

**CITY OF MARSHALL  
CITY COUNCIL MEETING  
M I N U T E S  
Monday, August 12, 2024**

The regular meeting of the Common Council of the City of Marshall was held August 12, 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, Amanda Schroeder, Steve Meister, John Alcorn, James Lozinski and See Moua-Leske. Absent: None. Staff present included: Sharon Hanson; City Administrator; Pamela Whitmore, City Attorney (via Zoom); Peter Mikhail, Kennedy & Graven Attorney; Jason Anderson, Director of Public Works/ City Engineer; Preston Stensrud, Park & Rec Supervisor; Karla Drown, Finance Director; Ilya Gutman, Plans Examiner; and Steven Anderson, City Clerk.

**Consider Approval of the Minutes from the Regular Meeting and Work Session Held on July 23rd**

There were no requested amendments to the minutes from July 23, 2024.

Motion made by Councilmember Meister, Seconded by Councilmember Schafer to approve the minutes. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

**Project ST-009: W Lyon St. / N 3rd St. Reconstruction Project -- 1) Continuation of July 9, 2024 Public Hearing for Limited Purpose of Consideration of Assessment of Property for Which Council Previously Received an Objection Identified as: Parcel# 27-677104-0; 2) Consider Resolution Adopting Assessment Amount Specific to Property Identified as Parcel# 27-677104-0 and Acknowledgment that Pursuant to Minn. Stat. 426.061, the Assessment on those Specific Properties Becomes a Part of the Assessment Roll Adopted on July 9, 2024**

At the July 9, 2024, meeting, the City Council conducted a public hearing and heard proposed objections on the proposed assessment for the above-referenced project. One objection to the proposed assessment was received from Dereck Deutz regarding Parcel Number 27-677104-0. At said meeting, City Council passed Resolution 24-065 and accepted the assessment roll minus the proposed assessment for the Deutz property and continued the assessment hearing to August 12, 2024. City staff had spent over a year working with property owners to be affected by the project to get feedback and to educate the public about the project. Which included facilitating discussions at the Downtown Business Association meetings on a regular basis. The feedback of the property owners included a desire for streetscaping, one-way street and other portions of the improvement in addition to the street, water, drainage, and sanitary sewer work. City staff found, from meeting with business owners and the public, that the community wanted a plaza area and electrical infrastructure to host events on the block. The newly constructed 28-footwide sidewalk and plaza was located along the Property's frontage and the plaza and streetscaping draw attention to the Deutz business, as well as provides outdoor public seating adjacent to the business on the Property. All businesses on the Third Street block paid the same per foot rate for the assessment as Mr. Deutz. City staff found that the streetscaping cost the city \$986.67 per lineal foot and the city had assessed only 20 percent of actual streetscaping costs, with the city picking up the other 80 percent of the costs. Mr. Deutz, the current property owner of Parcel Number 27-677104-0 participated in these meetings as a tenant and knew about the project and purchased the Property in April 2023, before the assessment. City staff found costs to city for street improvement to equal \$210.71 per lineal foot. The Deutz property had 108 feet of street frontage which resulted in a cost of \$45,514.38. Because of the City's current special assessment policy formula which limited street assessment amounts, the assessment for the Deutz property was only \$13,675.32. Mr. Deutz mentioned that a few garbage receptacles and benches were missing from the design of the project. Director Anderson did confirm that some of the receptacles and benches were not installed yet as the city wanted to first see how the space was going to be utilized once it opened before drilling additional holes into the concrete. Anderson would meet with Deutz to discuss possible locations for the missing elements.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to close the public hearing. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to adopt Resolution 24-075 adopting Project ST-009 assessment for parcel 27-677104-0. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. Voting Nay: Councilmember Meister. The motion **Carried. 6-1.**

#### **Authorization to Purchase 48' Shelter from Flagship Recreation**

In July of 2023 the Parks Department was awarded an Outdoor Recreation Grant from the Minnesota Department of Natural Resources in the amount of \$210,274 towards the construction of a new restroom facility and shelter at Independence Park. The total cost of the project was estimated to be \$420,548.00. Staff had contacted numerous vendors for a 48' hexagonal shaped steel shelter kit, all of which were more expensive than the proposal by Flagship Recreation who holds a state contract. As Flagship held the contract none of the vendors could come close in price and were not interested in bidding. Staff recommended the purchase of a new 48' ICON Shelter from Flagship Recreation in the amount of \$72,456.07 with half the amount being reimbursed by the Outdoor Recreation Grant as it is a 1:1 match. Prior to the new shelter arriving staff will work with local contractors on bidding the installation of the new shelter and a new restroom to complete the grant. Construction was intended to start late fall of 2024. Meister asked for clarification on the grant and if the shelter had been a budgeted item. Stensrud did confirm that the park shelter and bathroom construction costs were part of the budget.

Motion made by Councilmember Moua-Leske, Seconded by Councilmember Lozinski to authorize purchase through the Outdoor Recreation Grant of a shelter from Flagship Recreation in the amount of \$72,456.07. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

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

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

Motion made by Councilmember Schafer, Seconded by Councilmember Meister to approve the items on the consent agenda. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

- Consider Approval of a LG220 Lawful Gambling Permit for Ducks Unlimited
- Consider Approval for a Temporary On-Sale Liquor License for Visit Marshall -Prairie Jam
- Resolution Declaring Property as Surplus and Authorizing Sale - Public Works Items
- Consider Resolution Declaring Tables as Surplus for the Adult Community Center
- Consider Amended Request for Street Closure of Marvin Schwan Memorial Drive for Arts & Living Festival
- Project AP-003: Airport Snow Removal Equipment (SRE) Building - FAA Grant Agreement MML-GLG-3-27-0056-021-2024 for Funding of Airport Development
- Consider Approval for a Temporary Liquor License for the SMSU Foundation on September 7
- Consider Approval for a Temporary Liquor License for the SMSU Foundation on September 21
- Consider Approval of the Bills/Project Payments

#### **Consider Resolution Approving the amendments to the 2024 Fee Schedule**

Drown explained that the Ways & Means Committee reviewed the amendments to the Fee Schedule for Administrative Citations and Event Electrical Hookup during their meeting on May 21, 2024. The Ways & Means Committee had recommended these items be moved to Council for discussion and approval amending the 2024 Fee Schedule. Councilmember Lozinski expressed his desire to not include additional fees. Gutman answered that the Administrative Citation fee was to cover items not specifically listed in the fee schedule that still required enforcement. Stensrud and Director Anderson explained the process for setting up electrical boxes and the need to cover state inspection fees per setup.

Motion made by Councilmember Meister, Seconded by Councilmember Lozinski to have the Private Events- Electricity Hookup fee be reviewed by Ways and Means once more. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Motion made by Councilmember Schafer, Seconded by Councilmember Meister to approve the addition of Administrative Citation Fine to the 2024 fee schedule. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

**Consider the Request to Extend a Conditional Use Permit for an Advertising Sign (Billboard) at 511 South Highway 23**

A request was made by the applicant to extend a Conditional Use Permit for an advertising sign (billboard) at 511 South Highway 23 for six months. The original Conditional Use Permit was approved on August 18, 2023, and one of the conditions attached to it stated that "If within one (1) year after approving the Conditional Use Permit, the use as allowed by the permit shall not have been initiated, the CUP shall become null and void unless a petition for an extension of time in which to complete the use has been granted by the City Council. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration." The applicant had contacted staff on July 11, 2024, and indicated that the project would be done in the fall and requested an extension to allow for construction to take place. Councilmember questioned why the delay on building the advertising sign, but Gutman was unaware of the circumstances of the applicant.

Motion made by Councilmember Schafer, Seconded by Councilmember Meister to approve an extension of six months for the Conditional Use Permit that was granted for 511 South Highway 23. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

**Project PK-015: Independence Park Parking Lot & Entrance Road Project – Consider Change Order No. 1 (Final) and Acknowledgement of Final Pay Request (No. 2)**

The project consisted of excavation, fabric, gravel, storm sewer, curb & gutter, concrete paving, and construction of the Independence Park entrance road and parking lot east of the intersection of Nuese Lane & G Street. The items on Change Order No. 1 (Final Reconciling Change Order) for the project were the result of final measurements and changes in item quantities during construction. All work had been completed in accordance with the specifications. Change Order No. 1 (Final) resulted in a contract decrease in the amount of (\$5,472.00). Final Pay request No. 2 in the amount of \$9,587.20 resulted in a total contract amount of \$191,744.00, a net decrease of (\$5,472.00) from the original contract amount of \$197,216.00.

Motion made by Councilmember Meister, Seconded by Councilmember Lozinski to approve Change Order No. 1 (Final) resulting a contract decrease of \$5,472.00 and acknowledge Final Pay Request No. 2 in the amount of \$9,587.20 to Towne & Country Excavating LLC. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

**Commission/Board Liaison Reports**

Byrnes                      No report.

Schafer                     Airport Commission met to talk about the various projects going on at the airport that included the Instrument Landing System and Snow Removal Equipment Building. Lozinski asked about the sign request from Enterprise if the Airport

Commission had continued with the follow up. Anderson said that talks had stalled with Enterprise after some back and forth.

Meister	No report.
Schroeder	No report.
Alcorn	No report.
Moua-Leske	No report.
Lozinski	No report.

### **Councilmember Individual Items**

Councilmember Schafer requested that citizens be good neighbors and trim bushes and hedges that overhand sidewalks.

Councilmember Lozinski requested that chickens be reviewed by the Legislative and Ordinance Committee.

Mayor Byrnes would like to see a small committee formed to discuss chickens in addition to the council committee. A workgroup was formed with various municipalities to discuss cannabis.

### **City Administrator**

A work session to discuss cannabis would be scheduled for August 27<sup>th</sup>. On August 23<sup>rd</sup> a ceremonial groundbreaking would take place for the new aquatic center and there were talks to postpone the bid opening a few days as a couple other pools had bid openings scheduled for the same day. A rebate program was in the works for purchasing trees and removal of trees.

### **Director of Public Works/City Engineer**

Provided an update on the seal coating project.

### **City Attorney**

No update.

### **Administrative Brief**

There were no questions on the Administrative Brief.

### **Information Only**

City staff recommended to UCAP to the award D&G Excavating, Inc. in the amount of \$102,920.40 for the construction of bus shelters at various locations as follows: Camden Drive/Riverview Apartments, Freedom Park/Dogwood Ave, Susan Drive/Baseline Road, N 4th Street/Darlene Drive. Most of the improvements would be in city right-of-way. UCAP Transit would be responsible for all capital outlay for this project, and the City would serve as the project sponsor for the grant and the engineer of record for the project.

No additional remarks were had for the remaining Information Only items.

### **Upcoming Meetings**

There were no questions on the Upcoming Meetings.

**Adjournment**

At 6:22 PM Motion made by Councilmember Schroeder, Seconded by Councilmember Moua-Leske to adjourn the meeting. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Attest:

\_\_\_\_\_  
Steven Anderson, City Clerk

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Robert Byrnes, Mayor