

**CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, May 14, 2024**

The regular meeting of the Common Council of the City of Marshall was held May 14, 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, James Lozinski, See Moua-Leske, Amanda Schroeder, Steve Meister, and John Alcorn. Absent: None. Staff present included: Sharon Hanson; City Administrator; Pamela Whitmore, City Attorney (via Zoom); Jason Anderson, Director of Public Works/ City Engineer; E.J. Moberg, Director of Administrative Services; Ilya Gutman, Plans Examiner; and Steven Anderson, City Clerk.

Mayor Byrnes requested that an appointment to the Marshall Municipal Utilities Commission be added to the agenda as item 22. There was no opposition to the request.

Consider Approval of the Minutes from the Regular Meeting Held on April 23rd

There were no requests to amend the minutes.

Motion made by Councilmember Meister, Seconded by Councilmember Schafer to approve the minutes as presented. 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 items any Councilmember wished to remove for additional discussion.

Motion made by Councilmember Meister, Seconded by Councilmember Schafer 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 Authorization to Declare Vehicle as Surplus Property
- Consider Approval for a Temporary Liquor License for the Knights of Columbus
- Consider Approval to Allow the American Legion to Conduct Bingo at the Red Baron Arena on June 6th
- Preliminary Plat of Peachy Subdivision – Introduction of Preliminary Plat
- Preliminary Plat of Lockwood Second Addition – Introduction of Preliminary Plat
- Vacation of Utility Easements in Proposed Lockwood Second Addition -- Receive Petition for Vacation and Call for Public Hearing
- Set Public Hearing Date for MS4 Permit Program Summary of the 2023 Activities
- Consider Approval Declaring the Sounds of Summer a Community Festival
- Sounds of Summer - Call for Public Hearing for Private Use of Public Streets and Parking Lots for Sounds of Summer (August 22-25, 2024)
- Consider Approval of Executing a Quit Claim Deed and Execution of Related Documents
- Consider a Resolution Approving Low Maintenance of Elaine Park and Michael Park
- Consider Approval of the Bills/Project Payments

Thursdays on Third - Consider Request from Marshall CVB for 07/18, 08/15 and 09/19/2024

Cassi Weiss, Director of the Convention and Visitors Bureau, requested the closure of North Third Street from West Main Street to West Lyon Street for an "Thursdays on Third" event where vendors could sell craft items, produce, flea market items, and have demonstrations or street performances, with possible music vendors as well. The request would also include closure of the alley that crosses North Third Street. The Marshall CVB had been coordinating with the Marshall Downtown Business Association, Farmers Market Association, and the Marshall Chamber of Commerce for the event. Each date of the event coincides with events that were already scheduled (Crazy Days, Lyon County Fair and Prairie Jam). Councilmember Schafer thanked Weiss for the opportunity to let Third Street shine.

Motion made by Councilmember Schafer, Seconded by Councilmember Schroeder to approve the request for from Marshall CVB for street closure from 5PM-8PM on July 18th, August 15th, and September 19th for “Thursdays on Third”. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Adoption of Ordinance - Amending Section 86-97 One Family Residence District

The city adopted a new comprehensive plan in 2023 and the plan redefined several zoning districts and suggested new ones. City staff had been working to implement the new Plan and the amendments proposed were a part of that work. Additionally, with the new Rental Ordinance recently adopted, staff did not see a reason to limit the number of unrelated adults living in a rented single-family house, which prompted is recommendation for removal. Other changes had a goal of streamlining the ordinance, by eliminating redundancy, and making it more consistent. The Planning Commission conducted a public hearing on April 10, 2024, and unanimously recommended approval. At its March 12, 2024, meeting, the Legislative and Ordinance Committee also reviewed the changes and recommended approval.

Motion made by Councilmember Moua-Leske, Seconded by Councilmember Lozinski adopting Ordinance 24-007 amending Ch. 86-IV Section 97 R-1 Low Density Residence District and authorizing its summary publication. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Adoption of Ordinance - Repealing Section 86-51 Bed and Breakfast

The city had adopted a new Rental Ordinance in early 2024 that covered Bed and Breakfast facilities as a short-term rental. The rental ordinance already listed specific conditions that were applicable to short-term rentals, so staff did not see a reason to keep a separate section related to Bed and Breakfast facilities. There was also a requirement for an interim use permit for Bed and Breakfast locations in addition to requiring rental registration. Staff did not want redundancy within two difference ordinances, with the rental ordinance being an easier method compared to an interim use permit. The Planning Commission conducted a public hearing on April 10, 2024, and unanimously recommended approval. At its March 12, 2024, meeting, the Legislative and Ordinance committee also reviewed the repeal and recommended approval.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski adopting Ordinance 24-006 repealing Ch. 86-II-1 Section 51 Bed and Breakfast and authorizing its summary publication. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Adoption of Ordinance - Amending Section 86-107 General Industrial District

The city had several areas outside of agricultural districts that were used for agricultural activity. Currently, such uses are not listed as permitted use in any zoning district other than Agricultural. However, staff believed it was reasonable that owners would want to use open areas for some agricultural business activity prior to development; such business activity may have included growing and harvesting row crops on vacant land. As such, staff added growing row crops as a conditional use to I-2 general industrial district, since there are generally large open areas within the I-2 district, and this kind of activity – would not be an impediment for the area. Staff wanted to present the ordinance change before the growing season started in the spring; the change was not related to the comprehensive plan, so at some point section 86-107 will need to be revised to align with the plan. Some areas used for agricultural activities in the general business district would be dealt with differently than the I-2 district. To avoid a conditional use permit, which would stay with the property, an interim use permit issued for a year or two would be suited for the general business district. All conditional and interim use permits would come before the Planning Commission and the Council for final approval. The Planning Commission conducted a public hearing on April 10, 2024, and unanimously recommended approval of the amendments. At its March 12, 2024, meeting, the Legislative and Ordinance committee reviewed the changes and recommended approval.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schroeder adopting Ordinance 24-008 amending Ch. 86-IV Section 107 I-2 General Industrial District and authorizing its summary publication. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Adoption of Ordinance - Amending Section 86-162 Yard Modification

The last variance application staff had received was requested for a reduced front yard for a garage addition. The house was located at the corner of a street and cul-de-sac, which effectively cut out a back corner of the lot. This was not an uncommon situation for similarly located lots throughout the city. The City Council denied the request following staff recommendation, because the lot was not sufficiently unique, which was one of the conditions for the “practical difficulty” test for granting a variance. However, during the Planning Commission meeting, one of the members questioned the general applicability of the typical front yard requirement to similar situations. Discussions were had internally, and staff reviewed other circles and concluded that reducing the front yard for curved portions to 15 feet instead of the required 25 feet was not going to be detrimental to the neighborhoods. More than likely the reduction would only be pertinent to some corner lots at the cul-de-sac entrance, since other pie-shaped lots would not have long enough frontage to utilize a reduced yard. The Planning Commission conducted a public hearing on April 10, 2024, and unanimously recommended approval. At its March 26, 2024, meeting, the Legislative and Ordinance Committee reviewed the amendments and recommended approval. Councilmember Lozinski commented that this ordinance was a good example of citizen involvement and questioning and would be a beneficial change going forward to property owners on corner lots of cul-de-sacs. Councilmember Schroeder also commented that the modification to the ordinance would be good for the future.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schroeder adopting Ordinance 24-009 amending Ch. 86-VI-1 Section 162 Yard Modifications and authorizing its summary publication. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Adoption of Ordinance Amending Section 66-55 Procedures and Section 66-53 Required

This is a minor revision to the preliminary plat approval procedure. This section has recently been changed to move a public hearing from the City Council meeting to the Planning Commission meeting. This proposed change will allow conducting a required public hearing at the Council meeting if the Planning Commission does not have a quorum at its regular meeting, which will speed up the process in this case. Section 66-53 removes the requirement for a paper copy of a plat, leaving only digital files. This change was presented at the Planning Commission on April 10, 2024. At its March 12, 2024, meeting, Legislation and Ordinance committee reviewed a change to Section 66-55 and recommended approval.

Motion made by Councilmember Schroeder, Seconded by Councilmember Schafer adopting Ordinance 24-010 amending Ch. 66-II-2 Section 53 Required and Section 55 Procedures and authorizing its summary publication. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Kwik Trip 1273 - 1) Approval of Preliminary Plat; 2) Consider Resolution Adopting the Final Plat

Kwik Trip had purchased and combined numerous parcels at the corner of West Main Street/TH 68 and North US Highway 59 with the intent of building a new gas station and convenience store at the location. The purpose of the plat was to combine all parcels into one and to ensure that all property issues were addressed prior to building on the site. Copies of the proposed subdivision have been sent to the local utility companies for their review and comments. A public hearing was held on the preliminary plat at the Planning Commission meeting on April 10, 2024 and was recommended for approval. A representative from Kwik Trip indicated that construction was hoped to start on June

10th with a 110 day build out. With a ribbon and grand opening sometime in the fall of 2024. Councilmember Schafer thanked Kwik Trip for their continued investment into our community.

Motion made by Councilmember Meister, Seconded by Councilmember Schafer to approve the preliminary plat of Kwik Trip 1273. 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 approve Resolution 24-054 approving the Final Plat of Kwik Trip 1273. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Project PK-013 (S.A.P. 139-500-001): RRFB and Trail Extension Project - Consider Resolution Authorizing Execution of MnDOT Cooperative Construction Agreement No. 1056356

The City of Marshall was awarded \$360,381 in Active Transportation (AT) Infrastructure Program grant funding for construction of several city-wide pedestrian improvement projects including an enhanced pedestrian crossing, rectangular rapid flashing beacon (RRFB), at US Hwy 59/A Street, a shared use trail along US Hwy 59 between Boyer Drive & Windstar, and the re-alignment of the Camden Trail at County Road 7 along with an enhanced RRFB crossing. The projects would need to adhere to State Aid standards and require approval from the District State Aid Engineer. City staff had reviewed the cooperative agreement and did not identify any issues or concerns. The city would be responsible for complete ownership and operation of the RRFB units, and the city would also be responsible for typical maintenance activities regarding the new shared use path installation. Project PK-013 consisted of three project areas with an estimated construction cost of \$413,125, including 10% for contingency. All costs outside of the AT Grant are proposed to be paid with Municipal State Aid Street (MSAS) funds. City staff had submitted to advance \$150,000 in MSAS funding for this project.

Motion made by Councilmember Schafer, Seconded by Councilmember Schroeder to approve Resolution 24-055 authorizing execution of MnDOT Cooperative Agreement No. 1056356. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski

Appointment to the Marshall Municipal Utilities Commission

The Mayor and Council held an interview prior to the regular meeting for an upcoming opening on the Marshall Municipal Utilities Commission. Mayor Byrnes recommended that Kristina Carrow be re-appointed for a second term expiring on May 31, 2029.

Motion made by Councilmember Alcorn, Seconded by Councilmember Meister to appoint Kristina Carrow to the Marshall Municipal Utilities Commission with a term ending May 31, 2029. 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	SRDC held a public hearing for their annual levy request, and no public comments were received.
Schafer	No report.
Meister	No report.

Schroeder	The Planning Commission considered a request for exterior finishes at 300 West Main Street and held public hearings for the Lockwood Second Subdivision plat and the Peachy Subdivision plat. Public Housing wrapped up discussions about their 2022 capital funds projects and began work on 2023 project proposals. The housing Commission also received a grant from United Community Action Partnership for improvements and reviewed the 2023 audit report.
Alcorn	No report.
Moua-Leske	DEI continued to work on the strategic plan and the Juneteenth celebration. The library provided a short summary of activities and results of their audit and is available at the library for people to see.
Lozinski	No report.

Councilmember Individual Items

Councilmember Schafer wanted to let the citizens know that May 15 was National Peace Officers Memorial Day and the week that May 15th falls on was National Police Week.

Councilmember Meister mentioned that the weather had gotten nicer so to be aware of pedestrians.

Councilmember Alcorn reminded that the first half of property taxes was due on May 15th.

City Administrator

Provided updates on various dates for council to be aware of. Hanson and Director Anderson had a conversation with Schwan's regarding a hanger lease at the airport. Stockwell Engineering was progressing towards 90% plan design for the aquatic center and will be coming to council on July 23rd. A groundbreaking event for the aquatic center was scheduled for the last Friday during Sounds of Summer. Staff would also be meeting with the Democrat and Republican chairs to review political sign placement. The city had also started to replace some of the Minnesota State flags with the new design. The SWWC groundbreaking was also on the schedule for May 29th.

E.J. Moberg reviewed tentative budget timelines and work session meeting dates.

Director of Public Works/City Engineer

Provided updated on the following projects: South Whitney Reconstruction; Addison Parking Lot; mill and overlay; SRE Building; and Minnesota Highway 68.

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 6:09 PM Motion made by Councilmember Meister, Seconded by Councilmember Schroeder 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

Robert Byrnes, Mayor