

REGULAR MEETING – APRIL 11, 2017

The regular meeting of the Common Council of the City of Marshall was held April 11, 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, 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; Karla Drown, Finance Director; Rob Yant, Director of Public Safety; Scott VanDerMillen, Director of Community Services; Sheila Dubs, Human Resource Director; and Jane DeVries, City Clerk.

The Pledge of Allegiance was recited at this time.

It was the general consensus of the council that the agenda be approved with the deletion of item number 15, which is to consider a Resolution Amending the 2017 Budget.

CONSIDER APPROVAL OF THE MINUTES OF THE WORK SESSION OF THE LOCAL BOARD OF APPEAL AND EQUALIZATION HELD ON MARCH 14, 2017; THE MINUTES OF THE REGULAR MEETING HELD ON MARCH 28, 2017 AND THE MINUTES OF THE LOCAL BOARD OF APPEAL AND EQUALIZATION HELD ON APRIL 3, 2017:

Member (**Steven Meister**) Moved, Member (**James Lozinski**) Seconded to approve the **ORIGINAL** motion 'that the minutes of the work session of the Local Board of Appeal and Equalization held on March 14, 2017; the minutes of the regular meeting held on March 28, 2017 and the minutes of the Local Board of Appeal and Equalization held on April 3, 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: 7 Nay: 0. The motion **Carried 7 - 0**

ORDINANCE AMENDMENT FOR BOARDS & COMMISSIONS 1) PUBLIC HEARING 2) ADOPTION OF ORDINANCE:

This was the date and time set for a public hearing on the proposed change to Chapter 2, Article VI. Boards, Commissions and Authorities Division 1. Generally, Sec. 2-141 - 2-149.

Member (**Craig Schafer**) Moved, Member (**John DeCramer**) Seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing to amend Chapter 2, Article VI. Boards, Commissions and Authorities Division 1. Generally, Sec. 2-141 - Sec. 2-149'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Member (**David Sturrock**) Moved, Member (**Steven Meister**) Seconded to approve the **NEW** motion 'that the Council adopt ORDINANCE 718, SECOND SERIES to amend Chapter 2, Article VI. Boards, Commissions and Authorities Division 1. Generally, Sec. 2-141 - Sec. 2-149'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

PROJECT Z39/MINNESOTA DNR PARKS AND TRAILS LEGACY PROGRAM
PROJECT NO. L025-13-4B: DIVERSION CHANNEL BIKE TRAIL PROJECT
(DIVERSION CHANNEL TO T.H. 19) - 1) RESOLUTION DECLARING OFFICIAL
INTENT REGARDING THE REIMBURSEMENT OF EXPENDITURES WITH THE
PROCEEDS OF TAX-EXEMPT BONDS; 2) RESOLUTION ACCEPTING BID
(AWARDING CONTRACT):

Glenn Olson, Director of Public Works/City Engineer, reviewed Project Z39/Minnesota DNR Parks and Trails Legacy Program Project No. L025-13-4B Diversion Channel Bike Trail Project (Diversion Channel to T.H. 19). The purpose of the project is to construct the last remaining segment of recreational bike trail along the Camden Regional Trail. The project will create a new trail segment between two existing trail segments from the diversion structure (south) to Channel Parkway (at West College Drive north). This project involves the construction of a bituminous/concrete recreational trail through the Lyon County Fairgrounds property to connect two existing segments of trail. Improvements include a 3" thick bituminous trail over a 6" Class 5 base and a 6" concrete pavement over a 6" Class 5 base for portions of the trail constructed within BNSF Right of Way. The project also includes construction of a safety fence along the golf course driving range portion of the project. Comments received from BNSF, US Army Corps of Engineers, MnDOT, Lyon County, and the Marshall Country Club have all been considered and incorporated as part of the plans. At the July 28, 2015 meeting, the City Council initially approved the plans and specifications and ordered advertisement for bids. Bids were then received on October 1, 2015. The project was not awarded at that time, and all bids were rejected per Council action on December 22, 2015. At the September 27, 2016 meeting, the City Council again approved the plans and specifications and ordered advertisement for bids. Bids were received on April 5, 2017. Three bids were received from:

D & G Excavating Inc.
Marshall, Minnesota
\$314,209.75

Duininck, Inc.
Prinsburg, Minnesota
\$318,093.75

A & C Excavating, LLC
Marshall, Minnesota
\$384,719.00

Member (**Craig Schafer**) Moved, Member (**Steven Meister**) Seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4372, SECOND SERIES, which is the "Resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds" for Project Z39/Minnesota DNR Parks and Trails Legacy Program Project No. L025-13-4B - Diversion Channel Bike Trail Project (Diversion Channel to T.H. 19)'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Member (**John DeCramer**) Moved, Member (**Craig Schafer**) Seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NUMBER 4373, SECOND SERIES, which is the "Resolution Accepting Bid (Awarding Contract)" and authorizing entering into an agreement with D&G Excavating, Inc. of Marshall, Minnesota, in the amount of \$314,209.75 for Project Z39/Minnesota DNR Parks and Trails Legacy Program Project No. L025-13-4B - Diversion Channel Bike Trail Project (Diversion Channel to T.H. 19), contingent upon receipt of required permits and authorization to proceed under legacy grant requirements'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER AUTHORIZATION TO PURCHASE GPS SYSTEM FOR ENGINEERING DEPARTMENT:

Glenn Olson, Director of Public Works/City Engineer, indicated that the GPS Controller is a computer data collector for survey information. This purchase will be a replacement of the existing controller that requires periodic updating to communicate with new software and newer technology. The existing collector is no longer supported by the company, the batteries are no longer being manufactured, and the existing collector is not supported by the new version of Windows.

Member (**Craig Schafer**) Moved, Member (**John DeCramer**) Seconded to approve the **ORIGINAL** motion 'that the Council authorize the purchase of a GPS system (Trimble R10 GNSS with UHF) from Frontier Precision of St. Cloud, Minnesota, in the amount of \$28,088.45, including trade-in of the existing TSC2 unit and R8 2 unit'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **1**. The motion **Passed 6 – 1** with Lozinski voting no.

APPROVAL OF CONSENT AGENDA:

The following item was removed from the consent agenda: consider request for street closure from Reinhart Foodservice for Company Truck Rodeo Event on May 6, 2017 – call for public hearing.

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 2017/2018 Fire Township Agreements with Clifton, Fairview, Lake Marshall, Lynd, Sodus and Stanley Townships in the amount of \$389.00 per section covered.

That the Council acknowledge receipt of the petition to vacate a Utility Easement in DeAustin Addition, order the petition to be filed for record with the City Administrator, order hearing on such petition, and set the hearing date for April 25, 2017.

That the Council acknowledge receipt of the petition to vacate a Utility Easement in Viking Addition Plat No. 6 and Viking Addition Plat No. 7, order the petition to be filed for record with the City Administrator, order hearing on such petition, and set the hearing date for April 25, 2017.

BE IT RESOLVED, that the City Council hereby (1) grants local unit of government approval to Holy Redeemer Church to hold a raffle on April 22, 2017, at Holy Redeemer Church Carlin Hall, 501 West Lyon 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.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 103192 103211 through 103357, 103328 through 103365 and Draft No. 276 through 284.

APPROVAL OF ITEMS PULLED FROM CONSENT

CONSIDER REQUEST FOR STREET CLOSURE FROM REINHART FOODSERVICE FOR COMPANY TRUCK RODEO EVENT ON MAY 6, 2017 – CALL FOR PUBLIC HEARING:

Reinhart Foodservice (Reinhart) is requesting street closure for a company truck rodeo event proposed from 7:00 a.m. to 12:00 noon on Saturday, May 6, 2017. The purpose of the closure is to enable Reinhart to provide an employee competition and fun event utilizing the private property and a portion of the street for a track for Reinhart's equipment rodeo. The street closure does not include Mn/DOT right-of-way. Alter Metal Recycling is not open for business on Saturday, including the date of this event. Reinhart is responsible for all traffic control as required by the Minnesota Manual of Uniform Traffic Control Devices (MMUTCD). Reinhart is also responsible for personally contacting adjacent businesses informing them of the closure.

Council Member Schafer asked about using the track at the MERIT Center for this event. Rob Yant, Director of Public Safety indicated that this would not be an option at this time. This was discussed several years ago and Reinhart likes having the event close to their facility. The consensus was that this be reviewed for future events.

Member **(Craig Schafer)** Moved, Member **(James Lozinski)** Seconded to approve the **ORIGINAL** motion 'that the Council call for a public hearing to be held on April 25, 2017 regarding the request of Reinhart Food Service for the closure of West Fairview Street from just east of Ace Hardware's north driveway to just west of the Burlington Northern Railroad tracks from 7:00 a.m. to 12:00 noon on Saturday, May 6, 2017'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER APPROVAL OF JOB POINTING AND PAY RANGE FOR THE MERIT CENTER TRAINING FACILITY COORDINATOR POSITION:

Sheila Dubs, Human Resource Manager, and Rob Yant, Director of Public Safety, reviewed the MERIT Center Training Facility Coordinator position. Staff is recommending the City Council consider and approve the addition of a title, pointing, and pay range to the 2017 and 2018 wage schedules. The new position for the MERIT Center, was approved and budgeted for during the 2017 budgeting process. The MERIT Center Commission has reviewed the job description, along with the proposed organizational chart, at their March meeting and requested the position be submitted for pointing. The Personnel Committee met on April 4, 2017 and unanimously recommended approval of the job pointing and proposed pay ranges for 2017 and 2018. 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 Training Facility Coordinator was pointed by the City's Hay pointing consultant, Wayne Brede at 382 points. Pay Range: Our current compensation structure is comprised of pay bands, which distinguish the level of compensation given to certain ranges of jobs. This position, pointed at 382, corresponds to an existing pay band on the 2017 and 2018

schedules Mr. Brede also reviewed the job description to determine whether it was non-exempt or exempt under the Fair Labor Standards Act (FLSA). In his determination, the position is non-exempt (i.e., eligible for over-time, non-salaried). Staff are recommending approval of the Hay Points and pay ranges for the 2017 and 2018 wage schedules as shown. If approved by the City Council, staff would prepare the position for posting and anticipate the position being filled by June/July 2017.

Member (**John DeCramer**) Moved, Member (**Craig Schafer**) Seconded to approve the **ORIGINAL** motion 'that the Council approve the 2017 and 2018 amended wage schedules with the addition of the Training Facility Coordinator position'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **1**. The motion **Passed 6 – 1** with Bayerkohler voting no.

CONSIDER RESOLUTION AMENDING THE 2017 BUDGET:

The Library Board has requested equal monthly payments of their budget approved 2017 Levy in the amount of \$597,169. These funds are received from Lyon County twice a year and receipted into the appropriate funds. This is not to get confused with the Lyon County monthly payment made to the Library. With this amendment, the levy amount would be paid from the City General fund to the Library fund every month as requested. When the City tax levy funds are received, those funds for the Library would be receipted into the General Fund to offset the monthly payment made to the Library. This amendment will have a net \$0.00 impact on the 2017 Budget.

Per the recommendation of the City's Auditor's this item was removed from the agenda. Karla Drown, Finance Director, indicated that the Library funding is a special levy and cannot be paid out of General Fund. In the future if this is not budgeted as a special levy it can be levied and paid out of General Fund.

PROJECT Z56/ SAP 139-129-002: NORTH 7TH STREET RECONSTRUCTION
PROJECT (FAIRVIEW TO CSAH 33) – CONSIDER RESOLUTION APPROVING
PLANS & SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS:

Glenn Olson, Director of Public Works/City Engineer, indicated that this project consists of the proposed construction 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.

Member (**Craig Schafer**) Moved, Member (**James Lozinski**) Seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4374, SECOND SERIES, which is the "Resolution Approving Plans and Specifications and Ordering Advertisement for Bids" 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**

CONSIDER ADOPTION OF RESOLUTION ACCEPTING THE DONATION OF
PERSONAL PROPERTY:

Member (**Steven Meister**) Moved, Member (**Craig Schafer**) Seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 4375, SECOND SERIES, Accepting the Donation of Personal Property from Space Development Company in the amount

REGULAR MEETING – APRIL 11, 2017

of \$2,370.00 for the Marshall Volunteer Fire Department to use towards the update of the IT Room at the Fire Department'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER APPOINTMENT TO VARIOUS BOARDS AND COMMISSION.

Per the recommendation of Mayor Byrnes, Member (**James Lozinski**) Moved, Member (**John DeCramer**) Seconded to approve the **ORIGINAL** motion 'approval of appointment to the various boards and commissions'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Planning Commission – Laurel Steen be reappointed to a 3-year term to expire on May 31, 2020.

Commission/Board Liaison Reports

Byrnes Fire Relief Association met earlier today; Regional Development Commission will meet on April 13th.

Schafer Library Board met on April 10th, but Schafer was unable to attend. SW MN Emergency Communication Board met earlier today, but Schafer was unable to attend.

Meister No report.

Bayerkohler Planning Commission will meet on April 12th.

DeCramer Utilities Commission working on Advance Metering Infrastructure (AMI); e-billing will begin in April; replacing the lights on Main Street with LED lights.

Sturrock Airport Commission met on April 4th; Ways and Means met last week. Council Member Sturrock and Mayor Byrnes took part in the taping for a Marshall Campaign sponsored by the Transportation Alliance.

Lozinski No report.

COUNCILMEMBER INDIVIDUAL ITEMS:

Schafer indicated that he followed up on a complaint Conyers received in regard to noise coming from Turkey Valley Farm. Meister asked if Glenn Olson followed up on the surface water issue. Mayor Byrnes indicated that the Transportation Partnership met to provide input on projects with MN/DOT.

CITY ADMINISTRATOR:

Nick Johnson, City Administrator, indicated that there will be a Council work session on May 2nd at 5:30 to discuss the goals and priorities.

DIRECTOR OF PUBLIC WORKS:

Glenn Olson, Director of Public Works/City Engineer, indicated that the construction season has started.

REGULAR MEETING – APRIL 11, 2017

CITY ATTORNEY

No report.

PENDING ITEMS:

There were no questions on the pending items.

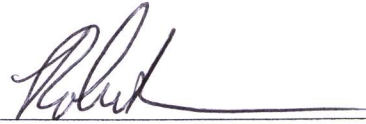
INFORMATION ONLY:

There were no questions on the information items.

UPCOMING MEETINGS

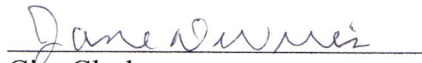
There were no questions on the upcoming meeting list.

Member (**Craig Schafer**) Moved, Member (**John DeCramer**) 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