

**CITY OF MARSHALL  
CITY COUNCIL MEETING  
M I N U T E S  
Tuesday, April 09, 2024**

The regular meeting of the Common Council of the City of Marshall was held April 9, 2024, 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 (via Zoom), James Lozinski, See Moua-Leske and John Alcorn. Absent: Amanda Schroeder and Steve Meister. Staff present included: Sheila Dubs, Human Resource Manager; Pamela Whitmore, City Attorney; Jason Anderson, Director of Public Works/ City Engineer; E.J. Moberg, Director of Administrative Services; Dean Coudron, Public Ways Supervisor; Preston Stensrud, Park and Rec Supervisor; and Steven Anderson, City Clerk.

Councilmember Schafer attended via Zoom from Statesville, North Carolina in the lobby of AM Racing located at 2668 Peachtree Road.

**Consider Approval of the Minutes from the Regular Meeting and Work Session Held on March 26th**

There were no amendments to the minutes from the meetings held on March 26<sup>th</sup>.

Motion made by Councilmember Lozinski, Seconded by Councilmember Moua-Leske to approve the minutes. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 5-0.**

**Dump Truck for Street Department – Consider Award of Bid and Declare Existing Dump Truck as Surplus**

Two bids were received on April 1, 2024, from Truck Center Companies of Marshall. Staff recommended purchasing the 2025 Freightliner 114SD-Detroit because the estimated timeline to receive the Detroit was more favorable compared to the Cummins. Staff also believed that a better trade-in could be received by listing the old truck on a public surplus site. The capital improvement plan included \$239,000 for the purchase of the dump truck. Mayor Byrnes commented about only receiving bids from one company. Dean Coudron responded that the other dealers that sell the International brand of trucks were having supply issues and wouldn't commit to a price that might significantly rise in the coming months. Councilmember Lozinski asked about the tax-exempt status of the city and why sales tax was included in the bids. Moberg explained that the dump box itself was tax exempt, but the chassis would still be taxable for the city. Staff would verify if everything could be exempt but had shown the full amount to be cautious.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to authorize staff to purchase a 2025 Freightliner 114SD-Detroit from Truck Center Companies of Marshall in the amount of \$268,979.60. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 5-0.**

Motion made by Councilmember Moua-Leske, Seconded by Councilmember Alcorn to adopt Resolution 24-042 to declare a 2004 Sterling Dump Truck as surplus and to list for auction. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 5-0.**

**Approval of the Consent Agenda**

There were no requests to remove an item for additional discussion.

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

- Consider Approval for a Temporary Liquor License for the Lyon County Ag Society
- Consider Approval for an Outdoor Public Fireworks Display for the Fourth of July Celebration

- Consider the Request of the Marshall Downtown Business Association for Crazy Days (Thursday-July 18, 2024)
- Consider Resolution Authorizing Execution of MnDOT Grant Agreement No. 1056678 (S.P. A4201-109) for Airport Skidloader Purchase
- Project AP-003: Airport Snow Removal Equipment (SRE) Building - Acknowledgment of Acceptance of FAA Grant Agreement MML-GLG-3-27-0056-020-2024 for Funding of Airport Development
- Consider Approval of the Bills/Project Payments

#### **Authorization of Roof Replacements at Independence and Freedom Park**

Two roof replacement projects were included in the 2024 budget for the parks department. Quotes were received from three local contractors with the lowest quote for the Freedom Park shelter from James Lozinski Construction at \$4,240.00 and for the Independence Park storage building also from James Lozinski Construction at \$2,385.00. Attorney Whitmore explained that pursuant to Minnesota statutes, the governing body of any city may contract for goods or services that do not exceed the competitive bidding threshold with a council member if the council member discloses the conflict and it is approved by a unanimous vote. These replacement projects fell under the bid threshold and Councilmember Lozinski had signed an affidavit disclosing the conflict that had been filed with the City Clerk.

Motion made by Councilmember Moua-Leske, Seconded by Councilmember Alcorn to authorize staff to work with James Lozinski construction and adopt Resolution 24-039 acknowledging a contract with a city official. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Alcorn, Councilmember Moua-Leske. Voting Abstaining: Councilmember Lozinski. The motion **Carried. 4-0-1.**

#### **Amendments to Ordinance Ch. 22 Article IV Mobile Food Units and Carts**

Under the current ordinance, any mobile food vendor operating within city limits was not required to have a license or register with the city if they did not operate for more than 21 days in a calendar year. Tracking and validation of operating days for mobile food vendors became difficult. Staff recommended that all food vendors register and the number of days for a temporary license be reduced from 21 days to 7 days before a full city license was needed. Staff also recommended that food trucks should not be allowed within the public right-of-way where parking is permitted to address safety and parking concerns. Food trucks would be limited to private parking lots and based on observation many food trucks already operated on private parking lots. Specific language was added for special events to allow food trucks without needing to register to encourage a variety of vendors. Plans Examiner, Ilya Gutman, also found that ice cream trucks were prohibited because of sound and parking ordinances. Amendments were made to address ice cream trucks, although seen very infrequently as pointed out by Councilmember Lozinski. Mayor Byrnes noted that the ordinance was originally created when food trucks were new, and these amendments were the natural course to meet the needs of the city. Councilmember Alcorn asked if food trucks would need to pay sales tax. Clerk Anderson verified that food trucks should be collecting and remitting sales tax to the Minnesota Department of Revenue, who would then give the city their portion of the tax.

Motion made by Councilmember Moua-Leske, Seconded by Councilmember Lozinski to adopt Ordinance 24-005 amending Chapter 22 Article IV Mobile Food Units and Carts. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 5-0.**

#### **Consider Resolution Awarding the Sale of General Obligation Bonds, Series 2024A and Resolution Awarding the Sale of General Obligation Grant Anticipation Notes, Series 2024B**

Five bids were received for the sale of GO Bonds, Series 2024A, with the low bid coming from Stifel, Nicolaus & Company, Incorporated. The interest cost was 3.0686% and because of the premium bid the par amount was reduced to \$3,580,000. The 2024A series of bonds would be used to finance street reconstruction projects, the Instrument Landing System and the snow removal equipment building at the airport, improvements at Independence Park and Legion Field, and improvements to Lyon Circle. Two bids were received for the sale of the GO Grant Anticipation Notes with the low bid coming from Oppenheimer & Company, Incorporated. The interest cost was 4.138% and because of the premium bid the par amount was reduced to \$2,415,000. The 2024B series of bonds would be used to finance

improvements at the airport until federal funds were received. Moberg updated the council on the bond rating of the city from Standard and Poor's. S&P provided comment that the city had adequate economy, strong management, strong budgetary performance, very strong budgetary flexibility and had high levels of debt with rapid debt amortization. With those reasons the City of Marshall was able to maintain its AA rating.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to adopt Resolution 24-040 awarding the sale of GO Bonds, Series 2024A. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 5-0.**

Motion made by Councilmember Alcorn, Seconded by Councilmember Moua-Leske to adopt Resolution 24-041 awarding the sale of GO Grant Anticipation Notes, Series 2024B. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 5-0.**

**Project SWM-003: Legion Field Stormwater Improvements Project-Phase III – Consider Authorization to Submit MPCA Stormwater Resiliency Grant Application**

The MPCA was soliciting project proposals to distribute \$35M to communities for projects to prepare local stormwater infrastructure for the impacts of climate change. The intent of the funding was specifically identified to address water quantity and prevent localized flooding. City staff had identified the Legion Field Stormwater Improvements—Phase III project as an ideal candidate project for the funding. Phase III was the final project that was identified in the 2019 Legion Field Stormwater Study. Phase III would help remedy stormwater flooding in the areas of Kendall Street, Peltier Street, Glenn Street, and Simmons Street, as well as property east and north of the Nexus Apartments on Legion Field Road. The project included a clearing and grading of approximately 1,100 FT of BNSF railroad ditch that conveyed city stormwater from Legion Field Road to the north and east, a new stormwater pipe crossing at the BNSF railroad near Turkey Valey Farms, and new large diameter stormwater pipe to convey water to a new stormwater pond to be constructed on city-owned land north of the Nexus Apartments. The Phase III project was currently identified for 2025 in the capital improvement plan. The project had been deferred for numerous years due to funding. Per the MPCA, extreme storms have pushed aging and undersized stormwater systems in communities across the state to the breaking point. Over the last 20 years, Minnesota had experienced 10 “mega-rain” events, where at least six inches of rain fell over an area of at least 1,000 square miles. MPCA Stormwater Resiliency grant applications were due by April 11, 2024, so time was of the essence for submittal.

Motion made by Councilmember Schafer, Seconded by Councilmember Moua-Leske to authorize staff to submit for the MPCA Stormwater Resiliency Grant funding for Project SWM-003. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 5-0.**

**Consider Appointments to Various Boards, Commission, Bureaus, and Authorities**

Mayor Byrnes, Councilmember Alcorn, and School Board Member Sara Runchey held interviews for open positions on the Community Services Advisory Board. Most boards and commission applicants interview with the regular council, but the Community Services Advisory Board was special in how interviews were conducted. Mayor Brynes requested that Annie Deutz and Kassi Tietz be appointed to the Community Services Advisory Board with terms expiring on February 28, 2027.

Motion made by Councilmember Alcorn, Seconded by Councilmember Lozinski to confirm the appointment of Annie Deutz and Kassi Tietz to the Community Services Advisory Board with terms expiring February 28, 2027. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 5-0.**

**Commission/Board Liaison Reports**

Byrnes	No report.
Schafer	No report.
Meister	Absent.
Schroeder	Absent.
Alcorn	No report.
Moua-Leske	DEI met with a strategic planner and reviewed the Intercultural Development Inventory assessment taken by the committee. The Library Board reviewed their 2023 annual report.
Lozinski	No report.

**Councilmember Individual Items**

Councilmember Lozinski commented on variable rate charging and it not being offered by MMU. Mayor Byrnes indicated that MMU had something in the works, but it was not quite ready to roll out.

Councilmember Moua-Leske was able to do a ride along with Officer Roth and expressed her thanks to the Marshall Police Department.

Mayor Byrnes relayed that North Memorial Ambulance has withdrawn their application to be a part-time advanced life support service.

**City Administrator**

Absent.

**Director of Public Works/City Engineer**

Airport Commission did not have any action items but did discuss the SRE building, skid loader grant, ILS grant, and the FAA grant agreement. The Redwood River One Watershed Plan met for the first time and would have a public open house in Marshall on June 26. Lyon Circle and Independence Park parking lot bid openings would be happening soon.

Councilmember Lozinski asked about the Enterprise sign near the airport entrance. Director Anderson said he had not heard any communication from Enterprise on the topic and would reach out to them again.

**City Attorney**

No report.

**Administrative Brief**

There were no questions on the Administrative Brief.

**Information Only**

There were no questions on the Information Only items.

**Upcoming Meetings**

There were no questions on the Upcoming Meetings.

**Adjournment**

At 6:15 PM Motion made by Councilmember Moua-Leske, Seconded by Councilmember Alcorn to adjourn the meeting. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 5-0.**

Attest:

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Steven Anderson, City Clerk

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Robert Byrnes, Mayor