

**CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, May 13, 2025**

The regular meeting of the Common Council of the City of Marshall was held May 13, 2025, 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, See Moua-Leske, John Alcorn, James Lozinski, Amanda Schwartz and Amanda Schroeder. Absent: None. Staff present included: Sharon Hanson; City Administrator; Pamela Whitmore, City Attorney; Jason Anderson, Director of Public Works/ City Engineer; E.J. Moberg, Director of Administrative Services; Preston Stensrud, Park and Rec Supervisor; Dean Coudron, Public Ways Supervisor; Quentin Brunsvold, Fire Chief; Lauren Deutz, EDA Director; Andy Meulebroeck, Lead Airport Maintenance Worker; Cassi Weiss, Convention and Visitors Bureau Director; and Steven Anderson, City Clerk.

Minnesota Council of Airports Award of Excellence

Public Ways Supervisor Dean Coudron had been honored with the Minnesota Council of Airports' 2024 Award of Excellence. Dean received this prestigious recognition during the Minnesota Airports Conference in Mankato on April 24, 2025, that celebrated his outstanding contributions and leadership in airport operations and public infrastructure. His dedication to excellence continued to elevate the standards of service and safety in our community.

Consider Approval of the Minutes of the Meetings Held on April 22 and May 7

There were no requests to amend the minutes from the meetings on April 22 and May 7, 2025.

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

Project ST-010: Lyon Circle Reconstruction Project - 1) Public Hearing on Assessment; 2) Consider Resolution Adopting Assessment

The project consisted of reconstruction of the street, curb and gutter, and utility replacement work. The sanitary sewer was replaced, along with service lines, and the storm sewer piping and intakes were replaced at the intersection of Lyon Circle and E. Lyon Street. Other items of work included in the project were pavement removal, aggregate base, concrete valley gutter, and bituminous surfacing. The term for the assessment would be 5.07 percent interest over eight years. No members of the public wished to comment.

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

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to adopt Resolution 25-040 Adopting Assessment for Project St-010: Lyon Circle Reconstruction Project. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Lozinski, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schroeder, Councilmember Schwartz. The motion **Carried. 7-0.**

Vacation of Utility Easement in Carr Subdivision I: 1) Public Hearing on Resolution Granting Petition to Vacate; 2) Consider Resolution Granting Petition to Vacate Utility Easement

A signed petition for vacation of a utility easement was received from the owners of all the real property that included the proposed vacated area. The purpose of the vacation in Carr Subdivision I was for the re-platting of the property (proposed Carr Subdivision IV). The new, Carr Subdivision IV plat would identify a new utility easement to replace the vacated utility easement. Prior to the public hearing and adoption of the resolution granting a petition for vacation, all utility companies were contacted regarding the proposed vacation. Marshall Municipal Utilities (MMU) identified a street light wire that would need to be relocated due to the vacation. MMU would communicate with the property owner to have the wire moved.

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

Motion made by Councilmember Schafer, Seconded by Councilmember Schroeder to adopt Resolution 25-041 Granting a Petition for Vacation of a utility easement in Carr Subdivision I. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Lozinski, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schroeder, Councilmember Schwartz. The motion **Carried. 7-0.**

Project ST-001-2025: Chip Sealing on Various City Streets - Consider Resolution Accepting Bid (Award Contract)

Bids were received on May 1, 2025, for Project ST-001-2025. Three bids were received with the apparent low bid coming from Asphalt Surface Technologies Corp. of St. Cloud, Minnesota, in the amount of \$123,524.17. The engineer's estimate for the project was \$154,422.00. Emphasis for chip sealing was given to newly reconstructed streets, State Aid routes, and re-seals of "newer" street sections. The goal of the program was to extend the life of our pavements, thereby deferring future capital improvements. Due to advantageous pricing, city staff recommended adding Lake Road to the list of streets to be sealed. Adding Lake Road for \$25,205.26 would bring the total project cost to \$148,729.43. The 2025 Street Department budget included \$165,000 for the project. Staff proposed to work with the contractor to add Lake Road to the project, while still ensuring that our project was completed on-budget. Adding Lake Road increased the project total to \$148,729.43.

Motion made by Councilmember Moua-Leske, Seconded by Councilmember Alcorn to adopt Resolution 25-042 Accepting the bid for Project ST-001-2025 from Asphalt Surface Technologies Corp of St. Cloud in the amount of \$123,524.17 and not to exceed the budgeted amount of \$165,000.00. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schroeder, Councilmember Schwartz. Voting Nay: Councilmember Lozinski. The motion **Carried. 6-1.**

Consider Authorization to Public Ways Department for the Purchase of John Deere 1585 Mowers from State Contract

The Public Ways Department had requested authorization to purchase two new 1585 John Deere 4-wheel drive, 72" front mount, right side discharge mowers with cab, A/C and heat under State contract or Sourcewell pricing, including trade-in of the following:

- 2017 Kubota F3990 4WD with Cab, Heat and 72" Right Side Discharge Deck (1,715 hours)
- 2015 Kubota F3990 4WD with Cab, Heat and 72" Right Side Discharge Deck (2,305 hours)
- F5220B Kubota Snowblower
- L2163 Kubota Broom

The request was presented to the Equipment Review Committee on April 29, 2025. Because trade-in of current equipment was involved, City staff received quotes from C&B Operations of Tracy and Kibble Equipment of Marshall. C&B Operations provided greater trade-in value, which lowered the total amount to purchase. The 2025 Street Department CIP included \$73,520 for this purchase of the mowers, including trade-in. The proposal from C&B Operations was \$70,011.74, after trade-in.

Motion made by Councilmember Moua-Leske, Seconded by Councilmember Alcorn to authorize Public Ways to purchase two mowers from C&B Operations of Tracy that utilizes state contract or Sourcewell pricing. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Lozinski, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schroeder. Voting Abstaining: Councilmember Schwartz. The motion **Carried. 6-0-1**

Consent Agenda

Councilmember Lozinski requested that Item 7) Consider Request of Performance Foodservice for Street Closure of West Fairview Street on Saturday-May 17, 2025, be removed for additional discussion.

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

- Set Public Hearing Date for MS4 Permit Program Summary of the 2024 Activities
- Amendments to Chapter 22-IV Mobile Food Units and Food Carts
- Consider Approval of the Bills/Project Payments

Consider Request of Performance Foodservice for Street Closure of West Fairview Street on Saturday-May 17, 2025

Councilmember Lozinski wanted to clarify the location and request for the street closure on West Fairview Street. Councilmembers discussed the history of the request and the need for Performance Foodservice to utilize the street in front of their building, and by having their event on the weekend the usual traffic along West Fairview would be minimally impacted.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to approve the request of Performance Foodservice to close West Fairview Street on Saturday May 17, 2025. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Lozinski, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schroeder, Councilmember Schwartz. The motion **Carried. 7-0.**

Call for a Public Hearing Regarding Proposed Property Tax Abatement at 27-865001-0

Deutz explained the City of Marshall received a request for financial assistance through tax abatement to assist with financing a portion of the eligible costs related to the construction of an approximate 84- room Hampton Inn hotel in the City. Per M.S 469.1813 sub 5 The governing body of the political subdivision may approve an abatement under sections 469.1812 to 469.1815 only after holding a public hearing on the abatement. Rebound Partners approached city staff in 2020 about the potential development of a hotel near the Red Baron Arena. After completing a Comprehensive Hotel Market Needs Assessment in 2021, Rebound purchased vacant parcels 27-865001-0 and 27-865992-0 in 2022 directly adjacent to the Red Baron Arena. Since the acquisition of the site, Rebound had determined a market appropriate hotel franchise and management company, developed a site plan, and had worked to secure private investment and bank financing. The proposed project was an 84-room Hilton brand, investor-owned Hampton Inn. The total project costs were \$16,150,000 and would create 15-25 new jobs (6-10 full-time equivalents). The property size recommendation of a newly developed hotel was 60-70 guestrooms in the Upper Midscale to Upscale Hotel according to the completed hotel assessment from 2021. Historically, staff have worked with several hotel developers/groups over the past 13 years as the city continues to grow as a regional hub for business, education, sports, and culture. Additional lodging options would help us accommodate more visitors, especially during peak seasons, to help capture displaced lodging demand. The proposed site is located near the area's primary generators of lodging demand in a well-traveled commercial corridor with favorable access and visibility. In addition, if the Council would consider approval of the tax abatement, per MN Statute 116J.994, before granting a business subsidy that exceeds \$150,000 the city must provide public notice and conduct a business subsidy hearing on the subsidy.

Scott Koester, Rebound Partners, gave a presentation about the need for the tax abatement request. Mikaela Huot, Baker-Tilly, also provided a short presentation on financial assistance through tax abatement and the requirements that must be met before the assistance could be granted.

Motion made by Councilmember Alcorn, Seconded by Councilmember Schafer to call for a public hearing for the proposed property tax abatement and business subsidy request. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Lozinski, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schroeder, Councilmember Schwartz. The motion **Carried. 7-0.**

Approve Park Planning Services with Southwest Regional Development Commission

Hanson and Stensrud presented a request to create a Master Park Plan. The City of Marshall updated the Comprehensive Plan in December of 2022 which was a guiding document for the city's growth for the next twenty years. The city also participated in an Active Transportation Plan in April of 2023 that identified priority routes and

steps to strengthen the active transportation network within the city of Marshall. The city correspondingly completed an Indoor Recreation Study in May of 2023 to explore the need for indoor recreation space and facilities needed for recreation. Finally, the city has an ordinance for park dedication and corresponding fee. While the city was meeting the requirements by Minnesota Statutes, a Master Park Plan furthers the connection between the parkland fee and the need for parkland dedication. A Master Park Plan would be a road map for planning and completing park improvements and guiding capital investments to ensure the park system serves the needs of the community today and in the future.

The city was accepted into the Empowering Small Minnesota Communities program operated through the University of MN Design Center. The Minnesota Design Center (MDC) was a teaching, research and outreach center in the College of Design (CDES) at the University of Minnesota. The MDC has several senior research fellows and affiliate professionals as well as graduate and undergraduate students working in the center. Staff would like to partner with the Southwest Regional Development Commission (SRDC) to work collaboratively with MDC to create a Master Park Plan. The total contract cost for the project would not exceed \$40,000 unless modified by mutual agreement. Staff identified \$40,000 of unspent funds from the 2024 Community Services budget and are recommending that the cost for these services be taken from the General Fund based on 2024 Community Services actual budget expenditures.

Motion made by Councilmember Schwartz, Seconded by Councilmember Schafer to approve the contract with Southwest Regional Development Commission for technical services regarding Master Park planning services in an amount not to exceed \$40,000. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Lozinski, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schroeder, Councilmember Schwartz. The motion **Carried. 7-0.**

Carr Subdivision IV - 1) Approval of Preliminary Plat; 2) Consider Resolution Adopting the Final Plat

The developer wished to construct new twin townhomes along Donald Street, like units to the north that faced Andrew Street. The existing lots were not large enough to accomplish this, and the existing six lots would need to be adjusted to create five lots. Typically, a landowner may split land from one parcel and combine it with another and that could occur without a new plat. In this case, because the lots to be combined were in different subdivisions Lyon County would not allow land combinations unless a plat were to occur. A copy of the proposed subdivision had been sent to the local utility companies for their review and comments, and their comments/requirements, if any, had been addressed and/or incorporated into the plat. A public hearing was held on the preliminary plat at the Planning Commission meeting on April 9, 2025. The applicant paid the \$300 escrow for direct costs relating to the plat and the difference would be refunded or billed to the applicant according to the fee schedule.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to approve the Preliminary Plat of Carr Subdivision IV. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Lozinski, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schroeder, Councilmember Schwartz. The motion **Carried. 7-0.**

Motion made by Councilmember Schafer, Seconded by Councilmember Alcorn to adopt Resolution 25-043 Approving the Final Plat of Carr Subdivision IV. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Lozinski, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schroeder, Councilmember Schwartz. The motion **Carried. 7-0.**

Hwy 23 Storage Addition - 1) Approval of Preliminary Plat; 2) Consider Resolution Adopting the Final Plat

The purpose of the plat was to combine three existing parcels into one lot. The lots cannot be combined without platting, because Lyon County would not combine land across different subdivisions. The property owner wished to construct a new storage building on the property and the Building Code does not allow for construction of a building across a lot line. A copy of the proposed subdivision has been sent to the local utility companies for their review and comments, and their comments/requirements, if any, had been addressed and/or incorporated into the plat. A public hearing was held on the preliminary plat at the Planning Commission meeting on April 9, 2025. The applicant paid the

\$300 escrow for direct costs relating to the plat and the difference would be refunded or billed to the applicant according to the fee schedule.

Motion made by Councilmember Schroeder, Seconded by Councilmember Schafer to approve the Preliminary Plat of Hwy 23 Storage Addition. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Lozinski, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schroeder, Councilmember Schwartz. The motion **Carried. 7-0.**

Motion made by Councilmember Schafer, Seconded by Councilmember Schroeder to adopt Resolution 25-044 Approving the Final Plat of Hwy 23 Storage Addition. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Lozinski, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schroeder, Councilmember Schwartz. The motion **Carried. 7-0.**

Consider a Resolution for Kennedy & Graven to Pursue Enforcement Action

Staff had received a number of complaints from residents of Broadmoor Valley Manufactured Home Park regarding the installation of a locked gate at the Park's access point to Highway 23. Marshall City Code, Section 86-101(e) (5) (i) states that "[e]ach manufactured home park shall have at least two access points to a public right-of way which are deemed adequate to serve the anticipated traffic generated by the park." Additionally, Minnesota State Fire Code (MSFC), Section 503.6 required security gates to be approved by City Fire Chief, Quentin Brunsvold. Brunsvold confirmed that the owner never reached out to him or met with him to request installation of the gates to ensure that the fire department could access Broadmoor Valley. In addition to receiving complaints about the gate, residents had informed the city, including in the Park Closure hearing, that the roads were not up to the City Code and are impassable to the extent that most school buses would not travel into the park. Road conditions were a part of the Attorney General lawsuit but were raised pursuant to state law, as opposed to City Code, which the City has the jurisdiction to enforce. Since the completion of the Attorney General's case, the City continued to receive complaints about the road conditions. The city has reached out via phone calls, and in writing, to Paul Schierholz and Schierholz & Associate about the code violations, which had not been remedied. One of the responses from the Park Owner to the City demonstrated the Park Owners' unwillingness to work towards remedying code violations. Schierholz & Associates have taken the position that they will treat city staff as trespassers.

Motion made by Councilmember Schafer, Seconded by Councilmember Moua-Leske to adopt Resolution 25-039 Authorizing Kennedy & Graven to take all actions as needed to file and pursue enforcement against Schierholz and Associates. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Lozinski, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schroeder, Councilmember Schwartz. The motion **Carried. 7-0.**

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

Councilmembers conducted interviews prior to the regular meeting for commission appointments. Mayor Byrnes appointed the following people to the Diversity, Equity, and Inclusion Commission:

Addy Wolbaum to a partial term to expire May 31, 2026.

Marlene Colombe to a first term to expire May 31, 2028.

Clíodhna Bridget Albright to a first term to expire May 31, 2028.

Motion made by Councilmember Moua-Leske, Seconded by Councilmember Lozinski to confirm the appointments to the Diversity, Equity, and Inclusion Commission. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Lozinski, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schroeder, Councilmember Schwartz. The motion **Carried. 7-0.**

Commission/Board Liaison Reports

Byrnes

SRDC was now fully staffed and the Fire Relief Association met to review their investment portfolio.

Alcorn	No report.
Lozinski	No report.
Moua-Leske	CVB discussed financials and the possibility of SMSU moving their Homecoming Parade near the campus instead of downtown.
Schafer	No report.
Schroeder	No report.
Schwartz	The library hired a new staff member, and the annual audit report was planned to be issued in early June.

Councilmember Individual Items

Councilmember Schafer commented on the number of feral cats and management practices.

Mayor Byrnes attended the annual meeting for the Lyon Redwood Brown Renville County Drug Task Force.

City Administrator

No report.

Director of Public Works/City Engineer

Updated were provided on the following projects: Active Transportation grant application; Highway 19 reconstructions; Minnesota/Hill/Charles Street reconstruction; and mill and overlay progression.

City Attorney

No report.

Administrative Brief

There were no questions about the Administrative Brief.

Information Only

There were no questions about the Information Only items.

Upcoming Meetings

There were no questions or comments about the Upcoming Meetings.

Adjournment

At 7:05 PM Motion made by Councilmember Schwartz, Seconded by Councilmember Lozinski to adjourn the meeting. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Lozinski, Councilmember Moua-Leske, Councilmember Schroeder, Councilmember Schwartz. Voting Nay: Councilmember Schafer. The motion **Carried. 6-1.**

Attest:

City Clerk

Mayor