

REGULAR MEETING – FEBRUARY 13, 2018

The regular meeting of the Common Council of the City of Marshall was held February 13, 2018 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, David Sturrock and James Lozinski. Absent: None. Staff present included: Sharon Hanson, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Karla Drown, Finance Director; Rob Yant, Director of Public Safety; Sheila Dubs, Human Resource Manager; Scott VanDerMillen, Director of Community Services and Kyle Box, City Clerk.

The Pledge of Allegiance was recited at this time.

2017 EMPLOYEE OF THE YEAR RECOGNITION:

On January 26, 2018, at the City of Marshall Employee Recognition Event, Corporal Jason Kopitski was named Employee of the Year. This evening, the Council will formally recognize Jason's Employee of the Year award. Jason began his career with the City of Marshall as a part-time Police Officer on October 20, 1997. He has received two promotions; one to full-time Police Officer in 1999 and most recently to Police Corporal in 2010. Jason currently serves on the Department as a Driving Simulator Instructor, Crisis Negotiator and Field Training Officer. He has provided training and mentorship to approximately 20 new officers. He has served on the department's Emergency Response Unit (SWAT Team), was a defensive tactics instructor, a taser instructor, and a member of the City's safety committee. Jason is a talented Officer and Supervisor, and is respected by his peers for his tactical skills and decision making. He is commended for his service and dedication to the City of Marshall, his coworkers, and the community. We congratulate Corporal Kopitski on this award.

APPROVAL OF AGENDA:

Member **Steven Meister** Moved, Member **Craig Schafer** Seconded to approve the **ORIGINAL** motion 'approve agenda'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JANUARY 23, 2018:

Member **James Lozinski** Moved, Member **John DeCramer** Seconded to approve the **ORIGINAL** motion 'that the minutes of the regular meeting held on January 23, 2018 be approved and that the reading of the same be waived.'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0 Abstain: 1. The motion **Passed. 6 - 0 -1** with Meister abstaining.

SMALL CITIES DEVELOPMENT PROGRAM GRANT APPLICATION PUBLIC HEARING:

With approval from the Council, the City of Marshall intends to submit an application for affordable housing, rental and commercial assistance grant monies from the Department of Housing and Community Development, administered by the Minnesota Department of Employment and Economic Development. These funds are made available under Title I of the 1974 Housing and Community Development Act (as amended). This act requires all eligible

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grantees to hold a public hearing and disseminate information on the overall goals and objectives of the program.

Jeff Gladis, Housing Director of United Community Action (UCAP), presented the item to Council. The grant monies being applied for are designated toward owner-occupied homes with low to moderate income in a targeted area within the City of Marshall as well as commercial rehabilitation funds for Marshall's downtown district. The funds being applied for are through the Department of Employment and Economic Development (DEED). Mr. Gladis also provided a timeline for the entire project.

Council member Bayerkohler discussed the target areas and how it was decided which residents would qualify. Housing Directed Gladis explained that the Target Areas represent two rounds of surveys that are received to determine the boundaries for the program.

Council member Sturrock asked how the surveys are provided to the applicants. Housing Director Gladis explained that they are mailed and also provide door hangers. These surveys explain what the program is and ask the home owner if there is any interest in participating. Gladis mentioned that this is a first come first serve program for both owner-occupied and commercial businesses.

Housing Director Gladis discussed the commercial portion of the program. The funds need to be directed to the City's down town area unless there is no interest in that area.

Housing Director Gladis mentioned a Conflict of Interest form that will be discussed further with the City Attorney, City Administrator as well as with DEED. Council member Lozinski does own a Contracting Company and does have the requirements to complete some of the necessary work required by this program within the City of Marshall.

Council member Bayerkohler commented that there is no income based requirements for Commercial but there are requirements for individuals. Bayerkohler mentioned that he is in favor for Governments to help people in need but is not in favor that Governments would be helping businesses that already have the funds to make improvements themselves. Housing Director Gladis mentioned that part of the reason these funds are dedicated to downtown businesses is because they have a tougher time competing with bigger box stores. There are a number of owners in the downtown area that are interested in this program.

Council member Schafer touched on the items that will be repaired on both the owner occupied and commercial side of the grant. Housing Director Gladis commented that owner-occupied repairs typically consist of roofs, siding, doors, windows, furnace and electrical upgrades. The Commercial funds are typically focused on roofs, store fronts, HVAC systems and windows.

Member **Craig Schafer** Moved, Member **Steven Meister** Seconded to approve the **ORIGINAL** motion 'To close the public hearing on the Small Cities Development Program Grant Application'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0** Abstain: **1**. The motion **Passed. 6 - 0 - 1** with Lozinski abstaining.

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Member **John DeCramer** Moved, Member **David Sturrock** Seconded to approve the **NEW** motion 'Approval to submit the Small Cities Development Program Grant Application '. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **1** Abstain: **1**. The motion **Passed. 5 - 1 - 1** with Bayerkohler voting no and Lozinski abstaining.

Council member Schafer discussed the Excessive Force Policy with Rob Yant, Director of Public Safety. Director Yant commented that the Excessive Force Policy is a model policy used throughout the State of Minnesota.

Council member Bayerkohler discussed the administrative fees collected on the project.

Member **John DeCramer** Moved, Member **David Sturrock** Seconded to approve the **NEW** motion 'Approval of supporting documents for the Small Cities Development Program, which include; Program Income Plan, RESOLUTION NUMBER 4472, SECOND SERIES, IDENTIFYING "SLUM AND BLIGHTING" CONDITIONS, RESOLUTION NUMBER 4473, SECOND SERIES, LOCAL GOVERNMENT APPLICATION RESOLUTION FOR THE CITY OF MARSHALL, Citizen Participation Plan, Tennessee Warning, Conflict of Interest Form, Drug Free Workplace Policy, Excessive Force Policy, Competitive Bidding Policy and Anti-Displacement Policy.'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **1** Abstain: **1**. The motion **Passed. 5 - 1 - 1** with Bayerkohler voting no and Lozinski abstaining.

APPROVAL OF CONSENT AGENDA:

Council member Bayerkohler requested that item number 7, Approve the MERIT Center Lease with the Department of Public Safety for Performance of Commercial Driver's License Skills Testing, be pulled from the consent agenda for further discussion. Council member Meister requested that item number 8, Consider authorization to purchase a radio booster for the MERIT Center to be pulled from the consent agenda for further discussion.

Member **James Lozinski** Moved, Member **Steven Meister** 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**

Approval for Marshall Police Department/City of Marshall Emergency Management to apply for HMEP (Hazardous Materials Emergency Planning) grant funds from the State of Minnesota Department of Homeland Security and Emergency Management (HSEM).

Approval of a Temporary On-Sale Intoxicating Liquor License for Marshall Area Chamber of Commerce.

Approval of the bills/project payments,

APPROVE MERIT CENTER LEASE WITH DEPARTMENT OF PUBLIC SAFETY FOR PERFORMANCE OF COMMERCIAL DRIVER'S LICENSE SKILLS TESTING:

Staff is recommending that Council approve a one-year lease between the City of Marshall and the State of Minnesota Department of Public Safety, Driver and Vehicle Safety to be able to utilize the Vehicle Training Center at the MERIT Center for CDL Testing. The lease may be

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terminated by either party for any reason upon a thirty-day written notice. This is a renewal of the lease that has been in place for the past year but is due to expire. The lease authorizes the use of the driving track and skill pad for use for the commercial driver's license skills testing. It is a crucial service to have CDL testing available within the City of Marshall. Use of the MERIT facility both makes use of that facility and it builds the number of people who are familiar with the facility and its features. This use has not been a burden on coordination with training that can go on at the facility. A one-year lease allows for any change desired by either the State or the City as use of the track and skills pad increase. If there is an award of funding for expansion of the Vehicle Training Facility by the State of Minnesota that would likely occur in 2019, but if it were able to begin before that staff would work with the State to try and accommodate the testing needs of the State during that period of construction.

Council member, Bayerkohler pulled the item to discuss the yearly contract. Rob Yant, Director of Public Safety commented that this was virtually the same lease approved last year by Council. The State of Minnesota Department of Public Safety asked for a new lease to be signed as the previous lease had expired. There was further discussion by Council.

Member **Steven Meister** Moved, Member **Craig Schafer** Seconded to approve the **ORIGINAL** motion 'Approve MERIT Center Lease with Department of Public Safety for Performance of Commercial Driver's License Skills Testing.'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

CONSIDER AUTHORIZATION TO PURCHASE A RADIO BOOSTER FOR THE MERIT CENTER:

The building materials used for the construction of the expansion of the MERIT Center, radio reception on public safety portables is very poor. Even near the windows the reception is weak because of the design of the windows to have strong energy efficiency. Because of the use of the building as the City's Emergency Operations Center (EOC) in which it is critical for radios to have good reception as well as the frequent use of the two MERIT classrooms of public safety personnel who may need to monitor their radios, a radio booster is needed to strengthen the reception and transition of radios inside of the whole facility. A capital funding request was made of \$17,000 to get the equipment and installation of this booster based on our supplier's general estimate.

Council member Meister pulled the item for further discussion. Rob Yant, Director of Public Safety discussed the item and provided information on what the radio booster accomplishes for the City. Council member Meister commented that there was only one quote obtained and moving forward he would like to see move then one quote. There was further discussion by Council.

Member **Craig Schafer** Moved, Member **James Lozinski** Seconded to approve the **ORIGINAL** motion 'Authorization to purchase a radio booster for the MERIT Center from West Central Communications for \$11,385.20.'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed. 6 - 1** with Meister voting no.

CONSIDER APPROVAL OF AMENDMENTS TO THE 2018 WAGE SCHEDULE:

Staff have evaluated and are recommending amendments to the organizational structure for the Community Services Division. After a 15-month review, staff believe this is the optimal time to make organizational changes, as an employee resignation in the position of Assistant to the Director of Community Services became effective on 01/26/18. Staff will be reviewing the proposed changes in further detail with the Council, which includes organizational structure, a title change for one position, pay points changes, and pay range changes. Staff propose an implementation plan that is consistent with prior Council decisions on organizational structure changes; for job titles with increased points, the incumbent employee is moved to the "next nearest step" on the new wage range. This would impact two incumbent employees. Due to an employee resignation, there is no incumbent employee in the proposed Community Education Coordinator position. The Personnel Committee met on January 30, 2018 and reviewed the changes being proposed; the Committee voted unanimously to recommend approval to the City Council. If approved, Staff would initiate recruitment for the Community Education Coordinator position immediately.

Sheila Dubs, Human Resource Manager presented the item to Council and introduced Scott VanDerMillen, Director of Community Services. Scott VanDerMillen, Director of Community Services provided the background information on the item. Council member Bayerkohler discussed the points assigned to each position. Council member's Meister and Schafer echoed that Personal Committee's decision was very thorough and thought out when voting on this item. There was further discussion by Council.

Member **Steven Meister** Moved, Member **Craig Schafer** Seconded to approve the **ORIGINAL** motion 'that the Council approves amendments to the 2018 Wage Schedule.'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

CONSIDER RESOLUTION ORDERING PREPARATION OF REPORT ON IMPROVEMENT -- 1) PROJECT Z64 / SAP 139-111-006: SARATOGA STREET RECONSTRUCTION PROJECT; 2) PROJECT Z66: MARGUERITE AVENUE/SOUTH BEND AVENUE RECONSTRUCTION PROJECT; 3) PROJECT Z67: MICHIGAN ROAD/SUPERIOR ROAD RECONSTRUCTION PROJECT:

Project Z64 / SAP 139-111-006: Saratoga Street Reconstruction Project – This project consists of the following: Reconstruction and utility replacement on Saratoga Street from the bridge on Saratoga Street (between South 4th Street and West College Drive) to Southview Drive; Sanitary sewer replacement and watermain replacement on the abandoned South 1st Street from Marvin Schwan Memorial Drive to Saratoga Street; Sanitary sewer replacement on South "A" Street from Marvin Schwan Memorial Drive to Saratoga Street; Sanitary sewer replacement on Greeley Street from Saratoga Street southerly approximately 200 feet.

Project Z66: Marguerite Avenue/South Bend Avenue Reconstruction Project – This project consists of the following: Reconstruction and utility replacement on Marguerite Avenue and South Bend Avenue between Camden Drive and Southview Drive. All utilities will be replaced, including watermain, sanitary sewer, and storm sewer.

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Project Z67: Michigan Road/Superior Road Reconstruction Project – This project consists of the following: Reconstruction and utility replacement on Michigan Road between Hahn Road and Superior Road and on Superior Road between Michigan Road and Ontario Road. All utilities will be replaced, including watermain, sanitary sewer, and storm sewer.

Glenn Olson Director of Public Works/City Engineer, presented the item to Council. Director Olson mentioned that a public meeting was held for the residence along this construction route to discuss the project and answer any questions. There was further discussion by Council.

Member **John DeCramer** Moved, Member **David Sturrock** Seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4474, SECOND SERIES, which is the “Resolution Ordering Preparation of Report on Improvement” for Project Z64 / SAP 139-111-006: Saratoga Street Reconstruction Project.'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

Glenn Olson Director of Public Works/City Engineer, presented the item to Council. There has not been a public meeting for this project at this time. There was further discussion by Council.

Member **David Sturrock** Moved, Member **John DeCramer** Seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NUMBER 4475, SECOND SERIES, which is the “Resolution Ordering Preparation of Report on Improvement” for Project Z66: Marguerite Avenue/South Bend Avenue Reconstruction Project.'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

Glenn Olson Director of Public Works/City Engineer, presented the item to Council. There will be a meeting with the owners affected by the construction project in the future. There was further discussion by Council.

Member **Steven Meister** Moved, Member **Craig Schafer** Seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NUMBER 4476, SECOND SERIES, which is the “Resolution Ordering Preparation of Report on Improvement” for Project Z67: Michigan Road/Superior Road Reconstruction Project.'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

CONSIDER AN APPLICATION FOR A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR THE SOUTHWEST MINNESOTA MEN'S CHORUS ON APRIL 28, 2018:

Member **Steven Meister** Moved, Member **Craig Schafer** Seconded to approve the **ORIGINAL** motion 'the approval of a Temporary On-Sale Liquor License for the Southwest Minnesota Men's Chorus to use at Southwest Minnesota State University, Student Center, 1501 State Street, Marshall, Minnesota on April 28, 2018.'. 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.

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COMMISSION/BOARD LIAISON REPORTS:

Byrnes No Report

Schafer Library Board met on February 12, 2018. The library is looking to hire an additional part time staff person. The Plum Creek Library Agreement will be coming to the next Council meeting for approval.

Southwest Minnesota Amateur Sports Commission met on February 13, 2018 and discussed the retreat held a couple of months ago. There was discussion on future events.

Meister Community Services Advisory Board commented on the curling events being held at the arena. There was also discussion on the great work Studio 1 has been doing.

Bayerkohler Public Housing Commission met on February 12, 2018 and discussed the Capital Fund Program (CFP) for the one and five-year plan. Monday, March 12, 2018 at 3:30 PM a public hearing will be held at the Parkview Apartments to go over the CFP plans.

DeCramer No Report

Sturrock Airport Commission met on February 6, 2018.

Lozinski No Report

COUNCILMEMBER INDIVIDUAL ITEMS:

Council member Meister, discussed an occurrence he had with the Law Enforcement Center in regards with a lost dog. Member Meister, commented that there was a lack of communication between the officer who picked up the dog and dispatch. Councilmen Meister also commented that the vehicle the Community Service Officer used was on for a long period of time for no apparent reason. Director of Public Safety Rob Yant, commented on the issue. There will be a follow up with staff by the City Administrator.

Council member Lozinski, commented that he would like Council members to hold town meetings to visit with the citizens of Marshall.

Council member Sturrock, provided information on a meeting held by United Community Action Partnership (UCAP). Councilmen Sturrock also commented on an item provided to Council regarding the Coalition of Greater Minnesota Cities.

Council member DeCramer, promoted the UCAP meetings and mentioned to go if anyone has a chance to attend. Councilmen DeCramer, brought up an issue from a citizen to see if it would be possible to for snow removal to keep snow off the sidewalks when plowing the street. Director of Public Works/City Engineer, Glenn Olson asked for the citizens address after the meeting to address the issue.

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CITY ADMINISTRATOR:

City Administrator Sharon Hanson attended a panel on February 8, 2018 centered around women in traditional men roles. The Building Task Force met on February 13, 2018 and will be forwarding its recommendations to the corresponding committees. Administrator Hanson mentioned that she attended a meeting with Councilmen DeCramer and Meister, Finance Director Karla Drown and representatives from Lyon County to discuss tax increment financing (TIF).

DIRECTOR OF PUBLIC WORKS:

Director of Public Works/City Engineer commented that the Marshall Airport was put on notice to be a relief destination for excess air traffic in case of any incident over a period of time surrounding the Super Bowl in Minneapolis.

CITY ATTORNEY:

City Attorney Dennis Simpson attended a conference for Municipal Attorneys.

PENDING ITEMS:

There were no questions on the pending items.

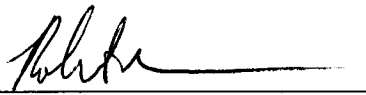
INFORMATION ONLY:

There were no questions on the information items.

UPCOMING MEETINGS:

There were no questions on the upcoming meeting list

At 7:42 PM Member **James Lozinski** Moved, Member **Craig Schafer** 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