

**CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, July 22, 2025**

The regular meeting of the Common Council of the City of Marshall was held July 22, 2025, at City Hall, 344 West Main 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: See Moua-Leske, Craig Schafer, Amanda Schroeder, John Alcorn and Amanda Schwartz. Absent: James Lozinski. Staff present included: Sharon Hanson; City Administrator; Pamela Whitmore, City Attorney (remote); Jason Anderson, Director of Public Works/ City Engineer; Sheila Dubs, Human Resource Manager; E.J. Moberg, Director of Administrative Services; Brock Klaith, Park Maintenance Worker; Ilya Gutman, Plans Examiner; and Steven Anderson, City Clerk.

Consider Approval of the Minutes of the Meetings Held on July 08

There were no amendments to the minutes from the meeting held on July 8, 2025.

Motion made by Councilmember Moua-Leske, Seconded by Councilmember Alcorn to approve the minutes from the regular meeting held on July 8, 2025. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schroeder, Councilmember Schwartz. The motion **Carried. 6-0.**

Project PK-011 / SAP 139-090-006: C Street/Southview Drive Trail Project - Consider Resolution Accepting Bid (Awarding Contract)

The project included the installation of a 10-FT wide concrete trail from C Street to Southview Drive that generally runs parallel with Progress Drive. The trail then extends to the east along the south side of Southview Drive as an 8-FT wide concrete trail, ending at the intersection of Southview Drive and US 59/Main Street. Lastly, an 8-FT extension leads from the trail to the existing walk at Southview Elementary School to provide a link to the front door of the school. City staff secured a Transportation Alternatives (TA) grant in 2020 in the amount of \$399,528 for the construction of the shared use path. In addition, City Engineering staff submitted for, and received, \$211,997 in 2025 for an Active Transportation (AT) grant to cover the 20% local match that was required by the TA grant. On April 11, 2025, the city received authorization from MnDOT to advance the status of the project with the project AT funding estimated at \$192,694 and federal TA grant funding estimated at \$399,528. On June 10, 2025, the City Council authorized the advertisement for bids for the project. Bids were received on July 8, 2025. Five bids were received with the low bid submitted by A&C Excavating, LLC of Marshall, Minnesota, in the amount of \$337,825.35. The project funding requires the execution of a MnDOT grant agreement before the AT funds can be accessed, which would be brought to the Council for consideration at the August 12, 2025, meeting.

Based on bids, the current cost estimate is \$337,825.35 in construction costs, and \$54,052.06 in engineering costs (not grant eligible). Additionally, City staff requested to advance up to \$75,000 in Municipal State Aid funds to help cover engineering fees and project costs more than the grant awards. Engineering costs, as well as any construction costs that go above grant amount, would be funded with municipal state aid street (MSAS) funds, as requested by Resolution 25-007 in the amount of \$75,000 for this project.

Motion made by Councilmember Schafer, Seconded by Councilmember Schroeder to adopt Resolution 25-057 Accepting Bid for Project PK-011/SAP 139-090-006: C Street/Southview Drive Trail Project to A&C Excavating, LLC in the amount of \$337,825.35, contingent upon future execution of MnDOT Grant Agreement No. 1059790. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schroeder, Councilmember Schwartz. The motion **Carried. 6-0.**

Approval of the Consent Agenda

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

Motion made by Councilmember Schroeder, Seconded by Councilmember Schafer to approve the items on the consent agenda. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schroeder, Councilmember Schwartz. The motion **Carried. 6-0.**

- Consider Approval to Change the Regular Meeting on December 23 to December 16
- Consider Approval of Amendments to the Personnel Policy Manual
- Introduction of Ordinance for the Request to Rezone the Property Located at 201 Legion Field Road from R-1 Low Density Residence District to R-4 Higher Density, Multiple-Family Residence District
- Consider Approval Declaring the Sounds of Summer a Community Festival
- Sounds of Summer - Consider Request Private Use of Public Streets and Parking Lots (August 20-24, 2025)
- Consider Request for Street Closure for Arts & Living Festival (9/26-9/27/2025)
- Consider Authorization to Receive Quotes for Sanitary Sewer Repairs in Viking Addition
- Consider Approval of the Bills/Project Payments

Consider Resolution Approving the Issuance of the City's Public Utility Revenue Bonds, Series 2025C, in the Proposed Aggregate Principal amount of \$19,765,000, and Authorizing Certain Other Actions to be Taken by the Marshall Municipal Utilities Commission With Respect Thereto

The bonding was proposed to cover costs for the installation of four diesel-fired distribution electric generators in the City to add to the existing reserved capacity resources (Electric Generator Project) and water main improvements related to College Drive (Water Main Project) that were financed temporarily from other sources but are expected to be reimbursed with proceeds of the Series 2025C Bonds. The resolution would approve the selection of Baker Tilly Municipal Advisors, LLC, as municipal advisor to the City and the Marshall Municipal Utilities Commission, to assist in the offer and sale of the Bonds and approve the selection of Kutak Rock LLP, as bond counsel to the City and the Commissioners, to render an approving legal opinion with respect to the bonds. The resolution would authorize and approve the adoption of a resolution or resolutions by the Commission awarding the sale of the Bonds, fixing the forms and details of the Bonds, establishing the terms of the Bonds and the security therefor, and providing for the execution and delivery of the Bonds. Dave Schelkoph, MMU General Manager, provided additional details about the project to city council.

Motion made by Councilmember Schafer, Seconded by Councilmember Alcorn to adopt Resolution 25-056 Approving the Issuance of Public Utility Revenue Bonds 2025C and authorizing certain other actions to be taken by the Marshall Municipal Utilities Commission. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schroeder, Councilmember Schwartz. The motion **Carried. 6-0.**

Adoption of Ordinance Amending Section 86-1 Definitions to Address Sober Houses

Several inquiries were made about the opening of "sober homes" within the city, with one already up and running. The State of Minnesota had passed a law that added a definition for them and certain requirements. However, sober homes are not state licensed facilities, unlike group homes and other residential programs. A "sober home" would be considered a rental property where several unrelated adults live. Since the City had removed a limit on the number of unrelated adults in a rental unit, the only limit left was the maximum number of people (two) per bedroom from the current City Housing Code. In staff's view, "sober homes" are residential facilities and should be treated as such. The proposed ordinance change would make sure that no more than six people would be living in a single-family house if it became a "sober home." Residential facilities serving six or fewer individuals are required by state statute to be permitted use in single family residence districts. The Planning Commission conducted a public hearing on June 11, 2025, and unanimously recommended approval. Councilmember Schroeder said the Planning Commission didn't have any concerns and questioned why it shouldn't be considered as rental property. Councilmember Moua-Leske said the L&O Committee met with Nathan Anderson who owned the sober homes.

Motion made by Councilmember Moua-Leske, Seconded by Councilmember Schroeder to adopt Ordinance 25-005 amending Chapter 86, Article I, Section 1 Definitions and authorizing its summary publication. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schroeder, Councilmember Schwartz

Adoption of Ordinance Amending Section 86-248 Outside Storage to Clarify Commercial Display and Sales Lots Requirements

The current ordinance required that all sales and display lots be paved. Staff proposed changing the ordinance to allow small equipment to be displayed on grass or other landscaped areas provided there is a paved surface within seven feet. These kinds of sales lots are of a more limited utilization than car sales lots with significantly less traffic. Maintaining an easy and accessible approach to the display area is still important. The ordinance amendment was a result of a request from an ordinance violation. The proposed change would allow distinguishing between high use display and sales areas, such as car sales lots, and low use display and sales areas such as lawn equipment sales. The change would ease current paving requirements. The Planning Commission conducted a public hearing on June 11, 2025, and unanimously recommended approval with a change to include a requirement for maintenance.

Motion made by Councilmember Schafer, Seconded by Councilmember Moua-Leske to adopt Ordinance 25-006 amending Chapter 86, Article VI, Division 4, Section 248 Outside Storage and authorizing its summary publication. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schroeder, Councilmember Schwartz. The motion **Carried. 6-0.**

Adoption of Ordinance Amending Sections 86-96 A Agricultural District, 86-104 B-3 General Business District, 86-106 I-1 Limited Industrial District, and 86-107 I-2 General Industrial District to Update Billboard Requirements

There had been an increase in the number of applications for conditional use permits for billboards or advertising signs. Ordinance defined them as “a sign which directs attention to a business, commodity, service, activity or entertainment not conducted, sold or offered upon the premises where such sign is located. An advertising sign is the same as a billboard.” All billboards require a conditional use permit and can only be installed in general business commercial districts and industrial districts. Five new applications in the last three years, which seemed to indicate a need to review the ordinance governing them. Suggested changes would bring standards more in line with how other cities regulate them. Amendments would increase the minimum distance between billboards and a buffer to the nearest residential district, while also adding a minimum distance to public spaces such as parks, churches, and schools. Current size dimension limitation would be changed minimally along the Highway 23 corridor, while reducing maximum area and height for billboards placed elsewhere. The Planning Commission conducted a public hearing on June 11, 2025, and unanimously recommended approval with a change to include provisions allowing the city to promote any public safety measures on the signs without time restrictions.

Motion made by Councilmember Schwartz, Seconded by Councilmember Alcorn to adopt Ordinance 25-007 amending Chapter 86, Article IV, Sections 96, 104, 106 and 107 and authorizing its summary publication. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schroeder, Councilmember Schwartz. The motion **Carried. 6-0.**

Adoption of an Ordinance Amending Section 66-102 Public Sites and Open Spaces

Attorney Whitmore explained that the dedication or fee in lieu applied to developments which involved subdivisions but excluded minor lot splitting or on lots that already paid a fee. The amendments also set up an administrative process with specific considerations to analyze and had the ability to request adjustments if needed. Councilmember Schafer asked for further clarification on the process. Administrator Hanson and Whitmore mentioned that the process had been in place before but now the ordinance amendments lay it out.

Motion made by Councilmember Schafer, Seconded by Councilmember Schwartz to adopt Ordinance 25-008 amending Chapter 66, Article III, Section 102 Public Sites and Open Spaces and authorizing its summary publication. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schroeder, Councilmember Schwartz. The motion **Carried. 6-0.**

Commission/Board Liaison Reports

Byrnes	Fire Relief Association reviewed their fund balances and found that a contribution from the City of Marshall would not be needed for 2026. The Joint Library Board Committee with Lyon County was held and hoped to maintain the same split (2/3 Marshall, 1/3 Lyon County) for the 2026 budget.
Alcorn	No report.
Lozinski	Absent.
Moua-Leske	The DEI Commission obtained a full roster, reviewed the Juneteenth Celebration and will have a table during National Night Out.
Schafer	The Aquatic Center Committee met and reviewed damage to the construction site from the flash flooding that occurred on July 18th.
Schroeder	The Planning Commission held public hearings for the ordinances that were voted on. EDA would have a bus tour again this year and the Stonemeadow Apartments would be leasing the first building soon.
Schwartz	The Library Board was still finalizing their budget and were seeing great participation in the Summer Reading Program.

Councilmember Individual Items

Mayor Byrnes reviewed and discussed the flash flooding response being done by the City of Marshall and Lyon County.

City Administrator

No report.

Director of Public Works/City Engineer

The Street Department lent a wheel loader to Lyon County to assist with cleanup response.

City Attorney

No report.

Information Only

There were no questions about the Information Only items.

Upcoming Meetings

There were no questions or comments about the Upcoming Meetings.

Adjournment

At 6:20 PM Motion made by Councilmember Schwartz, Seconded by Councilmember Schroeder to adjourn the meeting. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schroeder, Councilmember Schwartz. The motion **Carried. 6-0.**

Attest:

City Clerk

Mayor