The regular meeting of the Common Council of the City of Marshall was held March 14, 2017 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 Byrnes. In addition to Byrnes the following members were in attendance: Craig Schafer (arrived late), Steven Meister, Glenn Bayerkohler, John DeCramer, David Sturrock and James Lozinski. Absent: none. Staff present included: Nick Johnson, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Rob Yant, Director of Public Safety; Scott VanDerMillen, Director of Community Services; Marc Klaith, Fire Chief; Ilya Gutman, Plan Examiner; Preston Stensrud, Parks Superintendent; Scott Truedson, Assistant Wastewater Superintendent; Alex Peterson, Media Communications Specialists; Cathy Lee, Executive Assistant and Jane DeVries, City Clerk.

The Pledge of Allegiance was recited at this time.

### APPROVAL OF AGENDA:

It was the consensus of the Council that the agenda be approved as presented.

## CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 28, 2017, THE WORK SESSION HELD ON FEBRUARY 28, 2017 AND THE WORK SESSION HELD ON MARCH 7, 2017:

Member (Steven Meister) Moved, Member (James Lozinski) Seconded to approve the ORIGINAL motion that the minutes of the regular meeting held on February 28, 2017, the work session held on February 28, 2017 and the work session held on March 7, 2017 be approved as filed with each member and that the reading of the same be waived'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion Carried 6 - 0

Be it noted the arrival of Councilmember Schafer.

# PROJECT Z56/ SAP 139-129-002: NORTH 7TH STREET RECONSTRUCTION PROJECT (FAIRVIEW TO CSAH 33) – 1) PUBLIC HEARING ON IMPROVEMENT; 2) CONSIDER RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS:

This was the date and time set for a public hearing on the North 7<sup>th</sup> Street reconstruction project. Glen Olson, Director of Public Works/City Engineer, indicated that property owners affected by the above-referenced project have been notified, according to law, that a hearing would be held on March 14, 2017. A public presentation will be made followed by any discussion. The council reviewed the Feasibility Report. The project consists of the reconstruction of North 7th Street from the North 7th Street Diversion Channel north to CSAH 33. There will also be watermain replacement on a portion of the project under a separate contract through MMU, as well as revisions to the storm sewer system. A public informational meeting was held on February 23, 2017 at Marshall Municipal Utilities. Information and handouts were provided to all those in attendance.

Jason Ver Steeg from Dunininck, Inc. came forward to discuss a few concerns that he had with the construction on North 7<sup>th</sup> Street. Jason asked if he would be able to maintain access to their

business during the construction and when the construction is completed and he wanted to make sure that the storm sewer on the south side of their property ties into the city storm sewer. Councilmember Bayerkohler was concerned that the city was going to start the project before staff had an understanding from the property owners.

Member (Craig Schafer) Moved, Member (James Lozinski) Seconded to approve the ORIGINAL motion that the Council close the public hearing regarding Project Z56/ SAP 139-129-002: North 7th Street Reconstruction Project (Fairview to CSAH 33). Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion Carried 7 - 0

Member (Craig Schafer) Moved, Member (John DeCramer) Seconded to approve the NEW motion 'that the Council adopt RESOLUTION NUMBER 4356, SECOND SERIES, which is the "Resolution Ordering Improvement and Preparation of Plans" for Project Z56/ SAP 139-129-002: North 7th Street Reconstruction Project (Fairview to CSAH 33).' Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion Carried 7 - 0

### WASTEWATER TREATMENT FACILITY PLAN – 1) PUBLIC HEARING; 2) CONSIDER RESOLUTION ADOPTING A WASTEWATER TREATMENT FACILITY PLAN FOR THE CITY OF MARSHALL, MINNESOTA:

Glen Olson, Director of Public Works/City Engineer opened the discussion on the Wastewater Treatment Facility Plan. Scott Truedson introduced Kelly Yahnke from Bolton & Menk, Mr. Yahnke reviewed the Wastewater Treatment Facility Plan as prepared by the City's consultant, Bolton & Menk. Inc. of Mankato, Minnesota. In 2014 the MPCA required the Marshall Wastewater Treatment Facility to prepare a Phosphorus Facility Plan to address the city's upcoming phosphorus limit. The city approved a proposal from Bolton & Menk at that time to prepare this along with a Toxicity Reduction Evaluation, and a Chloride and Copper Monitoring Reports. The Wastewater Facility needs upgrades to replace existing processes that were constructed in 1993. These systems are becoming worn and are in need of upgrading or replacement. There are new processes available that will meet our current and future compliance needs more cost effectively. This Facility Plan would look at current system processes and regulatory requirements, future regulatory requirements, and give us a Cost Benefit Analysis of the available treatment processes including Biological Phosphorus Removal and Total Nitrogen Removal. At the August 23, 2016 meeting, the City Council awarded the professional engineering services to Bolton & Menk Inc. for completion of a Wastewater Treatment Facility Plan. Bolton & Menk was to coordinate with the City and Marshall Municipal Utilities to address potential construction costs and grant funding for construction projects at both the Water Treatment Plant and the Wastewater Treatment Plant to help the City meet its upcoming Chloride Compliance schedule and future regulatory requirements at Wastewater Facility. The results of the Facility Plan would put the City in position to get on the MPCA Project Priority List and the availability to access grant money or low interest loans for the project.

Member (John DeCramer) Moved, Member (Steven Meister) Seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing.' Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0 Abstain: 1. The motion **passed** 6 - 0 - 1, with Schafer abstaining.

Member (John DeCramer) Moved, Member (Steven Meister) Seconded to approve the NEW motion 'that the Council adopt RESOLUTION NUMBER 4357, SECOND SERIES, which is the "Resolution Adopting a Wastewater Treatment Facility Plan for the City of Marshall, Minnesota" '. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0 Abstain: 1. The motion passed 6 - 0 - 1, with Schafer abstaining.

### **APPROVAL OF CONSENT AGENDA:**

Member (Steven Meister) Moved, Member (James Lozinski) Seconded to approve the ORIGINAL motion 'the following consent agenda items be approved as presented. 'Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion Carried 7 - 0

The approval of the annual renewal of the Refuse Haulers License for Southwest Sanitation Inc., and Waste Management, Inc., for the period April 1, 2017 through March 31, 2018 at a fee of \$160.00'.

The approval of a Temporary On-Sale Liquor License for the Marshall Area Chamber of Commerce to use at the Marshall Fire Department, 201 East Saratoga Street, Marshall, Minnesota on May 4, 2017.

The approval of an Off-Sale 3.2 Percent Malt Liquor License for Super America, 1001 East College Drive.

That the Council approves declaring the following items as surplus equipment to allow the City to dispose of them or direct sale: 1. 40 decking sheets 2. 4 railroad irons 3. 6 miscellaneous I beams 4. 6 bar joists.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 102819 through 102982; and Draft No. 256 through 264.

### CONSIDER APPROVAL OF THE JOB POINTING AND SALARY RANGE FOR THE CLASSIFICATION OF MEDIA PRODUCTION TECHNICIAN:

Staff is recommending consideration and approval of the addition of a job classification, pointing, and pay range to the 2017 and 2018 wage schedules. The position, a new position for the Community Services Cable Access program, was approved and budgeted for by the Council during the 2017 budgeting process. On March 8, 2017, the Personnel Committee recommended unanimously to approve the addition of the position, pointing, and pay range to the Council. (Councilmember Meister was not present at the Personnel Committee meeting.) This is a non-union, non-exempt (eligible for overtime) position that will require a flexible schedule to include evenings, weekends, and holidays. Alex Peterson, our Media Communications Specialist, will be the supervisor and will be providing the training to the new employee. Background on Job Pointing: In Minnesota, public employment, and in accordance with the Pay Equity law, all jobs are required to be evaluated and given points according to the level of knowledge and responsibility required to do the job. This evaluation and pointing process is required to eliminate any gender-based wage inequities in compensation; it is a method of eliminating discrimination against women who are paid less than men for jobs requiring comparable levels of

expertise. The City of Marshall utilizes the Hay Group Guide Chart—Profile Method of job evaluation, or Hay pointing. The position, titled Media Production Technician was pointed by the City's Hay pointing consultant, Wayne Brede at 199 points. Pay Range: The city's current compensation structure is comprised of pay bands, which distinguish the level of compensation given to certain ranges of jobs. This position, pointed at 199, corresponds with an existing pay band on the schedule with a pay range for 2017 and 2018 as shown: 2017 Wage Schedule Points Step 1 Step 2 Step 3 Step 4 Step 5 Step 6 199 19.80 21.12 22.44 23.76 25.08 26.40 2018 Wage Schedule Points Step 1 Step 2 Step 3 Step 4 Step 5 Step 6 199 20.45 21.81 23.17 24.53 25.90 27.26 Staff also reached out to other City-managed access channels in MN to determine if this pay range is competitive with the market. Six metro area cities were contacted for information, five of which either responded that they do not have a comparable position or no response was received. Director VanDerMillen contacted the Business Manager at North Suburban Access Corporation in Roseville and spoke with three of their staff. After review of our job description, their staff agreed our proposed range is appropriate and competitive. Therefore, staff are recommending approval of the Hay points and pay ranges for the 2017 and 2018 wage schedules as shown. Director of Community Services, Scott VanDerMillen and Media Communications Specialist, Alex Peterson were in attendance to discuss the purpose of the position. There was a brief discussion on funding for this position.

Member (Craig Schafer) Moved, Member (John DeCramer) Seconded to approve the ORIGINAL motion 'that the Council approves the addition of the Media Production Technician classification, job pointing, and pay range to the 2017 and 2018 wage schedules'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion Carried 7 - 0

### REVIEW OF PROPOSED FIRE PROTECTION AGREEMENTS FOR 2017-2018:

Marc Klaith, Fire Chief for the Marshall Fire Department was in attendance to review the proposed Fire Township Agreements for 2017-2018. A number of years ago the City created a new formula for determining township fees.

At this time Councilmember Schafer asked that the following item be moved up on the agenda for approval.

### CONSIDER PURCHASE OF TURNOUT GEAR WASHING MACHINE FOR FIRE DEPARTMENT AND DECLARE TWO CURRENT WASHERS AS SURPLUS:

Marc Klaith, Fire Chief for the Marshall Fire Department requested the purchase of a new turnout gear washing machine to replace their existing washing machines. All Fire Department equipment is purchased through the City to be owned as City equipment. The Fire Relief Association will reimburse the City for the full cost of the equipment.

Member (Craig Schafer) Moved, Member (David Sturrock) Seconded to approve the ORIGINAL motion 'Recommend approval of purchase of equipment'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion Carried 7 - 0

Member (Craig Schafer) Moved, Member (Steven Meister) Seconded to approve the NEW motion 'Declare current equipment as surplus'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion Carried 7 - 0

Mayor Byrnes called for a 5-minute recess at this time.

COMMERCE INDUSTRIAL PARK - 1) PETITION FOR LOCAL IMPROVEMENT; 2) AGREEMENT OF ASSESSMENT AND WAIVER OF IRREGULARITY AND APPEAL; 3) RESOLUTION DECLARING ADEQUACY OF PETITION AND ORDERING PREPARATION OF REPORT; 4) RESOLUTION RECEIVING REPORT; 5) RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS; 6) RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS:

Glen Olson, Director of Public Works/City Engineer stated that this project includes the installation of roadways, all public utilities (watermain, sanitary sewer, storm sewer, street lighting), and other associated improvements necessary for the industrial development of the property located in Commerce Industrial Park; portions of Sonstegard Subdivision II, Outlot A and Outlot B; and portions of Marshall Industrial Park Third Addition, Outlot A. Mr. Olson reviewed the Petition for Local Improvement for the initiation of the special assessment procedures for the above referenced project, as well as the Agreement of Assessment and Waiver of Irregularity and Appeal. If the Council authorizes acceptance of the petition and agreement, the resolutions has been prepared to accept the Feasibility Report. The Feasibility Report was discussed. This covers the proposed improvements including scope, background/existing conditions, proposed improvements, probable costs, proposed assessments, feasibility and proposed project schedule. The proposed improvements as described in the report are necessary, cost-effective, and feasible from an engineering standpoint. If the City Council decides to proceed with the project, the resolution has been prepared ordering the improvement and the preparation of plans. The plans and specifications have been prepared by City staff for the abovereferenced project. If the City Council decides to proceed with this project, a resolution has been prepared approving the plans and specifications and ordering advertisement for bids. The improvements include two projects:

- Project Z46: Commerce Industrial Park TED Approved.
  - The project includes the roadway connection of Commerce Industrial Park to TH 68.
- Project Z47: Commerce Industrial Park/Michigan Road Improvement Project DEED Application Submitted.
  - O The project includes the installation of roadways, all public utilities (watermain, sanitary sewer, storm sewer, street lighting), and other associated improvements necessary for the industrial development of the property located in Commerce Industrial Park; portions of Sonstegard Subdivision II, Outlot A and Outlot B; and portions of Marshall Industrial Park Third Addition, Outlot C.

Mr. Olson indicated that originally this project was listed as Z46 and Z47; but has been combined as one project known as Z47.

Council Member Bayerkohler indicated that the Probable Cost of this project was \$6.5 million in the resolution and \$6.8 million in the feasibility report. Mr. Olson indicated that the correct amount is \$6.8 million.

Member (John DeCramer) Moved, Member (David Sturrock) Seconded to approve the ORIGINAL motion 'that the Council receive the Petition for Local Improvement for Commerce Industrial Park'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion Carried 7 - 0

Member (James Lozinski) Moved, Member (Steven Meister) Seconded to approve the NEW motion 'that the Council approve and execute the attached Agreement of Assessment and Waiver of Irregularity and Appeal for Commerce Industrial Park'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion Carried 7 - 0

Member (David Sturrock) Moved, Member (John DeCramer) Seconded to approve the NEW motion 'that the Council adopt RESOLUTION NUMBER 4358, SECOND SERIES, which is the "Resolution Declaring the Adequacy of Petition and Ordering Preparation of Report for Commerce Industrial Park" '. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion Carried 7 - 0

Member (Steven Meister) Moved, Member (James Lozinski) Seconded to approve the NEW motion 'that the Council adopt RESOLUTION NUMBER 4359, SECOND SERIES, which is the "Resolution Receiving Feasibility Report for Commerce Industrial Park" '. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion Carried 7 - 0

Member (Craig Schafer) Moved, Member (John DeCramer) Seconded to approve the NEW motion 'that the adopt RESOLUTION NUMBER 4360, SECOND SERIES, which is the "Resolution Ordering Improvement and Preparation of Plans for Commerce Industrial Park" '. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion Carried 7 - 0

Member (Craig Schafer) Moved, Member (James Lozinski) Seconded to approve the NEW motion 'that the Council adopt RESOLUTION NUMBER 4361, which is the "Resolution Approving Plans and Specifications and Ordering Advertisement for Bids for Commerce Industrial Park" '. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion Carried 7 - 0

## CONSIDER THE REQUEST OF HESS PROPERTIES LLC FOR A VARIANCE ADJUSTMENT PERMIT TO INSTALL SIGNAGE EXCEEDING PERMITTED LIMIT BY CITY ORDINANCE. THE PROPERTY IS LOCATED AT 1411 EAST COLLEGE DRIVE:

Glen Olson, Director of Public Works/City Engineer indicated that this is a request by Hess Properties LLC, the owner, and Health Source Chiropractic, the tenant, for a Variance Adjustment Permit to install signage exceeding the maximum size permitted by City Ordinance at 1411 East College Drive. The total sign area permitted by the City Code in B-3 General Business District for this property is 90 SF based on the frontage of the property along East College Drive. This number was increased by 36 SF by a Variance Adjustment Permit in 1984 resulting in total permitted sign area of 126 SF. Current signage was exactly 126 SF and a sign in question is an additional 16 SF. This building is located between East College Drive and McLaughlin Drive so it technically has two frontages. Additionally, it is located in such a manner that most wall signs are not facing either street making them less visible. This makes the

property unique and justifies the approval of the Variance Adjustment Permit. This sign is already installed and is the second from the bottom. Regulations for signage can be found in Section 86-185. The variance regulations and procedures are found in Section 86-29. This is being recommended by the Planning Commission.

Member (Craig Schafer) Moved, Member (Steven Meister) Seconded to approve the ORIGINAL motion 'the request for a Variance Adjustment Permit at 1411 East College Drive for signage exceeding the maximum size allowed by City Ordinance for a total signage area of 142 S.F. with the condition that the 1984 Variance Adjustment Permit #335 for a sign is revoked'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion Carried 7 - 0

### CONSIDER LG220 APPLICATION FOR EXEMPT PERMIT FOR SOUTHWEST MINNESOTA STATE UNIVERSITY FOUNDATION FOR APRIL 28, 2017:

Member (Steven Meister) Moved, Member (John DeCramer) Seconded to approve the ORIGINAL motion 'BE IT RESOLVED, that the City Council hereby (1) grants local unit of government approval to Southwest Minnesota State University Foundation, to hold a raffle on April 28, 2017, at SMSU, 1501 State Street, Marshall, Minnesota, (2) acknowledges the receipt of LG220 Application of Exempt Permit, (3) waives the 30-day waiting period, and (4) authorizes and directs the appropriate city personnel to complete and sign the LG220 Application for Exempt Permit on behalf of the City of Marshall'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0 Abstain: 1. The motion passed 6 - 0 - 1, with Bayerkohler abstaining.

### CONSIDER APPROVAL OF CONSUMPTION AND DISPLAY LICENSE FOR SOUTHWEST MINNESOTA STATE UNIVERSITY:

Member (John DeCramer) Moved, Member (James Lozinski) Seconded to approve the **ORIGINAL** motion 'the approval of the annual renewal of the Consumption and Display License for Southwest Minnesota State University for the period April 1, 2017 through March 31, 2018 at a fee of \$130.00'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0 Abstain: 1. The motion **passed** 6 - 0 - 1, with Bayerkohler abstaining.

### CONSIDER APPROVAL OF A TEMPORARY ON-SALE LIQUOR LICENSE FOR SOUTHWEST MINNESOTA STATE UNIVERSITY FOUNDATION:

Member (Steven Meister) Moved, Member (James Lozinski) Seconded to approve the **ORIGINAL** motion 'the approval of a Temporary On-Sale Liquor License for Southwest Minnesota State University Foundation to use on April 28, 2017 at the Regional Event Center, 1501 State Street, Marshall, Minnesota'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0 Abstain: 1. The motion **passed** 6 - 0 - 1, with Bayerkohler abstaining.

### CONSIDER RECOMMENDATIONS FOR NOMINATIONS TO THE CITY CHARTER COMMISSION:

The City of Marshall is a Home Rule Charter City under Minnesota Statutes. State Statutes 410.05 outlines the requirements of the Charter Commission. There may be between 7 and 15 members at any time. The appointments from the Charter Commission is made by the District Court Judge following review of nominations by the City Council and Charter Commission. The term of office is for four years and there are no term limits. Members must be residents of the

City of Marshall to be eligible. There are no restrictions by state statute or city charter that shall disqualify members from serving on the charter commission by reason of holding any other elective or appointive office other than judicial. Staff is bringing the option of nominations to the attention of the City Council if they would like to make nominations this meeting or a future meeting.

### COMMISSION/BOARD LIAISON REPORTS:

Byrnes <u>Regional Development Commission</u> – discussed the annual report. District 8

meeting; ranking of upcoming project.

Schafer MERIT Center – discussed the Director position. Sheila Dubs, Human Resource

Manager is working on a job description and will get it pointed.

Meister Community Services Advisory Board – Stacy Frost gave a report on the

upcoming School referendum.

Bayerkohler <u>Public Housing Commission</u> – they held a public hearing on their capital plan.

DeCramer EDA – approved the annual report. There was discussion on the many projects

they are working on (hotel study, Ralco, Commerce Park) to name a few.

Sturrock No Report.

Lozinski No Report

### **COUNCILMEMBER INDIVIDUAL ITEMS:**

No Report

### **CITY ADMINISTRATOR:**

No Report

### **DIRECTOR OF PUBLIC WORKS:**

Discussed the Airport Report and focusing in on items that need to be addressed short term.

#### **CITY ATTORNEY:**

Will be coming forward with the sale of the K-Mart building at the next regular city council meeting. Southwest Towing has been sold. Will formally act on the Towing & Storage Agreement at the next regular city council meeting.

#### PENDING ITEMS:

There were no questions on the pending items.

#### **INFORMATION ONLY:**

There were no questions on the information items

### **UPCOMING MEETINGS:**

There were no questions on the upcoming meeting list.

Member (Steven Meister) Moved, Member (James Lozinski) Seconded to approve the **ORIGINAL** motion 'adjourn meeting'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: **0**. The motion **Carried 7 - 0** 

Mayor

ATTEST:

City Clerk

#### MARCH 14, 2017 WORKSESSION

The work session of the Common Council of the City of Marshall was held March 14, 2017 in the Professional Development Room at the Marshall Middle School, 401 South Saratoga Street. The meeting was called to order at 8:00 P.M. by Mayor Byrnes. In addition to Byrnes the following members were in attendance: Craig Schafer, Steven Meister, Glenn Bayerkohler, John DeCramer, James Lozinski and David Sturrock. Absent: None. Staff present included: Nick Johnson, City Administrator; Glenn Olson, Director of Public Works/City Engineer; Rob Yant, Director of Public Works; Scott VanDerMillen, Director of Community Services; Cathy Lee, Executive Assistant; Jane DeVries, City Clerk. and Dennis Simpson, City Attorney.

### CITY COUNCIL GOALS AND PRIORITIES EXERCISE

Nick Johnson, City Administrator explained the Goals & Priority Setting exercise. Mr. Johnson asked the City Council to write down their top five priorities of things they would like to see accomplished or topics they would like to see addressed in the near term (2017-2018). Once the priorities were completed, staff organized the priorities and posted for the council to review. Mr. Johnson indicated that they would now take those priorities along with the notes of discussion and produce a report for City Council and staff to review. Mr. Johnson stated that he would have a follow up workshop to go over the report as well as other items which may have come up during discussion. Mr. Johnson stated that this will be a good starting point to kicking off the 2018 budget preparation cycle.

The meeting was adjourned at 8:22 P.M.

Mayor

ATTEST:

City Clerk