

**CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, April 23, 2024**

The regular meeting of the Common Council of the City of Marshall was held April 23, 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, 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; Jim Marshall, Director of Public Safety; Preston Stensrud, Park and Rec Supervisor; Quentin Brunsvold, Fire Chief; Ilya Gutman, Plans Examiner; 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 Held on April 9th and the Local Board of Appeals and Equalization on April 15th

There were no amendments to the minutes from the meetings held on April 9th and April 15th.

Motion made by Councilmember Lozinski, Seconded by Councilmember Moua-Leske to approve the minutes from April 9th and April 15th. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. Voting Abstaining: Councilmember Schroeder. The motion **Carried. 6-0-1.**

Project ST-010: Lyon Circle 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 reconstructing the street, curb and gutter, and utility replacement. The sanitary sewer would be replaced, along with service lines, and the storm sewer piping and intakes would be replaced at the intersection of Lyon Circle and East Lyon Street. Other items of work included pavement removal, aggregate base, concrete valley gutter, and bituminous surfacing. On April 16, 2024, six bids were received. The low bid was from A&C Excavating, LLC of Marshall, Minnesota, in the amount of \$161,580.80. The engineer's estimated range of cost was \$193,100 – \$227,200. The project, or a portion thereof, may be financed by the sale of bonds with repayment coming from assessments and Debt Service Fund Levy. The estimated total project cost including 5% allowance for contingencies and 16% for engineering and administrative costs was \$196,805.41. All improvements would be assessed according to the current Special Assessment Policy, including but not limited to participation from Marshall Municipal Utilities, Wastewater Department, Surface Water Management Utility Fund and Ad Valorem participation. The financing and cost participation would be forthcoming and addressed at the time of the Resolution Declaring Cost to be Assessed.

Motion made by Councilmember Meister, Seconded by Councilmember Schroeder to adopt Resolution 24-043 Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bond for Project ST-010. 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 Meister, Seconded by Councilmember Schroeder to adopt Resolution 24-044 accepting the bid and authorizing entering into an agreement with A&C Excavating, LLC of Marshall in the amount of \$161,580.80 for Project ST-010. 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 - 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 excavation, fabric, gravel, storm sewer, curb & gutter, concrete paving, and constructing the entrance road and parking lot east of the intersection of Nuese Lane & G Street. The Public Improvement/Transportation Committee (PI/T) met on 02/13/2024 and 03/04/2024 to discuss this project. On April 16, 2024, four bids were received. The low bid was from Towne & Country Excavating LLC of Garvin, Minnesota, in the amount of \$197,216.00. The engineer's estimate was approximately \$222,800.00. The project, or a portion thereof, may be financed by the sale of bonds with repayment coming from Debt Service Fund Levy. The estimated total project cost including 5% allowance for contingencies and 16% for engineering and administrative costs was \$240,209.09. The 2024 capital budget included \$130,000 for paving this parking lot. Following discussion with the PI/T Committee in February and March, Community Services staff had reviewed and identified methods of deferring some Legion Field improvements into future years to accommodate paving the Independence Park Parking Lot in 2024 and including curb and gutter and concrete surfacing.

Motion made by Councilmember Schafer, Seconded by Councilmember Moua-Leske to adopt Resolution 24-045 Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bond for Project PK-015. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske. Voting Nay: Councilmember Lozinski. The motion **Carried. 6-1.**

Motion made by Councilmember Moua-Leske, Seconded by Councilmember Alcorn to adopt Resolution 24-046 accepting bid and authorizing entering into an agreement with Town & Country Excavating LLC of Garvin, in the amount of \$197,216.00 for Project PK-015. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske. Voting Nay: Councilmember Lozinski. The motion **Carried. 6-1.**

Approval of the Consent Agenda

Councilmember Moua-Leske requested Item 4. Consider Approval for a LG220 Raffle Permit for the Pride in the Tiger Foundation be removed for further discussion. Councilmember Lozinski requested Item 5. Consider Approval of the 2024-2025 Township Fire Services Agreement also be pulled for additional discussion.

Motion made by Councilmember Meister, Seconded by Councilmember Lozinski to approve the remaining 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 for a Temporary Liquor License for the Knights of Columbus
- Preliminary Plat of Kwik Trip 1273 – Introduction of Preliminary Plat.
- Project AP-008: Instrument Landing System (ILS) Replacement-Runway 12 - Consider Resolution Authorizing Execution of MnDot Grant Agreement No. 1056813 / S.P. A4201-110
- Request for Private Use of Public Parking Lot from Adult Community Center for August 20-21, 2024
- Introduction of Ordinance - Repealing Section 86-51 Bed and Breakfast
- Introduction of Ordinance - Amending Section 86-97 One Family Residence District
- Introduction of Ordinance - Amending Section 86-107 General Industrial District
- Introduction of Ordinance - Amendment to Section 86-162 Yard Modification
- Introduction of Ordinance - Amending Section 66-55 Procedures and Section 66-53 Required
- Consider Approval for a Temporary Sunday Liquor License for Mariachi Fiesta for Cinco de Mayo
- Consider Approval of the Bills/Project Payments

Consider Approval for a LG220 Raffle Permit for the Pride in the Tiger Foundation

Councilmember Moua-Leske requested the item to be pulled from consent so that she may abstain from the vote.

Motion made by Councilmember Meister, Seconded by Councilmember Schroeder to approve the request for a LG220 Raffle Permit for the Pride in the Tiger Foundation. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Lozinski. Voting Abstaining: Councilmember Moua-Leske. The motion **Carried. 6-0-1.**

Consider Approval of the 2024-2025 Township Fire Services Agreement

Fire Chief Brunsvold explained that the fee formula had been in place for roughly 10 years and determines a per section cost based on several factors. A few of the factors considered would be the population of the township, market value of the township and the number of service calls by township. Prior to the new formula townships paid a small amount for the agreement and it wasn't nearly enough to cover any expenses that were incurred for a service call. Brunsvold mentioned the service agreement wouldn't be going towards the new aerial truck that was approved and more than likely that truck would not be used in a township as there wouldn't be enough water available to pump through the truck. However, the truck could be used for rescues that require heights such as a grain bin recovery. Mayor Byrnes noted that the Marshall Fire Department does have specific equipment for rural use such as the grass rig skid units and tankers.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to approve the 2024-2025 Township Fire Services Agreements. 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 of Karen Owen for a Conditional Use Permit for a Duplex in an R-1 District

The request was for a corner that was in a R-1 One Family Residence but was adjacent to the R-2 up to four-unit zone. The owner would be required to build a front entrance of each unit facing different streets. Councilmember Moua-Leske asked what concerns the neighbors had with the house. Gutman said the main concern was that the rest of the area was single family homes, and they didn't agree a duplex should be built. Councilmember Lozinski asked Attorney Whitmore if this met the same criteria as the duplex that was approved for Jaguar Court. Whitmore did verify the situation was similar and that the council had wanted to deny the permit, but all the conditions of a CUP were met and thus it was granted because there was not a reasonable basis for denial.

Motion made by Councilmember Moua-Leske, Seconded by Councilmember Schafer to approve the request to grant a Conditional Use Permit for a single ownership duplex in an R-1 One Family Residence District but requiring that the outside appearance was uniform and masked evidence of two dwellings in the building with unit front entrances facing different streets. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. Voting Nay: Councilmember Schroeder. The motion **Carried. 6-1.**

Adopt Neighborhood Park Maintenance Statements for Elaine Park and Michael Park

Administrator Hanson informed the council that in February 2024 a Public Improvement and Transportation (PIT) meeting was held with residents surrounding Elaine Park following the city being approached to look at options for future maintenance of the park. In 1947, Eatros Place was platted and developed as a new housing development in the City of Marshall. As part of the development, Elaine Park was established. By dedicating Elaine Park to the City of Marshall on the plat, the developer gave the City of Marshall an easement for the park (similar to the streets and other easements dedicated to the city on the plat). That meant the City of Marshall did not own the park property, it only had an easement to use the property for the purpose of a park. The City's understood that the Elaine Park abutting property owners had been maintaining the park by mowing the green space instead of the City. It was also the City's understanding that since the establishment of Elaine Park as part of the original housing development, the

City had not maintained the green space due to the premise that the Park was established as a “neighborhood park” with support from the surrounding property owners, for the City to not maintain the park. Although the public meeting held in February was only with Elaine Park adjoining residents due to the initial request of the city, staff recommended that whatever decision was made apply to Michael Park as well since the development, history of maintenance and similar attributes of the park lend well to ensure future maintenance direction is clear on the nearly identical Park. Staff recommended that city staff perform any extraordinary maintenance deemed necessary for these parks, such as filling a low spot that poses a hazard, removing invasive species, diseased trees, or fallen trees. The City of Marshall would not be performing any routine maintenance such as mowing, weed spraying, tree trimming, litter removal, or leaf removal. Mayor Byrnes reiterated that over the years the park discussion had been brought up but no formal action was ever taken. Councilmember Lozinski noted that during the public meeting several homeowners wished to keep things the way that had been and of course a few neighbors also wanted the city to maintain and take over the park. Councilmember Schroeder quipped that she used to be a homeowner abutting Elaine Park and that she had loved having the extra green space and didn’t expect that the city would be doing the maintenance. Councilmember Moua-Leske asked for clarification with personal property within the park property. Hanson said more than likely personal property would be dealt with on a complaint basis.

Motion made by Councilmember Lozinski, Seconded by Councilmember Meister to adopt the following statement:

“Elaine Park and Michael Park are neighborhood parks. This means that these parks are City parks and are open to the public. They are maintained by the City on an infrequent basis because they typically serves the surrounding neighborhood, have a lower usage, and do not have a regional draw as a destination. The City will perform any extraordinary maintenance it deems is necessary for these parks such as filling a low spot that poses a hazard, removing invasive species or diseased trees, or removing fallen trees. The City will not be performing any routine maintenance such as mowing, weed spraying, tree trimming, litter removal, or leaf removal. Neighborhood parks often abut private property. The City reminds neighboring property owners that city park property is not an extension of adjoining private property.”

Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Consider Engagement Letter/Contract for Municipal Advisory Services from Baker Tilly

Baker Tilly had been updating their contracts and asked the City of Marshall to review and consider approving an updated agreement. The existing contract was dated December 9, 2015, between the City of Marshall, Economic Development Authority, Housing and Redevelopment Authority and Springsted. An addendum was approved and was dated March 22, 2019, updating services from Springsted to Baker Tilly. The largest changes included pricing increases for issuances of General Obligation debt, as well as hourly rates, and the addition of a 30-day notice in advance of fee changes (existing agreement did not allow fee changes without a modified agreement). Services included in the scope of work included:

- General Municipal Advisory Services
- Securities Issuance
- Arbitrage Monitoring Services
- Continuing Disclosure Services
- Housing and Economic Development Services

Both the City of Marshall and Baker Tilly would maintain the right to terminate the engagement letter, or any work being done under an individual Scope Appendix. Councilmember Lozinski asked if any other requests were made for these services or was Baker Tilly the only firm approached. Moberg stated that other companies were unofficially asked about services and fees but a formal request for proposals was not done.

Motion made by Councilmember Schafer, Seconded by Councilmember Moua-Leske to approve the engagement letter and contract for Municipal Advisory Services from Baker Tilly. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske. Voting Nay: Councilmember Lozinski. The motion **Carried. 6-1.**

Project PK-011 / (SAP 139-090-006): C Street/Southview Drive Trail Project – 1) Consider Resolution Authorizing Agent of Sponsoring Agency for Active Transportation Project; 2) Consider Resolution Identifying Responsibility for Operation and Maintenance for Active Transportation Project

Staff had secured a \$399,528 Transportation Alternatives (TA) grant back in 2020 for the construction of a shared use path. In addition, City Engineering staff submitted a 2025 Active Transportation (AT) grant anticipating the AT grant funds to cover the remaining local share of the project costs. If the AT grant was not secured, the City's Municipal State Aid Street (MSAS) funds would be used to cover all costs more than \$399,528. MnDOT was currently soliciting for the 2025 Active Transportation grant applications. The AT grant was a State funded grant that can be used to pay for the gap in funds between the awarded TA grant and the actual bid price for the project. The AT program's purpose was to help fund projects that connect communities and key destinations by boosting public health by creating safer environments for people to walk, bike or roll to their destinations. While also mitigating safety hazards related to interacting with vehicular traffic. The C Street and Southview trail fit into these categories since it is a direct trail link between the trail at the intersection of C Street and Progress Drive down to Southview Drive and over to U.S. Highway 59/Main Street where the existing trail was located. City Engineering and Community Services Department staff had met with Marshall Public Schools staff to discuss shared participation in the project. City staff would propose a partnership that generally splits grant match cost with Marshall Public Schools, with the city providing and covering the costs associated with engineering services. The revised preliminary cost estimate showed \$309,841 of city participation, with nearly \$97,844 of this participation being City engineering services. Staff brought the project and grant discussion to the Public Improvement and Transportation Committee on February 13, 2024. Engineering staff have completed the application and would like the City Council to offer their support for the grant. There is no fiscal impact today. If the City of Marshall was awarded additional funds from the AT grant, staff would be notified in Summer of 2024. From the revised preliminary cost estimate city participation was expected to be \$211,997 in cash with the city also providing \$97,844 in engineering services. An AT Grant award would reduce the local cost to the city by up to \$211,997.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to adopt Resolution 24-048 Authorizing Agent of Sponsoring Agency for Active Transportation Project. Voting Yea: Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Lozinski. Voting Abstaining: Mayor Byrnes, Councilmember Moua-Leske. The motion **Carried. 5-0-2.**

Motion made by Councilmember Meister, Seconded by Councilmember Lozinski to adopt Resolution 24-049 Identifying Responsibility for Operation and Maintenance for Active Transportation Project. Voting Yea: Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Lozinski. Voting Abstaining: Mayor Byrnes, Councilmember Moua-Leske. The motion **Carried. 5-0-2.**

Commission/Board Liaison Reports

Byrnes	No report.
Schafer	No report.
Meister	No report.
Schroeder	No report.

Alcorn	The MMU Commission met and discussed their annual audit which seemed favorable.
Moua-Leske	No report.
Lozinski	No report.

Councilmember Individual Items

Councilmember Lozinski mentioned that a public meeting was held for residents affected by the South Whitney Street Reconstruction Project. Several trees were slated to be removed and Lozinski believed that city staff and the residents had come to a reasonable conclusion. Lozinski also thanked the Marshall Police Department for their involvement and professionalism during the confrontation with an armed citizen firing at a police officer that didn't involve a loss of life.

Councilmember Schafer echoed Councilmember Lozinski's sentiments about the Marshall Police Department and that all the training and systems in place for such a response went extremely well.

City Administrator

On May 6th an intern would be hired under Administrator Hanson and would be introduced to the City Council on May 14th. City staff met with a strategic planner and recommendations from that meeting will be during a work session on May 14th after the regular council meeting.

Director of Public Works/City Engineer

Provided project updates for the Addison Parking Lot reconstruction and South Whitney Street Reconstruction.

City Attorney

Some minor changes would be coming to the ordinance introduction amending Section 66-55 Procedures and Section 66-53 Required regarding preliminary plats.

Information Only

There were no questions on the Information Only items.

Upcoming Meetings

There were no questions on the Upcoming Meetings.

Adjournment

At 6:27 PM Motion made by Councilmember Lozinski, 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