

**CITY OF MARSHALL  
CITY COUNCIL MEETING  
M I N U T E S  
Tuesday, April 14, 2026**

The regular meeting of the Common Council of the City of Marshall was held April 14, 2026, 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: James Lozinski, John Alcorn, Craig Schafer, See Moua-Leske, and Amanda Schwartz. Absent: Amanda Schroeder. Staff present included: Sharon Hanson; City Administrator; Pamela Whitmore, City Attorney (remote); Jason Anderson, Director of Public Works/ City Engineer; E.J. Moberg, Director of Administrative Services; Scott Pryzbilla, Wastewater Superintendent; Ilya Gutman, Plans Examiner; and Steven Anderson, City Clerk.

**Consider Approval of the Minutes of the Meetings Held on March 24th**

There were no requests to amend the minutes.

Motion made by Councilmember Lozinski, Seconded by Councilmember Alcorn to approve the minutes as presented from March 24, 2026. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Lozinski, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schwartz. The motion **Carried. 6-0.**

**Project ST-020: South 5th Street (Saratoga to Main) Reconstruction Project - 1) Resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds; 2) Resolution Accepting Bid (Awarding Contract)**

The project consisted of a complete street reconstruction of South Fifth Street from approximately 300-FT west of West Main Street to West Saratoga Street. Reconstruction included the intersection of West Saratoga Street and South Fifth Street, and work items included curb and gutter, driveway approaches, and sidewalks. Underground utility work included sanitary sewer main and services, water main and services, and storm sewer replacement. On April 10, 2026, bids were received with the low bid from Action Company LLC of Marshall, Minnesota, in the amount of \$679,228.98. The engineer's estimated range was \$635,000-\$745,000. The estimated total project cost including 5% allowance for contingencies and 16% for engineering and administrative costs was \$827,300.90. All improvements would be assessed according to the Special Assessment Policy, including but not limited to participation from Marshall Municipal Utilities, Wastewater Department, Surface Water Management Utility Fund and Ad Valorem participation.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to adopt Resolution 26-027 Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for Project ST-020. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Lozinski, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schwartz. The motion **Carried. 6-0.**

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to adopt Resolution 26-028 Accepting Bid and Authorizing Entering into an Agreement with Action Company LLC of Marshall in the amount of \$679,228.98 for Project ST-020. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Lozinski, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schwartz. The motion **Carried. 6-0.**

**Project WW-014: Sanitary Sewer Repair Project - Award of Quote**

The project consisted of repairs to small segments of sanitary sewers at three locations. Intersection of Van Buren Street/Evergreen Avenue, replacing 10-FT of 8" vitrified clay pipe (VCP) that had been partially crushed by a shallow-crossing 24" reinforced concrete pipe (RCP) storm sewer. This street would also receive a mill and overlay treatment in 2026, so staff desired to complete the repair prior to the mill and overlay project. The second location would be in a backyard area, south of Maple Street and east of South First Street, and west of Lawrence Street replacing 71-FT of 10" VCP pipe with 10" PVC pipe. The existing pipe had some significant offset joints, and this may result in future pipe obstructions. The third location would be at the intersection of Dogwood Avenue/Hackberry Drive replacing 20-FT of 8" VCP pipe that had been partially crushed by a shallow-crossing 54" RCP storm sewer and 12" and 15" RCP storm sewer. Work at this location impacts the storm sewer and sanitary sewer and new 15-FT lengths of 12" and 15"

storm sewer would be required, in addition to casing pipe around the new sanitary sewer to protect from the crossing 54" storm sewer. On April 9, 2026, quotes were received with the low quote from D&G Excavating, Inc. of Marshall, Minnesota, in the amount of \$40,400.00. The engineer's estimate was \$51,575.00.

Motion made by Councilmember Schafer, Seconded by Councilmember Alcorn to award the quote for Project WW-014 to D&G Excavating, Inc. of Marshall in the amount of \$40,440.00. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Lozinski, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schwartz. The motion **Carried. 6-0.**

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

Councilmember Lozinski requested that item 5 Consider the Request of the Marshall Downtown Business Association for Crazy Days (Thursday-July 16, 2026) to be removed for additional discussion.

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

- Consider the Request of the Marshall Downtown Business Association for Crazy Days (Thursday-July 16, 2026)
- Consider a Temporary Extension of Alcohol License Area for the Shades of the Past Roll In Event
- Consider Approval of the Bills/Project Payments.

### **Consider Request for Street Closure of N 3rd Street for Juneteenth (Friday-06/19/2026)**

Councilmember Lozinski questioned if street closures for North Third Street should come to council. The purpose of the reconstructed street was to hold events and gatherings and the need to come to council each time was an extra step that might not be needed. Councilmember Schafer felt that having these street closures come to council was similar to a notice for citizens that it might be upcoming if approved. By also coming to council for approval, it gave residents who lived along North Third Street an opportunity to voice their concerns if they did not want the street to be closed for a particular event.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to approve the request for street closure of North Third Street for Juneteenth. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Lozinski, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schwartz. The motion **Carried. 6-0.**

### **Firm Electric Service Contract and Renewable Energy Certificates Contract between Western Area Power Administration and City of Marshall**

Pete Wyffels, Marshall Municipal Utilities General Manager, presented the item. On March 18, 2026, the Marshall Municipal Utilities Commission approved Resolution No. 221 related to the Firm Electric Service Contract and Renewable Energy Certificates Contract between Western Area Power Administration (WAPA) and City of Marshall. Since 1958, under contract with WAPA, the electric customers served by Marshall Municipal Utilities (MMU) have received a portion of their electricity needs from hydroelectric power plants with about twenty-four (24) percent of the community's needs being serviced by the hydropower source. On July 18, 2012, and July 24, 2012, the Marshall Municipal Utilities Commission and the City Council approved extending the Firm Energy Services Contract (FES) with Western Area Power Administration through 2050. To successfully continue to serve customers with this electric service, Resolution No. 221 approved by the MMU Commission consisted of two parts:

1. Two amendments to the FES
  - a. Amendment No. 1: dealt with deletions of maintenance provisions for the meter at the Marshall 115-kV Southwest substation POM and Load Control Boundary point between Xcel Energy and WAPA from the original contract.

- b. Amendment No. 2: made changes to paragraph 44 of the General Power Contract provisions of the Firm Energy Services contract. Changes to paragraph 44 of that agreement would now bring the contract in compliance with Federal Anti-Discrimination laws pursuant to the DEI Presidential Executive Order.
2. In 2023, WAPA created and credited Renewable Energy Certificates (RECs) connected to the hydroelectric power they produce and deliver to all their power contract holders, like MMU, and are subject to the same regulations concerning all forms of contracted RECs. Missouri River Energy Services (MRES) offered their services to administer the MMU allotted WAPA RECs, as they currently do for the RECs purchased by MMU customers through the Bright Energy Choices program; therefore, on March 21, 2023, and April 25, 2023, the Marshall Municipal Utilities Commission requested, and the City Council approved WAPA Contract No. 23-UGPR-28, allowing MRES to administer Renewable Energy Certificates for the City of Marshall.

In 2026, a new WAPA REC Contract, 25-UGPR-135 would terminate and replace the previous REC Contract No. 23-UGPR-28, including its updated general power contract provisions and renewable energy certificate program principals, which now allows for the acquisition, resale and administration of RECs between WAPA, MRES, and Marshall. The FES contract continues to be both beneficial and appropriate for the continued successful provision of electric service to the customers of MMU and the REC Contract is important to meet the Renewable Energy Standards of the State of Minnesota. Pursuant to Marshall City Code Chapter 13.04 Subd. 1, contracts exceeding ten (10) years in length shall be approved by the MMU Commission and the City Council. Councilmember Schafer sought clarification on what qualified for a Renewal Energy Certificate. Wyffels explained that hydro, solar, and wind generation were all counted towards RECs. Mayor Byrnes summarized that the amendments to the contract that were being asked for approval had no substantial impacts on operations for MMU.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to approve the Firm Electric Service Contract, Amendment 1 and 2 and the Renewable Energy Certificates Contract, 25-UGPR-135, including its updated general power contract provisions and renewable energy certificate program principals, between the City of Marshall and the Western Area Power Administration, an entity within the Department of Energy (DOE). Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Lozinski, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schwartz. The motion **Carried. 6-0.**

### **Consider the Request of Jeff Greenwood for a Variance Adjustment Permit for an Enlarged Garage with Reduced Side Yard**

The request from the property owner was to build an addition to an existing detached garage in the back yard. The existing garage is 1,080 square feet (SF) and was built in 1993 with a variance to allow for a two-foot side yard instead of the required five feet. The owner wanted to add a 600 SF addition on the south side of the garage and change garage access point from Church Street to the alley. Zoning Ordinance requires that detached garages do not exceed 1,000 SF and do not occupy more than 25% of the rear yard of the property. The proposed garage addition would have an area of 1,680 SF and would occupy about 38% of the rear yard. Additionally, the addition would align with the existing garage, which meant that it would also have a two-foot setback. By State Statute and City Ordinance, granting of a variance may be permitted only if the request meets the “practical difficulties” test, which required that the proposed use was reasonable, that the problem was caused by conditions that are unique to the property, and that granting the variance would not change the character of the area. Upon review, city staff believed that the garage addition did not meet the second and third part of the test. The lot was not unique compared to other lots in the area and there were no other garages of this size in the neighborhood. The owner asserted that changing access to the alley instead of the street would enhance safety at a busy street, especially when the church across the street was in session. The owner also stated that he intended to combine the lot with an adjacent lot, which he also owns, in the future. Combining the lots would eliminate the need for a variance under the provision requiring that an accessory building not occupy more than 25% of the rear yard since the rear yard size would almost double. However, the garage would still be larger than the permitted 1,000 SF, and a variance would still be required.

Councilmember Schroeder was unavailable for the meeting but did provide Mayor Byrnes with an email relaying information that came from the Planning Commission public hearing. In the email Schroeder wrote that the Planning Commission really wanted to do something to help make a variance make sense. The commission ultimately denied the application because they had a hard time finding a way to meet the third criteria of the practical difficulties test based on the current ordinance of detached garage size limitations. Councilmember Lozinski suggested changing the ordinance related to detached garages and bringing in more inline with attached garages. Lozinski felt that it was unfair for residents with unattached garages to be restricted more than residents with attached garages. Many of the older areas of the city are unattached garages and could potentially have space for a larger garage but can't build bigger than 1000 SF. Attorney Whitmore confirmed that if the council would like to approve the permit it would be preferable to change the ordinance to increase the size of a detached garage since the request does not appear to meet all of the criteria for a variance.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to deny the Variance Adjustment Permit request for an enlarged garage with reduced side yard at 107 Church Street and to direct staff to amend applicable ordinances to allow for larger detached garages in residential districts. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Lozinski, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schwartz. The motion **Carried. 6-0.**

#### **Adoption of an Ordinance Amending Section 18-56 Required**

The proposed changes were minor and were intended to exclude small sheds/buildings of this section's requirements. Staff found it would be unreasonable to require people who want to install a small building under 200 square feet, that doesn't require a building permit, to go through the same process as people who are moving an entire house to be placed onto a lot.

Motion made by Councilmember Lozinski, Seconded by Councilmember Moua-Leske to adopt Ordinance 26-006 amending Chapter 18, Section 56 Required and authorizing its summary publication. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Lozinski, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schwartz. The motion **Carried. 6-0.**

#### **Adoption of an Ordinance Amending Section 18-41 Special Requirements for Moving Buildings**

The changes to this section regulated moving buildings on the streets through city limits, whether they were being moved into town or just through it. The proposed changes exclude situations when the move occurred along state and county routes only, since a state or country permit would already be required. This change would also align this section with state requirements for building sizes and allow a process for appeals of a denied permit.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to adopt Ordinance 26-004 amending Chapter 18, Section 41 Special Requirements for Moving Buildings and authorizing its summary publication. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Lozinski, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schwartz. The motion **Carried. 6-0.**

#### **Adoption of an Ordinance Amending Sections 86-27 Nonconforming Use, 86-30 Amendments, and 86-46 Issuance; Purpose**

Minor changes were made that clarified ordinance provisions and aligned requirements by mirroring language in similar provisions found in other sections. Such as requiring applications and public hearings to be made to the planning commission. These revisions were part of a continuing improvement process staff had undertaken to make the Zoning Ordinance more straightforward, consistent, and user-friendly.

Motion made by Councilmember Lozinski, Seconded by Councilmember Moua-Leske to adopt Ordinance 26-005 amending Chapter 86, Section 27 Nonconforming Use, Section 30 Amendments, and Section 46 Issuance; Purpose and

authorizing its summary publication. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Lozinski, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schwartz. The motion **Carried. 6-0.**

**Adoption of an Ordinance Amending Section 86-50 Home Occupations and Businesses**

In the past nine years, the City of Marshall has not issued a single permit for a home occupation. There was evidence of businesses running from inside homes. This contradiction showed a need for staff to review the home occupation regulations. Prior to 2013, all home occupations were required to have a conditional use permit, even though some people still did it without applying. The ordinance was revised to allow certain home occupations without a conditional use permit. The permitted home occupations were those that minimally affected neighbors, such as fully internet or computer-based businesses. Further, in 2019, the home occupation permit was changed from conditional use to interim use, to allow for term limitations, after it was determined that conditional use permits may not have renewal requirements. All home occupation permits had always been initially issued for one year and then required renewal every five years; the goal was to evaluate the effect on the neighborhood and then encourage people to move their businesses to business districts and thus contribute more to City's economy and development. Considering the nonexistence of home occupation permit applications, two options for revising the ordinance to make it more relevant were considered. The first one was to allow most home occupations as accessory use which would not require a permit, provided certain requirements intended to reduce the neighborhood's impact were met. In essence, this would leave few home occupations that would need an interim use permit, as most would be either permitted or banned.

Option two would be to significantly reduce the application fee for the initial one-year term, coupled with allowing staff to approve the initial application without the need for a public hearing and planning commission or council involvement. This would also be accompanied by an awareness campaign to share home occupations rules and requirements, and a willingness to go after those who conduct business from home without obtaining a permit, including charging administrative fines for ordinance violation when appropriate. Staff opted to propose option one and allow most home occupations as accessory use and loosen restrictions on the ordinance.

Motion made by Councilmember Lozinski, Seconded by Councilmember Moua-Leske to adopt Ordinance 26-006 amending Chapter 86, Section 50 Home Occupations and Businesses and authorizing its summary publication. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Lozinski, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schwartz. The motion **Carried. 6-0.**

**Adoption of an Ordinance Amending Table 86-185 Sign Limitations under Section 86-185 District Regulations**

A minor change to Table 86-185 that would allow people to keep small temporary signs longer than previously allowed. All temporary signs were allowed to be placed in a yard and out of the public right-of-way up to 14 consecutive days and 60 days total in a year. Staff concluded that there would be no harm in allowing people to keep a single small cardboard sign placed next to their houses for longer. Such signs may be favorite team appreciation, dance club promotion, or school recognition.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to adopt Ordinance 26-007 amending Table 86-185 Sign Limitations under Chapter 86, Section 185 District Regulations and authorize its summary publication. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Lozinski, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schwartz. The motion **Carried. 6-0.**

**Adoption of an Ordinance Amending Section 86-247 Landscaping**

Minor changes to clarify where specific landscaping requirements were applicable. Councilmembers asked for further clarification on how tree planting requirements and certificates of occupancy were linked together. Gutman explained that on residential lots the requirement to plant trees on a newly built property would shift from the builder to the homeowner. Previously builders had to install trees to meet ordinance requirements but often the new homeowner

didn't like either the species of trees planted or the location and ended up removing them to plant their own trees. This was an additional cost to both homeowners and builders, that was unnecessary.

Motion made by Councilmember Lozinski, Seconded by Councilmember Moua-Leske to adopt Ordinance 26-008 amending Chapter 86, Section 247 Landscaping and authorizing its summary publication. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Lozinski, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schwartz. The motion **Carried. 6-0.**

**Adopt Resolution Supporting a Lyon County Regional Landfill Request for Legislative Funding for a Poly Fluoroalkyl Substances (PFAS) Treatment Facility**

The City of Marshall has an industrial user agreement with Lyon County accepting regional landfill leachate. Due to the leachate containing PFAS, Lyon County, the City of Marshall and the State of Minnesota desire to eliminate these contaminants from our wastewater stream. City and county representatives met to discuss PFAS in waste streams. During the discussion Lyon County asked the city for support for their legislative request for funding of a PFAS Treatment Facility at the Lyon County Regional Landfill. To help achieve Marshall's goal of PFAS reduction staff have enlisted the services of the Coalition of Greater MN Cities government relations team. Lyon County would also draft a resolution of support to be submitted to legislature.

Motion made by Councilmember Schafer, Seconded by Councilmember Alcorn to adopt Resolution 26-029 supporting a Lyon County Regional Landfill request for legislative funding for a Poly Fluoroalkyl Substances Treatment Facility. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Lozinski, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schwartz. The motion **Carried. 6-0.**

**Commission/Board Liaison Reports**

Byrnes	Fire Relief Association reviewed their retirement benefit funds and the fund was still healthy. SWRDC reviewed all of their program offering.
Alcorn	Public Housing was investigating a recent fire at one of their locations and have been unable to contact the tenant.
Lozinski	MMU Commission gave a tour of the Marshall water plant.
Moua-Leske	CVB was still exploring more options to replace Prairie Jam.
Schafer	Airport Commission wished to change the recommended location for the fuel farm and would have the consultant look at a new site.
Schroeder	Absent.
Schwartz	Library board reviewed budgets and talked about upcoming summer events. The Community Services Advisory Board will be touring the new aquatic center later this summer and the summer brochure was scheduled to come out in a week or so.

**City Administrator**

The bandshell advisory committee will have their first meeting on April 16. A structural engineering report was done again on the bandshell, and staff were told it was ok to hold events for this upcoming summer.

**Director of Public Works/City Engineer**

Phase two of the Highway 19 corridor was set to begin April 15 starting at the Main/College Drive intersection and extending to the Marshall Street/Highway 19 bridge.

**City Attorney**

No report.

**Administrative Brief**

There were no questions about the Administrative Brief.

**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 6:34 PM Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to adjourn the meeting. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Lozinski, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schwartz. The motion **Carried. 6-0.**

Attest:

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City Clerk

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Mayor