance with the specifications. The Final Pay Request (No. 5) in the amount of \$8,244.01.

Change Order No. 3 (Final) results in a contract decrease in the amount of (\$9,073.10) and a total contract amount of \$265,902.65. The original contract amount was \$277,943.00.

Motion made by Councilmember Schafer, Seconded by Councilmember Labat that the Council approve Change Order No. 3 (Final), resulting in a contract decrease in the amount of (\$9,073.10) and acknowledge Final Pay Request (No. 5) in the amount of \$8,244.01 for the above-referenced project to Towne & Country Excavating LLC of Garvin, Minnesota. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

**Project Z84: Legion Field Park River Stabilization Project -- Consider Change Order No. 1 (Final) and Acknowledgement of Final Pay Request No. 1.**

The Redwood River enters the Legion Field Park area adjacent to the park shelter in the southwest portion of the park. Over the last several years, the riverbank has eroded several feet closer to the park shelter facilities. Currently, the riverbank has eroded immediately behind the water fill spigot and bituminous apron around the park shelter. City Engineering staff has identified a stabilization project to reclaim some of the lost riverbank and reinforce the bank with riprap rock. Staff originally budgeted \$100,000 to perform riverbank stabilization at this location and another location

adjacent to the bike path on the east portion of the park near the city pool entrance road. Staff removed the stabilization adjacent to the bike path to coordinate stabilization needs with potential bike path relocation due to the future aquatic center design. The items on Change Order No. 1 (Final Reconciling Change Order) for the above project are the result of final measurements and changes in item quantities during construction. All work has been completed in accordance with the specifications. The Final Pay Request (No. 1) in the amount of \$37,127.16.

Change Order No. 1 (Final) results in a contract decrease in the amount of (\$36.34) and a total contract amount of \$37,127.16. The original contract amount was \$37,163.50.

Motion made by Councilmember Edblom, Seconded by Councilmember DeCramer that the Council approve Change Order No. 1 (Final), resulting in a contract decrease in the amount of (\$36.34) and acknowledge Final Pay Request (No. 1) in the amount of \$37,127.16 for the above-referenced project to A&C Excavating, LLC of Marshall, Minnesota. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

**Consider Appointments to Various City Boards, Commissions, and Authorities.**

The applicant for the following position met with members of the council and school board on October 22, 2021.

Community Services Advisory Board, Lindsey Steffes – unexpired term set to expire 02/28/2024

Motion made by Councilmember Labat, Seconded by Councilmember DeCramer To approve the nominations to various City Boards, Commissions, and Authorities. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

**Commission/Board Liaison Reports**

Byrnes No Report

Schafer No Report

Edblom Planning Commission met and acted on the items approved by the City Council.

DeCramer Marshall Municipal Utilities Commission met and discussed the power rates will change to time of use billing and that there will be a 5% cost reduction in 2022 for all customers. MMU completed 13 months of 100% reliability. The MMU/ COM partnership agreement will come before the council on November 23.

Economic Development Authority met and listened to a presentation on the school districts CEO program.

Labat No Report

Lozinski No Report

**Councilmember Individual Items**

Councilmember Schafer thanked staff for street cleaning during the fall months.

**City Administrator**

City Administrator, Sharon Hanson provided an update from the Community survey. Administrator Hanson commented that there is good support for parks projects and future sales tax. There will be two known future work sessions regarding the aquatic center and the 2022 budget. Hanson commented that the library committee will be to review the 2022 budget request. Staff and Councilmember Schafer did have a conversation with the Department of Agriculture on the pending Helena Chemical property.

**Director of Public Works**

Director of Public Works/ City Engineer Jason Anderson provided an update on ongoing street cleaning and sweeping. Anderson discussed an upcoming agenda item the Public Improvement and Transportation Committee (Downtown parking lots and proposed no parking streets). Staff and the contractor for Country Club Drive came to an agreement that the city will receive approximately \$22,000 for surface defects regarding the project.

**City Attorney**

City Attorney Dennis Simpson provided an update from a conversation had with the Minnesota Department of Agriculture. Attorney Simpson discussed future sale and closing of the Mosch property.

**Information Only**

There were no questions on the information items.

**Upcoming Meetings**

There were no questions on the upcoming meetings.

**Adjourn**

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to adjourn. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

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Mayor

Attest:

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City Clerk