

**CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, January 14, 2020**

The regular meeting of the Common Council of the City of Marshall was held January 14, 2020 in the Professional Development Room at the Marshall Middle School, 401 South Saratoga 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, Steven Meister, Glenn Bayerkohler, John DeCramer, Russ Labat and James Lozinski. Absent: None. Staff present included: Sharon Hanson, City Administrator; Dennis Simpson, City Attorney; Glen Olson, Director of Public Works/ City Engineer; Annette Storm, Director of Administrative Services; Jim Marshall, Director of Public Safety; Preston Stensrud, Parks Superintendent 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 December 17, 2019.

Motion made by Councilmember Schafer, Seconded by Councilmember Decramer that the minutes of the regular meeting on December 17, 2019 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, Councilmember Lozinski. The motion **Carried.**
7-0

Vacation of Utility Easements in Carr Subdivision I -- 1) Public Hearing on Resolution Granting Petition to Vacate Utility Easements, 2) Consider Resolution Granting Petition to Vacate Utility Easements.

A signed petition has been received from the owners of all the real property abutting the property line between Lots 17 and 18 of Block 2, Carr Subdivision I, petitioning vacation of a portion of the 5' utility easement on each side of said lot line, excepting the north 8 feet of said easements.

The purpose of the vacation is for a condominium being constructed over the easement.

All utility companies have been contacted regarding the vacation of the easement. MMU is in the process of obtaining a new easement. MMU requests that the vacation of easement be contingent upon James Carr granting a new utility easement to MMU.

Director of Public Works/City Engineer Glenn Olson provided the agenda item.

Motion made by Councilmember Meister, Seconded by Councilmember Lozinski that the Council 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 Labat that the Council adopt Resolution Number 4694, Second Series which is the Resolution Granting Petition to Vacate Utility Easements, contingent upon James Carr granting new utility easements to MMU. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember Decramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried.** **7-0**

Authorization to purchase new Zamboni 552AC for Red Baron Arena and Expo

During the construction of the Red Baron Arena and Expo (2) Zamboni ice resurfacing machines were purchased. One was a new model and one was 16 years old at time of purchase. Staff recommended staggering the purchase of two new machines for cost reasons. The used Zamboni was purchased to help offset the replacement schedule and is now in need of replacement as the batteries are at the end of their life cycle and other significant wear on the machine.

Frank J. Zamboni & Co., Inc. of Paramount, CA. gave the City a proposal for the purchase of a new Zamboni 552AC in the amount of \$156,704.80 including Sourcewell discount and freight to Marshall. Lead time on a new Zamboni is approximately 10 months, delivery expected October 1st of this year. The price on this unit is valid until January 15th.

Staff would recommend declaring our oldest Zamboni 552-6159 surplus and authorizing the sale to R&R Specialties, Inc. of Somerset, WI in the amount of \$27,750.00. A trade quote was offered from Frank J. Zamboni & Co., Inc. for \$22,500.00. R&R Specialties, Inc. would take over possession of Zamboni after current hockey season.

\$65,000 was budgeted in the 2019 Red Baron Arena and Expo budget and \$65,000 is budgeted in the 2020 Red Baron Arena and Expo budget.

Net cost of \$128,954.80 to be shared with Marshall Amateur Hockey Association (MAHA) upon arrival of unit.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to authorize the purchase of new Zamboni 552AC in the amount of \$156,704.80 from Frank J. Zamboni & Co., Inc. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Decramer, Councilmember Labat, Councilmember Lozinski. Voting Nay: Councilmember Bayerkohler. The motion **Passed. 6-1**

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to declare Zamboni 552-6159 surplus and accept purchase quote from R&R Specialties, Inc. in the amount of \$27,750.00. 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.

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 4695, Second Series, a resolution designating the Official Depositories for City Funds for 2020.

Approval of Resolution Number 4696, Second Series a resolution delegating authority to the city to make electronic fund transfers.

Approval of Resolution Number 4697, Second Series, a resolution designating the Official Newspaper.

Approval of Resolution Number 4698, Second Series to authorize the Finance Director to pay certain claims.

Approval to Call for a Public Hearing Regarding Proposed Property Tax Abatement at 1005 Channel Parkway

Approval of a LG220 Application for Exempt Permit for the Lynd Fire Fighters Relief Association.

Approval of a LG220 Application for Exempt Permit for the Lyon County Pheasants Forever.

Approval of a LG220 Application for Exempt Permit for the Marshall Golf Club, Inc.

Approval of the Wastewater Treatment Facilities Improvement Project – 1) Consider Application for Payment No. 6 to Magney Construction, Inc.

Approval of the Wastewater Treatment Facilities Improvement Project – 2) Consider Payment of Invoice 0244146 to Bolton & Menk, Inc.

Approval of the Wastewater Treatment Facilities Improvement Project – 3) Consider Payment of Invoice 1301918 to American Engineering Testing, Inc.

Approval of the bills/project payments.

Consider approval of the amended personnel policy, Chapter 10: Drug-Free Workplace.

The League of Minnesota Cities has issued an update to their model policy on a Drug-Free Workplace, which includes policy language related to drug and alcohol testing for both commercial drivers (those required to hold a CDL license) and applicants/employees not required to hold a commercial drivers license. This amendment updates both policies 10.1 and 10.2. Policy 10.1 is the is applicable to non-commercial drivers and Policy 10.2 is applicable to commercial drivers. Policy 10.2 also complies with federal DOT regulations.

Staff recommends approval of the proposed policy, which was established by the League of Minnesota Cities and complies with both state and federal laws. This will replace our existing policy in its entirety.

Motion made by Councilmember Schafer, Seconded by Councilmember Decramer that the Council approves the amended Drug-Free Workplace Policy. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember Decramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Consider Resolution for Signage at 1005 North 4th Street.

Habilitative Services, Inc., representing the owner REM, Inc., has requested the installation of two signs restricting parking at 1005 North 4th Street.

The request is for “No Parking Between Signs / Monday-Friday / 7-9 AM and 2-4 PM”.

This request was reviewed by the Public Improvement/Transportation Committee at their meeting on July 9, 2019 and referred to the City Council.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski that the Council adopt RESOLUTION NUMBER 4699, SECOND SERIES, which is the "Resolution for Signage in the City of Marshall" for "No Parking Between Signs / Monday-Friday / 7-9 AM and 2-4 PM" at 1005 North 4th Street. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember Decramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Public Works Director Transition-Accept Recommendation from Personnel Committee.

City Administrator Sharon Hanson introduced the agenda item and recommended the following regarding the retirement of Glenn Olson effective Jun 12, 2020. As part of this transition following is proposed:

- Assign Glenn Olson as City Hall Owner's Representative effective immediately until June 12, 2020 (his retirement date).
- Appoint Jason Anderson as Public Works Director effective February 3, 2020.
- Fill the Assistant Engineer position following job description review.

The Personnel Committee met on Monday January 7, 2020 and approved the above recommendation. The Public Works Director job description changed minimally, until there is a full review when the comparable worth study is updated later this year.

Councilmember Labat that the requested that the recommendation be separated into two votes.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to assign Glenn Olson as City Hall Owner's Representative effective immediately until June 12, 2020 Appoint Jason Anderson as Public Works Director effective February 3, 2020. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Decramer, Councilmember Labat, Councilmember Lozinski. Voting Nay: Councilmember Bayerkohler. The motion **Passed. 6-1**

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to fill the Assistant Engineer position following job description review. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember Decramer, Councilmember Lozinski. Voting Nay: Councilmember Labat. The motion **Passed. 6-1**

Approve Employment Agreement Between City of Marshall and Jason Anderson-Appointment as Public Works Director.

Personnel Committee on January 7, 2020 approved the recommendation to appoint Jason Anderson as Public Works Director effective February 3, 2020, via Employment Agreement.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to approve Employment Agreement Between City of Marshall and Jason Anderson-Appointment as Public Works Director effective February 3, 2020. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Decramer, Councilmember Labat, Councilmember Lozinski. Voting Nay: Councilmember Bayerkohler. The motion **Carried. 6-1**

Consider Appointments to the Various Boards, Commissions, Bureaus and Authorities.

Mayor Byrnes introduced and recommended the following applications to various boards and commissions.

Convention and Visitors Bureau

Ty Brouwer, Lucas Tietz, Keith Petermeier and Kelly Loft to an unexpired term set to expire 12/31/2022.

MERIT Center Commission

Eric Wallen and Joshua Schafer to an unexpired term set to expire 12/31/2022.

Motion made by Councilmember Schafer, Seconded by Councilmember Decramer to approve the interviewed applicants to the various boards, commissions, bureaus and authorities. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember Decramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Commission/Board Liaison Reports

Byrnes No Report

Schafer Southwest Minnesota Amateur Sports Commission met and added two additional at large board positions.

Meister No Report

Bayerkohler No Report

DeCramer No Report

Labat Library Board met and elected new board officers and Installations of the LED lighting is complete.

Lozinski No Report

Councilmember Individual Items

Councilmember Labat requested that, if possible, to have city crews clear out fire hydrants from snow and ice.

Councilmember DeCramer addressed two items from constituents; urban chickens, town hall meetings. DeCramer mentioned that the Minnesota State Auditor will be in Marshall on January 28 for a listening tour.

Mayor Byrnes mentioned a recent visit to Marshall by Governor Walz as well as discussions with US Army National Guard Director of Construction on the long-term location of the armory in Marshall.

City Administrator

City Administrator Sharon Hanson discussed hosting town hall meetings and well as the upcoming State of the City address sponsored by the Marshall Area Chamber of Commerce. The predevelopment agreement with APX on Block 11 has expired. The next steps are to develop an agreement between the City of Marshall and APX. Administrator Hanson mentioned that Luran Deutz has been hired as the Economic Development Director for the City of Marshall.

Director of Public Works

Director of Public Works/ City Engineer Glenn Olson commented on the successful transition from city hall to SMSU. Director Olson mentioned that hazardous waste removal has begun at city hall.

City Attorney

City Attorney Dennis Simpson commented on two pending items. Sale of city owned property to MMUA and the purchase of the Helena Chemical property.

Administrative Reports

There were no questions regarding the administrative brief.

Information Only

There were no questions on the information items.

Upcoming Meetings

There were no questions on the upcoming meetings

Adjourn Meeting

At 6:41 PM, 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