

**CITY OF MARSHALL  
CITY COUNCIL MEETING  
M I N U T E S  
Tuesday, November 22, 2022**

The regular meeting of the Common Council of the City of Marshall was held November 22, 2022, 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: Amanda Schroeder, Craig Schafer, Steve Meister, John DeCramer, Russ Labat and James Lozinski. Absent: None. Staff present included: Sharon Hanson, City Administrator; Dennis Simpson, City Attorney; Jason Anderson, Director of Public Works/City Engineer; E.J. Moberg, Director of Administrative Services; Jim Marshall, Director of Public Safety; Sheila Dubs, Human Resource Manager; Dave Parsons, City Assessor; Ilya Gutman, Plans Examiner and Steven Anderson, City Clerk.

The Pledge of Allegiance was recited at this time.

**Approval of Agenda**

Mayor Byrnes added appointment to various boards, commissions, and authorities as the last item under new business.

**Consider Approval of the Minutes from the Regular Meeting Held on November 7, 2022, and Special Meeting Held on November 17, 2022**

No changes were made to the minutes.

Motion made by Councilmember Schroeder, Seconded by Councilmember DeCramer to approve the minutes. Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. Voting Abstaining: Councilmember Schafer. The motion **Carried. 6-0-1.**

**Consider Award of Bids for Rock Salt for Street Department**

Proposals were received for 350 ton of #7 rock salt for the Street Department on November 16, 2022. Four bids and three "unable to bid" were received. The low bid was received from Johnson Feed, Inc. of Canton, South Dakota, in the amount of \$89.26/ton for a total of \$31,241.00. The 2022 Street Department budget included \$45,000 for the purchase of winter road salt and \$8,500 for winter sand. The Street Department does not require an order of sand for this season.

Motion made by Councilmember Labat, Seconded by Councilmember Lozinski to accept the low bid for rock salt. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 7-0.**

**Approval of the Consent Agenda**

Councilmember Labat request that item number 3) Consider Approval of the 2023 Wage Schedule for Temporary and Seasonal Employees be removed from the consent agenda.

Motion made by Councilmember Meister, Seconded by Councilmember DeCramer to approve the remaining consent items. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 7-0.**

- Consider Renewal of Memorandum of Understanding with Prairie Home Hospice & Community Care (PHHCC) and the City of Marshall for Emergency Shelter at Red Baron Arena & Expo.
- Floodplain Management Ordinance Amendment-Chapter 38, Article II of the City Code of Ordinances - Introduction of Ordinance and Call for Public Hearing.
- Introduction of Ordinance Amending Sections 86-205 Access, 86-206 Construction and maintenance, and 86-226 Minimum size regulations and Call for Public Hearing
- Preliminary Plat of DG Marshall - Introduce Plat and Call for Public Hearing
- Renewal of Unlicensed Maintenance Electrician Inspection Agreement for 2023-2024.
- Consider Approval of a LG220 Raffle Permit for Holy Redeemer Church

- Consider Approval of Various 2023 Liquor and Tobacco License Renewals
- Consider Authorization to Declare Vehicles as Surplus Property for the Marshall Police Department.
- Consider Approval of the Bills/Project Payments

#### **Consider Approval of the 2023 Wage Schedule for Temporary and Seasonal Employees**

Councilmember Labat had a question on the position of a temporary building inspector. Sheila Dubs, Human Resource Manager, informed the council that position has been on the wage schedule for many years. Jason Anderson added that the position was last used for emergency purposes when large storms create an over abundance of permits that the department can't keep up with. Councilmember Schafer also added that the position is part of the city's emergency operations plan.

Motion made by Councilmember Schafer, Seconded by Councilmember Schroeder to accept the 2023 wage schedule. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Lozinski, Councilmember Schroeder. Voting Nay: Councilmember Labat. The motion **Carried. 6-1.**

#### **Consider Approval of the Annual Contract between the City of Marshall and Convention and Visitor Bureau. 2) Annual Convention and Visitor Bureau Update**

Cassi Weiss, Director of the Convention and Visitors Bureau/Visit Marshall gave an update on the activities and plans for CVB and Visit Marshall. Council had a question on floor mats to cover the ice for events. The Wilmar arena had previously used a floor covering and recommended to not use one.

Motion made by Councilmember Labat, Seconded by Councilmember Schafer to accept the CVB annual contract. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 7-0.**

#### **Request for a Variance Adjustment Permit by Levi Bond / Iron Horse Development at 1213 East College Drive**

The new building is proposed to be built five feet away from the east property line. The owner wants to maximize the width of the driveway located on the west side of the lot and leading to the required parking in the back. The Owner also wants to reduce parking to free space for required landscaping; they state that parking as suggested (4 spaces fewer than required) will be adequate based on experience and estimates of store foot traffic. Granting of a variance may be permitted only if the request meets the "practical difficulties" test, which requires that proposed use is reasonable; the problem is caused by the conditions unique to this property; and that granting the variance will not change the character of the area. It is staff's opinion that at least one out of three conditions are not met. The Planning Commission met on November 9 and voted to approve the request. Levi Bond from Iron Horse Development LLC explained some of the detail on why the property was designed the way it was.

Motion made by Councilmember DeCramer, Seconded by Councilmember Schroeder to approve the variance adjustment permit. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. Voting Nay: Councilmember Meister. The motion **Carried. 6-1.**

#### **Conditional Use Permit McNally Management LLC, at 705 W. Main St**

McNally Management LLC applied for a Conditional Use Permit for an advertising sign at 705 West Main Street. The new sign will consist of four panels, 8 feet by 20 feet each, installed one above each other and at an angle to each other to face traffic in both directions and is a non-digital sign. The overall height of the sign is requested to be 32 feet. Each panel size is less than maximum allowed length of 55 feet and there are two sign panels per side, as limited by the ordinance. Advertising sign definition may be found in Section 86-1 under Sign, Advertising, and sign regulations for this zoning district are in Section 86-185 (3). The Conditional Use Permit regulations are found in Section 86-46 and the Standards for Hearing are found in Section 86-49. The Planning Commission met on November 9 and recommended approval.

Motion made by Councilmember Schafer, Seconded by Councilmember Labat to approve the conditional use permit. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 7-0.**

#### **Consider Resolution Providing for Signage at E Street and Bruce Street-Lyon Street**

The Public Improvement/Transportation Committee met on November 7 and recommended to bring the action to council. City staff would like the Council to consider removing the advance “stop ahead” flashing beacon on E Street, as well as the two flashing beacon stop signs at the intersection of Bruce Street and Lyon Street. These beacons are aging, and staff believes they are no longer necessary. There are clear sight lines to the stop sign from both approaches and commuters should have an expectation to stop here. Staff would propose to save the cost of the lights and electricity and to simply have stop signs at these locations. Staff would propose to add a reflective strip to the poles on the stop signs and add a slightly oversized stop sign at the intersection to help compensate for the loss of flashing beacon. Councilmembers commented that the intersection of Bruce and Lyon Street did not originally have a four way stop. Once Independence Park and Lyon Street were expanded the beacons were added to increase awareness and safety.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to approve the resolution. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 7-0.**

#### **Statement of Annual Performance Evaluation for City Administrator Sharon Hanson**

City Council met earlier for a special meeting with a closed session in accordance with Minnesota Statute 13D.05, subd.3(a) to evaluate the performance of Administrator Hanson. Mayor Byrnes gave a summary of the performance evaluation. Job Knowledge and Performance of Skills: 4.25; Relations with Election Members of the City Council: 4.00; Policy Execution: 4.29; Strategic Vision: 4.03; Fiscal Management 4.01; Intergovernmental Affairs: 4.17; Reporting and Communications: 4.28; Citizen/Community Relations: 4.27; Staffing: 4.15; Supervision 3.87; Overall: 4.13, indicating a high level of performance, and effective leadership.

Motion made by Councilmember Meister, Seconded by Councilmember Lozinski to accept the performance evaluation of Administrator Hanson and approve a salary increase to \$162,760.00 annually. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Lozinski, Councilmember Schroeder. Voting Nay: Councilmember Labat. The motion **Carried. 6-1.**

#### **Appointment to Various Boards, Commissions, and Authorities**

The Council met earlier for a special meeting interview and Mayor Byrnes recommended that Dr. May Lee Moua-Vue be appointed to the Convention and Visitors Bureau.

Motion made by Councilmember Schafer, Seconded by Councilmember Schroeder. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Schroeder. Voting Abstaining: Councilmember Lozinski. The motion **Carried. 6-0-1.**

#### **Commission/Board Liaison Reports**

Byrnes	The Regional Development Commission met and there will be a change in leadership effective January 1.
Schafer	MERIT: Minnesota Department of Public safety continues to use the track for CDL exams, MN West used facilities to perform trainings, Mankato Police Department utilized the track, Marshall Fire Department and ADM continue to use the rescue tower, RALCO held their Leadercast event at the facility, USDA conducted their quarterly training, and SW Radio Board is looking to have training for a backup dispatch council.

SW Amateur Sports Commission: Talk about a potential sale next to the Red Baron Arena and what might entail from that.

Meister EDA: Dave Parsons, City Assessor, gave a presentation on taxes and assessing. Market Street Mall is still looking at options, and the ShopKo building is still looking for a final tenant to fill the space. Project Horizon is in negotiations for a potential development project.

Schroeder Planning Commission: Talked about the two permits that were presented tonight and the preliminary plat for Dollar General.

DeCramer Public Housing Commission: Parking lot was redone, and the unaudited financial statements were as expected. The PH Director will be attending a meeting to look at some new software for potential use.

MMU: Held a public hearing on the electrical and water rates. The partnership agreement with the City of Marshall was approved. The solar farm on the north end of town will be utilizing a battery backup solution that can provide up to four hours of energy.

Labat Fairbanks Ice Dogs will be in the area the first week of December. The Adult Community Center hired Jenny DeRuyter as a Program Specialist. The library is still having issues with disruptive children, and the insurance premium went up and was higher than expected.

#### **Councilmember Individual Items**

Councilmember Lozinski brought up a concern from a community member regarding the lack of open skating times. December 6 is the Truth in Taxation meeting and is a great opportunity for the public to voice their opinion on the city budget.

Councilmember Labat commented on the RRFB's that were installed and how effective they are.

Councilmember DeCramer wished everyone a good Thanksgiving and gave a reminder to shop local.

Councilmember Schafer reminded citizens to attend the "Light up the Night" parade.

Councilmember Schroeder wanted it known that the Planning Commission has one spot available and encouraged the public to apply.

#### **City Administrator**

No report.

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

One RRFB speed sign still needs work and a few of the push button flashing beacons are temperamental. The city comprehensive plan is under public review and available to view on the city website. There will also be an open house on November 28 and December 1 to discuss the plan.

#### **City Attorney**

No report.

#### **Information Only**

There were no questions on the information only items.

**Upcoming Meetings**

There were no questions on the Upcoming Meetings

**Adjourn**

At 6:41PM Motion made by Councilmember Schafer, Seconded by Councilmember Schroeder. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 7-0.**

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Mayor

Attest:

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City Clerk