

**CITY OF MARSHALL  
CITY COUNCIL MEETING  
M I N U T E S  
Tuesday, November 12, 2024**

The regular meeting of the Common Council of the City of Marshall was held November 12, 2024, at City Hall, 344 West Main Street. The meeting was called to order at 5:30 P.M. by Mayor Pro Tem Craig Schafer. In addition to Schafer the following members were in attendance: Amanda Schroeder, Steve Meister, John Alcorn, and James Lozinski. Absent: Robert Byrnes and See Moua-Leske. Staff present included: Sharon Hanson; City Administrator; Peter Mikhail, Asst. City Attorney; Jason Anderson, Director of Public Works/ City Engineer; E.J. Moberg, Director of Administrative Services; Jim Marshall, Director of Public Safety; Eric Hanson, Assistant City Engineer; Preston Stensrud, Park and Rec Supervisor; Andy Meulebroeck, Airport Lead Maintenance Worker; Ilya Gutman, Plans Examiner; Katie Brusven, Adult Community Center Coordinator; Karla Drown, Finance Director and Steven Anderson, City Clerk.

**Consider Approval of the Minutes from the Regular Meeting Held on October 22nd**

There were no corrections to the minutes from October 22, 2024.

Motion made by Councilmember Meister, Seconded by Councilmember Alcorn to approve the minutes from October 22, 2024. Voting Yea: Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Lozinski. The motion **Carried. 5-0.**

**Project ST-015 / SP 4204-40: 2025 MnDOT College Drive Improvement Project - 1) Improvement Hearing; 2) Consider Resolution Ordering Improvement & Ordering Preparation of Plans; 3) Consider Resolution Approving Plans and Specifications and Ordering Advertisement for Bids**

Director Anderson began the public hearing. Property owners affected by the project had been notified, according to law, that a hearing would be held on November 12, 2024, as ordered by Resolution 24-093 on 10/22/2024. The Minnesota Department of Transportation (MnDOT)/City of Marshall project consisted of reconstruction and utility replacement on Trunk Highway 19 (TH19)/College Drive starting 700' west of Marlene Street and ending at the intersection of Bruce Street, and Bruce Street starting 150' south of TH19 and ending 350' north of TH19. The Minnesota Department of Transportation (MnDOT) initiated the reconstruction project and as part of the project the City will be replacing the underground utilities along the same corridor as the project. With this being a MnDOT project, MnDOT took the lead role in the project, including preparation of plans, advertisement for bids, and awarding the construction contract. The bid opening was scheduled for December 6, 2024. Local costs on the 2025-2026 project were estimated at roughly \$8.2M. Costs would be shared by Marshall Municipal Utilities, the Wastewater Department, Surface Water Management Utility, and Marshall Municipal State Aid funds. In addition, City staff had secured Local Road and Bridge Program grant funding in the amount of roughly \$1.3M, and MnDOT would be providing nearly \$2M in RAISE grant funds for this project. Costs to be assessed are estimated at \$197,300 for the sanitary sewer service lines on the project. Mayor Pro-Tem Schafer asked Director Anderson to elaborate on how the city determined assessments for sewer lines and what a curb stop is. Phillip Carpenter at 511 East College Drive asked for additional clarification on the assessment process and what would be assessed. The portion of the project for Mr. Carpenter would not begin until 2026.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schroeder to close the public hearing. Voting Yea: Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Lozinski. The motion **Carried. 5-0.**

Motion made by Councilmember Lozinski, Seconded by Councilmember Alcorn to adopt Resolution 24-095 Ordering Improvement and Ordering Preparation of Plans. Voting Yea: Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Lozinski. The motion **Carried. 5-0.**

Motion made by Councilmember Meister, Seconded by Councilmember Schroeder to adopt Resolution 24-098 Approving Plans and Specifications and Ordering Advertisement for Bids. Voting Yea: Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Lozinski. The motion **Carried. 5-0.**

### **Approval of the Consent Agenda**

There were no requests to remove an item from the consent agenda for additional discussion.

Motion made by Councilmember Meister, Seconded by Councilmember Schroeder to approve the items on the consent agenda. Voting Yea: Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Lozinski. The motion **Carried. 5-0.**

- Consider Approval for a Raffle Permit for the United Way on January 17, 2025
- Project ST-012-2025: S Hill Street / S Minnesota Street / Charles Avenue Reconstruction Project - Consider Resolution Ordering Preparation of Report on Improvement
- Introduce an Ordinance Amending Ch.22-VIII Licensing and Registration Requirements for the Sale of Intoxicating Cannabinoid Products
- Consider Approval to Allow Alcoholic Beverages at the Red Baron Arena for the Fairbank Ice Dogs on December 6th & 7th
- MPCA Air Monitoring Equipment Site Lease PC0070 at Airport
- Consider Approval of the Bills/Project Payments

### **Consider Resolution Approving the 2025 Fee Schedule**

The Ways & Means Committee reviewed the Fee Schedule at their meeting on Tuesday, October 22, 2024. The Ways & Means Committee recommending these items be moved to Council for discussion and approval of the 2025 Fee Schedule. Councilmember Meister relayed a question from a constituent regarding sump pump connections. Director Anderson provided an explanation of the service. Councilmember Lozinski questioned the increase for Mobile Food Vendors.

Motion made by Councilmember Schroeder, Seconded by Councilmember Alcorn to adopt Resolution 24-097 Approving Specific Fees to be Charged by the City of Marshall. Voting Yea: Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn. Voting Nay: Councilmember Lozinski. The motion **Carried. 4-1.**

### **Adoption of the Ordinance Amendment to Chapter 86, Article II-1, Section 86-31 Prohibited Uses**

Gutman explained that the current trend to develop wind towers and the controversy surrounding those developments, it seemed reasonable to limit this type of development within the city limits. The proposed restriction would still allow decorative or single use wind towers, but not commercial developments. At its September 24, 2024, meeting, the Legislation and Ordinance committee reviewed the amendment and recommended approval. The Planning Commission conducted a public hearing on October 9, 2024, and unanimously recommended approval. The ordinance amending Section 86-31 Prohibited uses was introduced during the October 22, 2024, Council meeting.

Motion made by Councilmember Schroeder, Seconded by Councilmember Alcorn to adopt Ordinance 24-021 amending Section 86-31 Prohibited uses and authorizing its summary publication. Voting Yea: Councilmember Schafer, Councilmember Schroeder, Councilmember Alcorn, Councilmember Lozinski. Voting Nay: Councilmember Meister. The motion **Carried. 4-1.**

### **Adoption of the Ordinance Amendment to Chapter 86, Article VI-1, Section 86-165 Structures in Residential Districts**

The current ordinance prohibited fuel tanks over 50 gallons in residential areas. The amendment was intended to limit the possibility of using propane to heat the entire house, minimizing potential fire danger and unsightly appearance. Smaller tanks were permitted to allow enough fuel for a fireplace or garage heater in an otherwise electrically heated

house. It was brought up that a 100-gallon tank would not be enough to provide heat for an entire dwelling, making it reasonable to increase the maximum tank size to 100 gallons. Provisions for screening the tank with a fence would stay. The ordinance amending Section 86-165 Structures in Residential Districts was introduced during the October 22, 2024, Council meeting.

Motion made by Councilmember Meister, Seconded by Councilmember Lozinski to adopt Ordinance 24-022 amending Section 86-165 Structures in Residential Districts and authorizing its summary publication. Voting Yea: Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Lozinski. The motion **Carried. 5-0.**

**Adoption of the Ordinance Amendment to Chapter 86, Article II-1, Section 86-97 Low Density Residence District**

The ordinance under Section 86-97 provided for minimum lot size in the Low Density Residence District, but also required an enlarged lot for duplexes. Duplexes are permitted by conditional use only, and as part of the permit lot size limitations are addressed. Including similar language for duplexes that are covered by a conditional use permit seemed redundant. Therefore, staff recommended removing the duplicate language in the ordinance. The ordinance amending Section 86-97 Low Density Residence District was introduced during the October 22, 2024, Council meeting.

Motion made by Councilmember Schroeder, Seconded by Councilmember Lozinski to adopt Ordinance 24-023 amending Section 86-97 Low Density Residence District and authorize its summary publication. Voting Yea: Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Lozinski. The motion **Carried. 5-0.**

**Project SWM-003 Legion Field Stormwater Improvements Project-Phase III - Consider Award of Proposal from Bolton & Menk, Inc**

In 2019, Bolton & Menk completed the Legion Field Stormwater Study to identify solutions for the frequent flooding that occurred in the Legion Field Road area. The area was marked by significant development and land coverage with minimal stormwater management facilities and undersized piping. Three phases of improvements came out of the study. The first phase was completed in 2020 and included the construction of two detention basins near the Legion Field city park. The second phase was completed in 2023 and included the construction of a stormwater filtration basin south of the Parkway II subdivision stormwater basin. The final phase was for the development of construction plans and special provisions for Legion Field Road, specifically the residential properties along the Burlington Northern Santa Fe railroad tracks east of Legion Field Road and the developing high density residential parcels north of the tracks. These improvements would also contribute toward the City meeting the goals that are identified in the MS4 permit. City staff proposed hiring Bolton & Menk for the creation of the project plan set for this project. The City would coordinate all surveying, permitting efforts, including permitting through BNSF, and construction inspection and project administration. The proposal submitted by Bolton & Menk was an hourly, not to exceed, contract in the amount of \$76,500.00. Costs included significant effort to update our stormwater model in the area to ensure that pipe sizes and pond area is minimized while still delivering the desired benefits. The project was included in the 2025 CIP with an estimated cost of \$1,400,000. The City had been awarded an \$867,000 MPCA Resiliency grant for the project. Staff expect a grant agreement to be sent for our review and consideration in the next few weeks.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schroeder to award the proposal to Bolton & Menk, Inc. of Mankato, Minnesota, for an hourly, not to exceed, contract in the amount of \$76,500.00 for Project SWM-003 Legion Field Stormwater Improvement Project- Phase III. Voting Yea: Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Lozinski. The motion **Carried. 5-0.**

**Instrument Landing System (ILS) Replacement-Runway 12 1) Authorization to TKDA to Advertise 2) TKDA Professional Services Agreement for Construction Phase Services**

The ILS is a radio navigation system that provides short-range guidance to aircraft and allows them to approach a runway at night or in poor weather conditions. The ILS system had reached a point where the manufacturer would no longer service and repair equipment, and MnDOT would like to replace our system as soon as they are able. The project required City participation, and the City was responsible for civil sitework and building costs, while MnDOT was responsible for covering the costs of the ILS equipment. At the meeting on February 13, 2024, the City Council authorized entering into a Professional Services Agreement with TKDA for the ILS Replacement at the Airport for “engineering design services” for an amount not-to-exceed \$94,400.00, per recommendation of the Airport Commission and contingent on MnDOT grant funding. TKDA had sought authorization to advertise for construction of the project with bids to be opened on December 10, 2024, as well as consideration of agreement for “construction phase services” for the project. Once bids are received, City staff will submit for a 70-30 MnDOT grant to cover 70% of the construction and engineering services cost for the project. The cost included in the TKDA proposal is not to exceed \$62,900.00 for services that are identified in the included scope. City staff was anticipating a 70-30 cost split with MnDOT, resulting in a local cost of \$18,870 for the contract. The 2024 capital budget includes the ILS project at a total cost of \$1,000,000, with \$300,000 included for local costs.

Motion made by Councilmember Lozinski, Seconded by Councilmember Meister to authorize advertisement of bids for ILS Replacement and to authorize the Professional Services Agreement with TKDA for construction phase service for an amount not-to-exceed \$62,900, contingent on MnDOT grant funding. Voting Yea: Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Lozinski. The motion **Carried. 5-0.**

**Commission/Board Liaison Reports**

Byrnes	Absent.
Schafer	No report.
Meister	No report.
Schroeder	No report.
Alcorn	No report.
Moua-Leske	Absent.
Lozinski	No report.

**Councilmember Individual Items**

Councilmember Meister reminded citizens that political signs are to be removed by November 15 according to state statute and city ordinances.

**City Administrator**

The Aquatic Center Committee met and received updated from the Project Manager. A work session would be scheduled to update the council.

**Director of Public Works/City Engineer**

A public informational meeting for Hill/Charles/Minnesota construction project would be held November 21<sup>st</sup>.

**City Attorney**

No report.

**Administrative Brief**

There were no questions or discussions on the Administrative Brief.

**Information Only Items**

There were no questions or discussions on the Information Only Items.

**Upcoming Meetings**

There were no questions or discussions on the Upcoming Meetings.

**Adjournment**

At 6:20 PM Motion made by Councilmember Schroeder, Seconded by Councilmember Lozinski to adjourn the meeting. Voting Yea: Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Lozinski. The motion **Carried. 5-0.**

Attest:

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Steven Anderson, City Clerk

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Robert Byrnes, Mayor