

**CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, July 12, 2022**

The regular meeting of the Common Council of the City of Marshall was held July 12, 2022, 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: Craig Schafer, Steve Meister, Russ Labat, and John DeCramer. Absent: James Lozinski. Staff present included: Sharon Hanson, City Administrator; Dennis Simpson, City Attorney; Jason Anderson, Director of Public Works/City Engineer; E.J. Moberg, Director of Administrative Services; and City Clerk Steven Anderson.

The Pledge of Allegiance was recited at this time.

Mayor Byrnes requested to add a new item as the first item of new business, Emergency Ordinance: Moratorium Sale of Hemp Derived THC Food and Beverages. Consent was given by the Council.

Consider approval of the minutes from the work session and regular meeting held on June 28, 2022.

Motion made by Councilmember Schafer, seconded by Councilmember Meister that the minutes from the work session and regular meeting held on June 28, 2022, be approved as filed with each member and that the reading of the same be waived. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 5-0.**

Award of Bids Project ST-024: Baldwin Parking Lot Reconstruction Lot Project - 1) Consider Development Agreement between Qwest Corporation (CenturyLink) and the City of Marshall; 2) Resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax Exempt Bonds; 3) Resolution Accepting Bid (Awarding Contract).

Public Works Director Anderson presented information on reconstruction of the Baldwin Parking Lot located behind City Hall. The Baldwin Lot was originally slated to be reconstructed in 2023 but new information regarding the Addison Lot adjacent to the movie theatre caused the Baldwin Lot project to move up to 2022 instead. The City of Marshall and Qwest Corporation (CenturyLink) have had a beneficial agreement in place since 1993 to allow the City of Marshall to access their parking lot. Three bids were received for Project ST-024 with R&G Construction being the lowest bid at \$159,515.77. All three bids came in under the engineer's estimate of \$184,853.00.

Attorney Dennis Simpson offered a concern from absent councilmember Lozinski regarding the 1993 access agreement. The agreement was presented to the Public Improvement and Transportation Committee with recommendation of approval of the development agreement. Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer to approve the development agreement between Quest Corporation (CenturyLink) and the City of Marshall. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer. Voting Nay: Councilmember Labat. The motion **Carried. 4-1.**

Motion made by Councilmember Schafer, seconded by Councilmember Meister to adopt Resolution 22-065 declaring official intent regarding the reimbursement of expenditures with the proceeds of tax-exempt bonds.

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Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat. The motion **Carried. 5-0.**

Motion made by Councilmember Meister, seconded by Councilmember Schafer to approve Resolution 22-066 accepting bid from R&G Construction. For Project ST-024: Baldwin Parking Lot Reconstruction. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat. The motion **Carried. 5-0.**

Consider Approval of the Consent Agenda

Motion made by Councilmember Schafer, seconded by Councilmember Meister, to approve the consent agenda. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat. The motion **Carried. 5-0.**

- Consider approval of the bills/project payments for Date Range: 07/01/22 – 07/08/22

Emergency Ordinance: Moratorium on the Sale of Hemp Derived THC Food and Beverages

Mayor Byrnes introduced the emergency ordinance to the City Council. An emergency ordinance shall be adopted by a vote of at least five (5) members of the Council and will not take effect until twenty-four (24) hours has passed after the ordinance has been filed with the City Clerk and has been published in the official newspaper.

Mayor Brynes proposed the new ordinance in response to Minnesota Statutes section 151.72 passed by Minnesota Legislature and took effect on July 1st, 2022. This ordinance will allow the city time to study the new law and consider licensing, rules, and sales management controls for the sale of hemp derived THC food and beverages. Councilmember Meister shared his opinion as a licensed Medical Doctor. Councilmember DeCramer commented on how the law is currently written and his concerns.

Motion made by Councilmember DeCramer, seconded by Councilmember Meister to enact the emergency ordinance establishing a moratorium on the sale of hemp derived THC food and beverages as presented. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat. The motion **Carried. 5-0.**

Coalition of Greater MN Cities Legislative Update

An update was given by Marty Seifert on the final outcomes from the Coalition of Greater Minnesota Cities (CGMC) Priorities. CGMC advocated for a 90M increase in local government aid and an update to the LGA formula. Seifert showed a LGA history proposal chart for the City of Marshall that indicated slight changes trending upwards. Mayor Brynes questioned if the tax bill for the 2023 session would be like 2022 and if a special election would be possible for a referendum vote in 2023 instead of waiting until 2024.

Call for Public Hearing Regarding Annexation of N. 7th Street Property. Owner Western Minnesota Municipal Power Agency. 80.52 Acres

Attorney Dennis Simpson presented the petition request from Western Minnesota Municipal Power Agency to

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annex 80.52 acres of land located in Fairview Township into the City of Marshall. The land is intended to be used as a solar farm. Both the City of Marshall and Fairview Township must hold a public hearing to proceed with the joint resolution of annexation.

Motion made by Councilmember Schafer, seconded by Councilmember Labat to call for a public hearing regarding the annexation of property owned by Western Minnesota Municipal Power Agency. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat. The motion **Carried. 5-0.**

Surface Water Management Ordinance Amendment – Chapter 30, Article II, Section 30-43 and Section 30-45 of the City Code of Ordinances – Introduction of Ordinance and Call for Public Hearing.

Public Works Director Anderson explained that the ordinance amendments are being proposed to simplify the City's stormwater management ordinance by referencing the State of Minnesota's stormwater management requirements. By doing so, the hope is that the number of ordinance amendments can be reduced in the future. This item was presented to the Legislative & Ordinance Committee at their meeting on June 28, 2022.

Motion made by Councilmember DeCramer, seconded by Councilmember Schafer to introduce the surface water management ordinance amendment, and call for public hearing. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat. The motion **Carried. 5-0.**

Introduction of the ordinance amending salaries and compensation of mayor and councilpersons.

Mayor Brynes introduced the topic of Mayor and Councilperson salaries and turned the topic over to City Administrator Sharon Hanson. City charter requires that salaries of Councilmember and Mayor be discussed and set at the first meeting in July of each year. However, Minnesota State Statute 415.11 allows for the governing body fix their own salaries by ordinance in such amount as they deem reasonable. No change in salary shall take effect until after the next succeeding municipal election. As a result of state statute and city charter conflicting it was proposed that salaries be set for the next two years consistent with the non-union general wage adjustment.

Mayor salary effective January 1, 2023, would be the sum of \$11,008.66 and effective January 1, 2024, would be the sum of \$11,338.87. Councilmember salary effective January 1, 2023, would be the sum of \$6,963.32 and effective January 1, 2024, would be the sum of \$7,172.11.

Motion made by Councilmember DeCramer, seconded by Councilmember Meister to introduce an ordinance amending salaries and compensation of mayor and councilpersons. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat. The motion **Carried. 5-0.**

Consider Appointments to the Various Boards, Commissions, Bureaus, and Authorities.

Mayor Byrnes reported on recent interviews for various openings on the Boards, Commission, Bureaus, and Authorities. Motion by Councilmember Meister, seconded by Councilmember Labat to approve the following appointments to the various boards, commissions, bureaus, and authorities:

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Ben Walker, Police Advisory Board, Reappointment (5/31/24)
Dr. George Taylor, Diversity Equity and Inclusion Commission, first term appointment (5/31/25)
Sara Stoneberg, Planning Commission, Reappointment (filling vacant term to expire 5/31/23)

Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, and Councilmember Labat. The motion **Carried. 5-0.**

Commission/Board Liaison Reports

Byrnes	Fire Relief Association received their annual audit report.
Schafer	No report.
Meister	No report.
DeCramer	Diversity, Equity and Inclusion Commission met and discussed the World Café event. Housing Commission finalizing agreements on maintenance issues.
Labat	Library Board met and discussed 2023 budget, and LED light replacements. An open position for the library in Balaton received 12 applicants.
Lozinski	Absent.

Councilmember Individual Items

Councilmember Labat commented on the successful Jr. T-Ball & Baseball Family Night event at the Amateur Sports Complex.

Councilmember DeCramer commented on the July 4th display held at Independence Park and concerns regarding the use of illegal fireworks. DeCramer also brought up that Mayor Robert Byrnes was nominated and received the Community Leader Award by Missouri River Energy Services for his work over the past 30 years.

Mayor Byrnes mentioned the trails at Independence Park are near completion. The 150th Anniversary Committee met and many of the events will be held in conjunction with Sounds of Summer.

City Administrator

Administrator Hanson met with Lyon County Administrator Loren Stomberg regarding library funding. Discussion needs to be had about the Joint Law Enforcement Center budget. Two requests for proposals are due July 15, one for City Attorney and another is a feasibility study for an Indoor Recreation/YMCA collaboration.

Director of Public Works/City Engineer

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Director of Public Works/City Engineer Anderson provided an update on the Halbur Road project, West Lyon Street project, South 1st Street reconstruction, Independence Park Trail project, mill/overlay project, diversion channel project is complete, and Terrace 1872 is still in progress.

City Attorney

City Attorney Simpson gave an update on the Helena building acquisition, two buildings on East Main Street need repair or tear down and letters are being sent.

Administrative Brief

There were no questions on the administrative brief.

Information Only

There were no questions on the information items.

Upcoming Meetings

There were no questions on the upcoming meetings.

Adjourn

At 6:48 Motion made by Councilmember Schafer, seconded by Councilmember Meister to adjourn. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat. The motion **Carried. 5-0.**

Mayor

Attest:

City Clerk