



CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Pamela Whitmore
Meeting Date:	Tuesday, May 13, 2025
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Consider a Resolution for Kennedy & Graven to Pursue Enforcement Action
Background Information:	<p>Staff have received a number of complaints from residents of Broadmoor Valley Manufactured Home Park regarding the installation of a locked gate at the Park’s access point to Highway 23. Marshall City Code, Section 86-101(e) (5) (i) states that “[e]ach manufactured home park shall have at least two access points to a public right-of way which are deemed adequate to serve the anticipated traffic generated by the park.” Additionally, Minnesota State Fire Code (MSFC), Section 503.6 requires security gates to be approved by City Fire Chief, Quentin Brunsvold. Quentin has reported directly to City Administrator Hanson and me, that the owner never reached out to him or met with him to request installation of the gates to ensure that the fire department could access to the site. In addition to receiving complaints about the gate, residents have informed the City, including in the recent Park Closure hearing, that the roads are not up to City Code and are impassable to the extent that most school buses will not travel into the Park. Road conditions were a part of the Attorney General lawsuit but were raised pursuant to state law, as opposed to City Code, which the City has the jurisdiction to enforce. Since the completion of the Attorney General’s case, the City has continued to receive complaints about the road conditions. The City has reached out via phone calls, and in writing, to Paul Schierholz and Schierholz & Associate about the code violations, which still have not been remedied. In fact, one of the responses from the Park Owner to the City, which is attached for Council edification, demonstrates his unwillingness to work towards remedying not only the locked gate but also other code violations. As Council can see from the e-mail, Schierholz & Associates has taken the position that they will treat city staff as trespassers. Accordingly, City Attorney looks to Council for consideration an approval of the Resolution.</p>
Fiscal Impact:	Cost of litigation, including court costs and attorney fees.
Alternative/ Variations:	Continue to assess administrative fines or talk to criminal prosecutor about criminal impacts of code violations.
Recommendations:	To adopt Resolution 25-039 authorizing Kennedy & Graven to take all actions as needed to file and pursue enforcement action against Schierholz and Associates.