

REGULAR MEETING – OCTOBER 24, 2017

The regular meeting of the Common Council of the City of Marshall was held October 24, 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, David Sturrock and James Lozinski. Absent: Glenn Bayerkohler and John DeCramer. Staff present included: Sheila Dubs, Interim City Administrator, Dennis Simpson, City Attorney; Jason Anderson, Assistant City Engineer; Karla Drown, Finance Director; Scott VanDerMillen, Director of Community Services; Preston Stensrud, Parks Superintendent; Jim Marshall, Interim Director of Public Safety; Marc Klaith, Fire Chief; Cathey Lee, Executive Assistant; Kyle Box, City Clerk effective December 1, 2017.

The Pledge of Allegiance was recited at this time.

APPROVAL OF AGENDA:

It was a consensus that the agenda be approved as presented.

CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 10, 2017 AND THE WORK SESSION HELD ON OCTOBER 17, 2017:

Member (**Steven Meister**) Moved, Member (**James Lozinski**) Seconded to approve the **ORIGINAL** motion 'that the minutes of the regular meeting held on October 10, 2017 and the work session held on October 17, 2017 be approved and that the reading of the same be waived.'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried. 5 - 0**

PROJECT Z65: 2017 BIKE TRAIL RECONSTRUCTION PROJECT - CONSIDER AWARD OF PROPOSAL:

Jason Hanson, Assistant City Engineer reviewed the 2017 Bike Trail Reconstruction Project Z65. This project includes the installation of 4-inch concrete walk at various locations. Proposals were received on October 18, 2017 from:

Hess Concrete
Marshall, Minnesota
\$4.80/SF

Total Bid Amount \$49,488.00

Hisken Construction
Marshall, Minnesota
\$4.94/SF

Total Bid Amount \$50,931.40

Member (**Steven Meister**) Moved, Member (**Craig Schafer**) Seconded to approve the **ORIGINAL** motion 'that the Council award the proposal for the 2017 Bike Trail Reconstruction Project Z65 to Hess Concrete, Marshall, Minnesota in the amount of \$49,488.00.'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried. 5 - 0**

APPROVAL OF CONSENT AGENDA:

Council Member, Meister, requested that item number 15, Consider and approval renewal of farm leases with tenants Mike Mortier and Paul Wambeke for three-year lease 2018-2020 be pulled from the Consent Agenda.

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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: **5** Nay: **0**. The motion **Carried. 5 - 0**

Adoption of the revised City of Marshall Emergency Operation Plan effective October 24, 2017.

The adoption of RESOLUTION NUMBER 4441, SECOND SERIES, Authorizing Closure of Wastewater Debt Service Fund 614.

Approval of the Continuing Disclosure Services and the Arbitrage Monitoring Services with Springsted Incorporated.

Approval of an agreement between the City of Moorhead and the City of Marshall for the Hazmat Training Trailer. The fee for the use of the Hazmat Training Trailer is \$250.00 plus actual costs for the City of Moorhead to deliver and pick up the trailer. This will be paid out of the CAT's Operating Budget.

That the proper city personnel be authorized to advertise for bids for Towing and Storage of vehicles. These bids are to be received by 10:00 A.M. on November 13, 2017.

Authorization be granted to the Department of Public Safety to dispose of two (2) vehicles considered as surplus. These vehicles will be auctioned on-line at the state site or will be taken to Alter Metal Recycling for disposal.

That two (2) ATV Skid Units from the Marshall Fire Department be declared as surplus property.

Approval of a Tobacco License for Ton Kao, 307 East College Drive, Marshall, Minnesota to expire on December 31, 2017.

Approval of a Temporary On-Sale Intoxicating Liquor License for Prairie Home Hospice & Community Care, December 31, 2017, at the Regional Events Center, Southwest Minnesota State University, 1501 State Street, Marshall, MN.

Approval of the bills/project payments as presented.

CONSIDER AND APPROVAL RENEWAL OF FARM LEASES WITH TENANTS MIKE MORTIER AND PAUL WAMBEKE FOR THREE YEAR LEASE 2018-2020:

Tenant Mike Mortier currently leases three parcels of City owned property. Present rate is \$180 per acre per year. Mr. Mortier had signed a lease renewing those lease terms (\$180 per acre per year) for a new 3-year term. Dennis Simpson, City Attorney, recommends that the City accept those terms and sign the lease as proposed. The property to be leased by tenant Mr. Mortier includes three separate parcels all located near the Southwest Minnesota Regional Airport on City owned property. Secondly, City Attorney is recommending that farm lease with tenant Paul Wambeke be renewed at a rate of \$180 per acre for each of the five parcels of property to tenant. Mr. Wambeke has rented property from the City for at least 9 years. Mr. Wambeke is presently

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leasing property at various rates per acre with a low price of \$76 per acre for the wastewater plant property up to a high of \$263 per acre for some airport property. City Attorney has recently met with Mr. Wambeke. He is unwilling to renew leases at a higher rate but does indicate that he would be willing to lease all five parcels of property at a rate of \$180 per acre per year. That price is consistent with the leased price as paid by Mr. Mortier. The wastewater property has recently undergone improvements and Mr. Wambeke is willing to increase the rate for that property from \$76 per acre up to \$180. Gross amount of rent paid by Mr. Wambeke for the 2015-2017 time period is \$48,156.80 per year. The new proposal at a consistent rate of \$180 per acre would be a total of \$45,277.20. City Attorney is recommending that all five parcels be leased to Mr. Wambeke at a rate of \$180 per acre. The reduced commodity prices have resulted in falling farm rental rates and the \$180 rate appears to be reasonable rate and is also fair to the long-time tenants of Marshall. City Attorney is recommending that a lease be executed with Mr. Wambeke at a rate of \$180 per acre per year. In addition to rental of the property, the City disposes of bio solids on the wastewater property and the tenant will pay at a rate of \$100 per acre as additional fee for the 84.9 acres of wastewater property.

Council Member, Meister, discussed the price and length of the contract. Dennis Simpson was able to provide information on the item.

Member **(Steven Meister)** Moved, Member **(Craig Schafer)** Seconded to approve the **ORIGINAL** motion 'approval of farm leases with Mike Mortier and Paul Wambeke for a three-year period beginning January 1, 2018 through December 31, 2020 at a rate of \$180.00 per acre'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried. 5 - 0**

CONSIDERATION FOR MEMORANDUM OF UNDERSTANDING WITH PRAIRIE HOME HOSPICE & COMMUNITY CARE FOR EMERGENCY SHELTER:

Scott VanDerMillen, Director of Community Services, reviewed the proposed agreement between Prairie Home Hospice & Community Care (PHHCC) and the City of Marshall and introduced Joyce Arends and Nicole Jacobson representatives from PHHCC. PHHCC is in the process of creating an emergency management plan. This is an expanded requirement by Centers for Medicare & Medicaid Services (CMS). Joyce Arends has been working with Tammy VanOverbeke, (Emergency Manager for Lyon County) to create their plan. PHHCC has requested to utilize the Red Baron Arena & Expo as an emergency shelter for up to 9 patients (maximum 20 including staff) in the event of a disaster or displacement

Member **(Craig Schafer)** Moved, Member **(Steven Meister)** Seconded to approve the **ORIGINAL** motion 'that the proper city personnel be authorized to enter into the Memorandum of Understanding with Prairie Home Hospice Community Care for Emergency Shelter. This agreement is from November 1, 2017 through November 1, 2022 at fee of \$1.00'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried. 5 - 0**

CONSIDER ACCEPTANCE OF THE DONATION OF FUNDS FROM SOUTHWEST HEALTH AND HUMAN SERVICES FOR CONSTRUCTION OF A PLAYGROUND AT THE AMATEUR SPORTS COMPLEX:

Preston Stensrud, Parks Superintendent, indicated that as the City nears the completion of the new fields at the Southwest Amateur Sports Complex there are a couple items/projects that are included in the master plan for the facility but have not been awarded at this time. The shelter house and playground are the items remaining to be completed. At the October 17th work session Council approved moving forward with the project not to exceed \$100,000.00 total and no more than \$50,000.00 in City Funds. Southwest Health and Human Services has been awarded a grant in the amount of \$50,000.00 to be utilized for the construction of a playground at the Amateur Sports Complex and is passing the funds from the grant over to the City of Marshall, pending approval. Ann Orren, Community Public Health Supervisor from Southwest Health and Human Services was in attendance to present the City of Marshall with a check in the amount of \$50,000.00. Southwest Health and Human Services Statewide Health Improvement Partnership (SHIP) would also like to donate a bench matching other Park's Department benches to the project. Sarah Kicmal, Education and Volunteer Services Coordinator for United Way of Southwest Minnesota was also in attendance as United Way of Southwest Minnesota would like to have a "Born Learning Trail" on the concrete trail adjacent to the playground. The "Born Learning Trail" installation costs will be covered by United Way and yearly maintenance costs will be provided by the City. The "Born Learning Trail" will be in 2 different languages with each set costing approximately \$1,450. City staff and United Way of Southwest Minnesota will coordinate the installation of the "Born Learning Trail" after the installation of the new playground equipment and the concrete walkways adjacent to the playground. The purchase of this unit will be funded from Account Number 413-70577-5530 (Capital – SMASC Ballparks – Improvements Other).

Member (**Steven Meister**) Moved, Member (**David Sturrock**) Seconded to approve the **ORIGINAL** motion the adoption of RESOLUTION NUMBER 4442, SECOND SERIES Accepting the Donation of Funds from Southwest Health and Human Services for construction of a playground at the Amateur Sports Complex. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 0. The motion **Carried. 5 - 0**

CONSIDER APPROVAL OF THE POST-RETIREMENT HEALTH CARE SAVINGS PLAN MEMORANDUMS OF UNDERSTANDING:

On October 11, 2017, the Personnel Committee voted to recommend approval of the Health Care Savings Plan (HCSP) Memorandums of Understanding for 2018-2019. The City has offered these plans since April of 2006. The Minnesota State Retirement System (MSRS) offers a post-retirement Health Care Savings Plan program to State employees and other governmental subdivisions. A HCSP is an employer sponsored program that allows employees to save money, tax-free, to use upon separation of employment to pay for eligible health care expenses. Individual employees are responsible for all associated account administrative fees. Additional information can be found on the MSRS website at www.msrs.state.mn.us. Since April 2006, the City Council has supported and encouraged employees to participate in this plan. The current HCSP MOU's for each of the union and non-union groups will expire on 12/31/2017. The AFSCME bargaining unit, both LELS bargaining units, and the non-union group would appreciate Council consideration and approval of the revised agreements to ensure continuation

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of the program for employees. The proposed agreements reflect majority consensus among the eligible participants. Each of the agreements has also been reviewed by the Minnesota State Retirement System and found to be compliant under the rules of the program. Participation in the MSRS HCSP results in a significant tax savings to the City. The savings is realized through the City's FICA (Social Security and Medicare) contributions on behalf of employees; that is, the City is not required to pay FICA taxes on contributions to the plan by the employee or the employer. All contributions equate to a 7.65% savings to the City on the contributions of AFSCME and the non-union employees and a 1.45% (Medicare portion of FICA) savings to the City on the contributions of employees in the LELS unions. Since 2006, the City Council has approved an annual (pro-rated) employer contribution to individual accounts in the amount of \$25.00 annually, made in December into active employee accounts. Though public employers are not required to participate, it is the recommendation of staff to approve the agreements as proposed, with the \$25.00 contribution. There are currently 94 employees participating in the program.

Sheila Dubs, Interim City Administrator/Human Resource Manager, presented the item to Council.

Member **(Steven Meister)** Moved, Member **(Craig Schafer)** Seconded to approve the **ORIGINAL** motion 'that the Council approves the 2018-2019 Health Care Savings Plan Memorandums of Understanding between the City of Marshall and AFSCME, LELS Local 190, LELS Local 245 and the non-union employee groups.'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried. 5 - 0**

CONSIDER APPROVAL OF THE EMPLOYEE ASSISTANCE PLAN (EAP) RENEWAL FOR 2018:

The City implemented an employee assistance program (EAP) through Blue Cross Blue Shield of MN in 2014. Staff are requesting Council consider renewal of this plan for 2018. An EAP program offers access to professional counselors who provide free, confidential assessment and short-term counseling to employees in order to assist in dealing with a variety of work and/or personal issues. For instance, the EAP provides consultative and/or counseling support for an employee's financial issues, marital/relationship issues, work-related problems, substance abuse, stress and mental health issues, legal referrals, childcare and elder care, etc. The program structure is being amended by our provider for 2018. Since 2014, the plan was available to all full-time employees, part-time police officers, and fire department employees at the same premium rate. For 2018, BCBS has introduced a tiered structure for non-health plan members, which will be called "associate members" (i.e., firefighters and part-time police officers). The associate member tier will be available to the employee only and has an increased premium. The rate structure is attached. Staff recommend renewal of this program.

The 2018 premium rates for the Employee Assistance Program are \$0.93 per employee per month and \$1.43 per associate member per month. The employee and City currently share in the cost of this premium at 50/50.

Sheila Dubs, Interim City Administrator/Human Resource Manager, presented the item to Council. There was further discussion by Council.

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Member (**David Sturrock**) Moved, Member (**Steven Meister**) Seconded to approve the **ORIGINAL** motion 'to approve the 2018 renewal of the Employee Assistance Program (EAP) with Blue Cross and Blue Shield of MN for all full-time employees, part-time police, and fire department employees.'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried. 5 - 0**

COMMISSION/BOARD LIAISON REPORTS:

Byrnes No Report

Schafer MERIT Center had a meet and greet on 10/24/17. Council Member, Schafer, discussed the MERIT Center and its bright future for use of other training props and groups. Schafer commented on the CAT Team and their great work.

Meister EDA did meet but Meister was not in attendance. Karla Drown, Finance Director was asked to speak and discuss the EDA minutes.

Sturrock No Report

Lozinski Adult Community Center Commission did meet. Dennis Simpson reviewed a document for the Commission regarding a questions Meals on Wheels.

COUNCILMEMBER INDIVIDUAL ITEMS:

Council Member, Lozinski, commented on how proud he was of Marshall's students in extracurricular activities.

Council Member, Sturrock, commented on different events he was a part of over the last couple of weeks; The Pheasant opener banquet hosted by the Governor, The State Public Utilities Commission had a hearing in Marshall last week, Representing the Mayor and City in receiving the Superbowl Grant and in October attending a Luncheon in Spicer, MN discussion HWY 23 expansion in promoting Marshall area roads.

Mayor, Byrnes, recapped the recent events that took place in Marshall as well as commenting on volunteer effort in the community and continuing to build a bike friendly community.

CITY ADMINISTRATOR:

No Report

DIRECTOR OF PUBLIC WORKS:

Jason Anderson, Assistant City Engineer, provided a recap of projects that took place over 2017

CITY ATTORNEY:

Dennis Simpson, City Attorney, discussed a grant that will go before Council next meeting. There was also discussion on a Plum Creek document that is being reviewed by other Cities and Counties.

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PENDING ITEMS:

There were no questions on the pending items.

INFORMATION:

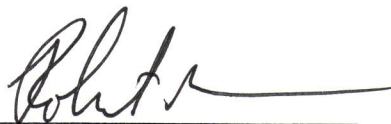
There were no questions on the information items.

UPCOMING MEETINGS:

There were no questions on the upcoming meeting list.

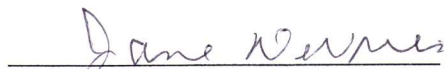
ADJOURN MEETING:

Member (**Craig Schafer**) Moved, Member (**David Sturrock**) Seconded to approve the **ORIGINAL** motion 'adjourn meeting'. Upon a roll call vote being taken, the vote was: Aye: 4 Nay: 1. The motion (**Passed**). 4 – 1 with Meister voting no.



Mayor

Attest:



City Clerk