

**CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, December 17, 2024**

The regular meeting of the Common Council of the City of Marshall was held December 17, 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, See Moua-Leske, John Alcorn, Steve Meister, Amanda Schroeder and James Lozinski. 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; Jim Marshall, Director of Public Safety; Sheila Dubs, Human Resource Manager; Jasmine DeSmet, Community Education Coordinator; Preston Stensrud, Park and Rec Supervisor; Ilya Gutman, Plans Examiner; and Steven Anderson, City Clerk.

Recognition of Steve Meister

Mayor Byrnes recognized Dr. Steven Meister for his years serving as a member of the council and thanked him for his service.

Consider Approval of the Minutes of the Meetings Held on December 10th

There were no requests to amend the minutes from the meeting on December 10, 2024.

Motion made by Councilmember Schafer, Seconded by Councilmember Meister 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.**

Notice of Closure from Broadmoor Manufactured Home Park

Attorney Whitmore outlined the notice that was received about the closure of Broadmoor Valley Mobile Home Park. The city had received notice from Paul Schierholz on behalf of Schierholz & Associates with the intent to cease operation of Broadmoor Valley as a manufactured home park as of December 1, 2025. The notice triggered a statutory hearing process for the City under Minn. Stat. § 327C.07 et seq., and specifically Minn. Stat. § 327C.095. The statute looped the City in as a “host or steward” of the public to ensure that the residents of the Park are getting notice of the intended closure, having an opportunity to be heard and to learn about options for financial reimbursement from a state fund. The statute required notification of the City Council when the City received the notice and required the Council to set a public hearing (hosted by the Council) on the closure. At the public hearing was to be set, the Council appoints a neutral third-party arbiter to oversee the hearing, gather information and act as an arbitrator for requests from the park residents. The statute encourages Schierholz & Associates to mutually agree to an arbiter with the park homeowners. If the two parties cannot agree on one, then the city selects the third party qualified neutral. As a result, the City was working on getting a qualified neutral lined up. The qualified neutral’s hourly cost would be paid from the Minnesota Manufactured Home Relocation Trust Fund. The neutral third party shall act as a paymaster and arbitrator, with decision-making authority to resolve any questions or disputes regarding any contributions or disbursements to and from the fund by either the manufactured home park owner or the manufactured homeowners.

Mr. Schierholz indicated Schierholz & Associates did not intend to engage in a conversion of the park, and, as a result, no requested zoning amendment requests would be made. Statute would require additional notice and hearing requirements for any zoning amendments related to a conversion of use. Schierholz & Associates had accepted a grant from MN Housing a few years ago for Broadmoor. The grant contained a covenant that the Park must continue to be used as a Manufactured Home Park for twenty-five (25) years.

Mayor Byrnes allowed Deb Ertl, a representative of the park residents and Paul Schierholz, stockholder of Schierholz & Associates to both make statements to address the notice of closure.

Motion made by Councilmember Schafer, Seconded by Councilmember Moua-Leske to set a public hearing date of February 18 at 5:30PM at the Marshall Middle School auditorium. Voting Yea: Mayor Byrnes, Councilmember Schafer,

Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Request of an On-Sale Wine License for the Marshall A's Baseball Assoc.1) Public Hearing 2) Consider a Request to Approve an On-Sale Wine and 3.2% Malt Liquor License for the Marshall A's Baseball Assoc.

On October 8, 2024, the council passed Ordinance 24-019 amending Chapter 6 Alcoholic Beverages to match the same establishments allowed by state statute to possess a liquor license. Under Section 6-53 of the city code a Summer collegiate baseball team or baseball team competing in a league established by the Minnesota Baseball Association may hold an on-sale intoxicating liquor license or wine license. The Marshall A's Baseball Association has applied for an on-sale wine license under the new amendment. City Ordinance requires that any new on-sale intoxicating liquor or wine license hold a public hearing before a license can be issued. Mayor Byrnes opened the public hearing and no comments from the gallery had.

Motion made by Councilmember Meister, Seconded by Councilmember Schafer 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 Meister, Seconded by Councilmember Lozinski to approve the Marshall A's Baseball Association to hold an On-Sale Wine License and to renew their 3.2% Malt Liquor License for 2025. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Project AP-008: Instrument Landing System (ILS) Replacement-Runway 12 - Consider Award of Bids and Authorize to Submit Grant Request

The ILS was a radio navigation system that provided short-range guidance to aircraft and allowed them to approach a runway at night or in poor weather conditions. The ILS system had reached a point where the manufacturer would no longer service and repair equipment, and MnDOT would like to replace the system as soon as they are able. The project required City participation, and the city was responsible for civil sitework and building costs, while MnDOT was responsible for covering the costs of the ILS equipment. Bids were received on December 10, 2024, with the low bid coming from Werner Bros. Inc. of Marshall, Minnesota, in the amount of \$360,306.00. With Council authorization, City staff would submit for a 70-30 MnDOT grant to cover 70% of the construction and engineering services cost for this project. The 2024 capital budget includes the ILS project at a total cost of \$1,000,000, with \$300,000 included for local costs.

Motion made by Councilmember Schafer, Seconded by Councilmember Meister to award the contract for Project AP-008 to Werner Bros. Inc of Marshall in the amount of \$360,306 contingent on grant funding and to authorize staff to submit for a 70-30 MnDOT grant to cover construction and engineering services cost. 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

Councilmember Moua-Leske requested that "Consider Approval of Adult Community Center Rental Contracts with ABE and Lutheran Social Services "be removed from the consent agenda.

Motion made by Councilmember Meister, Seconded by Councilmember Schroeder 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 of Employee Retirement Resolutions

- Consider Approval of a Resolution to Authorize the Finance Director to Pay Certain Claims
- Authorize Transfer of Funds and Temporary Financing for Aquatic Center
- Authorize Transfer of Funds for Debt Service Funds
- Consider Amendment 1 to Commercial Lease and Fixed Base Operator's Agreement with Southwest Aviation, Inc.
- Consider Approval of Liquor License Renewals for 2025
- Consider Approval of Taxicab License Renewals
- Consider Acceptance of Donations to the Adult Community Center
- Consider Acceptance of Donations Made to the Marshall Fire Department
- Consider Approval of the Bills/Project Payments

Consider Approval of Adult Community Center Rental Contracts with ABE and Lutheran Social Services

Councilmember Moua-Leske was employed by Adult Basic Education and had a conflict of interest. No other questions or concerns were brought forward regarding the item.

Motion made by Councilmember Meister, Seconded by Councilmember Schroeder to approve the Adult Community Center rental contract with Adult Basic Education and to extend the current Lutheran Social Services contract 90 days. 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 Labor Agreement Between the City and Law Enforcement Labor Services, Inc., Local No. 245

Sheila Dubs presented the collective bargaining agreements with Law Enforcement Labor Services, Inc. Local 245 set to expire on December 31, 2024. Tentative agreement with the union on contract terms for a new three-year agreement (2025- 2027) had been reached. The general wage increases proposed in the tentative agreement are consistent with the general wage increases approved by the Council for the LELS Patrol contract and non-union employees. There has been a reduction in the number of licensure eligible and licensed Police Officer applicants for our vacancies, as well as a significant number of law enforcement agencies that were hiring in the State of Minnesota, creating a unique attraction and retention concern for our Police department. The terms of the contract addressed these unique attraction and retention concerns.

Motion made by Councilmember Schafer, Seconded by Councilmember Meister to adopt Resolution 24-116 approving the 2025-2027 labor agreement with Law Enforcement Labor Services, Inc Local 245. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Acceptance of Donations Made to the Marshall Parks and Recreation Department for FY 2024

Preston Stensrud thanked the community for nearly \$250,000 in donations for their continued support in Marshall parks and recreational facilities.

Motion made by Councilmember Lozinski, Seconded by Councilmember Meister to adopt Resolution 24-109 accepting donations to the City of Marshall Parks and Recreation Department. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Consider Acceptance of Donations to the Administration Department

E.J. Moberg indicated that the Sunrise Rotary/Ted Rowe Legacy Fund had donated \$143,22.70 to the City of Marshall for projects but had not yet designated what the donation would be used for. As such, the donations would be added

to the Administration Department until the Sunrise Rotary makes their designation and the funds would be moved accordingly.

Motion made by Councilmember Alcorn, Seconded by Councilmember Schafer to adopt Resolution 24-110 accepting a donation to the City of Marshall Administration Department for projects to be designated at a later date. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Tiger Office Park - 1) Approval of Preliminary Plat; 2) Consider Resolution Adopting the Final Plat

The purpose of the plat was to create individual parcels for each building in Tiger Office Park. Outlot B encompassed all of the parking and access from public rights-of-way for each building lot. Access easement over Outlot B would need to be created for each building lot. A copy of the proposed subdivision was sent to the local utility companies for their review and comments. A public hearing was held on the preliminary plat at the special Planning Commission meeting on December 4, 2024. Councilmember Schroeder confirmed that the Planning Commission didn't have any issues with the plat and recommended its approval. The applicant had 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 current fee schedule.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schroeder to approve the Preliminary Plat of Tiger Office Park. 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 24-123 approving the Final Plat of Tiger Office Park. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Project PK-034: Camden Trail – Northern Section Overlay Project – 1) Consider Resolution Authorizing Agent of Sponsoring Agency for Transportation Alternatives Project; 2) Consider Resolution Identifying Responsibility for Operation and Maintenance for Transportation Alternatives Project

MnDOT District 8 was soliciting for 2029 Transportation Alternatives (TA) grant applications. The TA grant was an 80-20 grant to match program that provided funds for pedestrian and bike facilities, historic preservation, Safe Routes to School, and more. Previous projects the City had funded through the program included the Rectangular Rapid Flashing Beacon School Crossings Project which was constructed in 2022, the C St.-Southview Trail Project which was scheduled for construction in 2025, the East Lyon Street Trail Project which was scheduled for construction in 2026, the Justice Park Trail Project and the Country Club Trail Reconstruction Project which are both scheduled for construction in 2028. The proposed project included overlaying 12,100 LF of the existing trail that runs along the north side of Marshall. The limits of this work would be from TH 59 to N 7th Street, Kossuth Ave to Bruce Street to State Street (along TH 23) on the east side of Marshall. The proposed overlay would be 2" thick with Class 1 and shoulders with new curb ramps that are up to current ADA standards. These sections of trail were constructed in 2009 and the trail would require an overlay in 2029 to extend the life of the trail. The engineers estimate for the overlay project was \$452,000, our total request for the TA grant is for the amount of \$361,600. If the city were awarded a grant, notification would be in Spring 2025. In today's dollars, our cost estimate for City participation was \$90,400 in cash with the City also providing the engineering services for grant application, project design, project permitting, and construction administration. These engineering services are valued at approximately \$72,320. The Engineering Department would continue to look for future grants to help pay the match, including but not limited, to State AT (Active Transportation) Grants.

Motion made by Councilmember Meister, Seconded by Councilmember Schafer to adopt Resolution 24-117 Authorizing an Agent of Sponsoring Agency for Transportation Alternatives Project and adopt Resolution 24-117 Identifying Responsibility for Operation and Maintenance for Transportation Alternatives Project. Voting Yea:

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

Approve the 2025 through 2039 Lease Agreement for Golf Range Use Between the City of Marshall and the Marshall Golf Club and Adopt Resolution 24-124 Authorizing Execution of Marshall Driving Range Agreement

On November 14, 1983, the City of Marshall, as part of the airport acquisition, purchased the current golf range land in the amount of \$157,000 from FJ McLaughlin Co. To the best of the city's knowledge, the golf range was established at or near the same time frame. Previous lease agreements dated prior to 2010. The prior lease agreement from 2010 through the end of 2024 had yearly payments of \$1,000 annually. The proposed revised agreement would be from 2025 through 2039 and has incremental adjustments every five years. The Marshall Golf Board had already approved the agreement and signed.

Motion made by Councilmember Meister, Seconded by Councilmember Schafer to approve the 2025-2039 Lease Agreement for Golf Range Use Between the City of Marshall and the Marshall Golf Club and adopt Resolution 24-124 Authorizing Execution of the Marshall Driving Range Agreement. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Appoint Pam Whitmore, Kennedy and Graven as Civil Attorney and Matt Gross as Criminal Attorney, Approve Legal Services Agreement with Kennedy and Graven and Quarnstrom and Doering

Mayor Byrnes had nominated Pamela Whitmore of Kennedy and Graven as Civil Attorney and Matthew Gross as Criminal Attorney during the December 10, 2024, council meeting. Hanson provided the 2025 and 2026 contracts for both attorneys. Councilmember Meister asked about prior years' attorney services costs. Moberg provided the amounts and Hanson also mentioned that the costs were varied because of unforeseen circumstances such as the officer involved shooting.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to accept the agreements appointing Pamela Whitmore as Civil Attorney and Matthew Gross as Criminal Attorney. 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 the 5 Year Capital Improvement Plan (CIP)

The five-year CIP serves as a guide that laid out capital expenditure over the next five years by department as well as by the funding sources. The CIP was meant as a guide for Council and Management and does not give authorization for the projects until formally approved based on the City's Purchasing Policy. The five-year CIP was a fluid document that is updated on an annual basis. Some projects get pushed back to later years, some projects drop off and some projects move up in years depending on priorities. Ultimately, the funding is a major factor in determining which projects within the five-year CIP get completed.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to adopt the five-year Capital Improvement Plan. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Consider Resolution Adopting Tax Levy for 2025

At the August 27th Council work session, staff proposed a property tax levy increase of 14.25%. The main contributing factors for the increase were increased personnel and health insurance costs, an increase in debt related levies from 2024 to 2025, and increasing the levy for capital equipment to purchase vehicles instead of leasing via Enterprise. Staff continued to work to reduce the increase for the preliminary levy that that was set on September 24th. The 2025 preliminary levy was set at \$9,869,560, which was an increase of 9.8% from the 2024 levy. Staff recommended no change to the final levy.

Motion made by Councilmember Schafer, Seconded by Councilmember Alcorn to adopt Resolution 24-122 Approving the 2025 Tax Levy. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Resolution Adopting 2025 Budget

No questions were raised regarding the 2025 Budget.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to adopt Resolution 24-121 Budget for 2025. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Adopt City of Marshall Diversity Equity and Inclusion Strategic Plan 2025-2030

The city originally went through a strategic planning process in 2019 that started with a World Café Event. Ensuring our diverse population was reached and part of the future goals of the city was a key input received as part of that process. Since then, the city’s Strategic Plan had been updated and included the goal to Cultivate an informed, engaged and inclusive community. Core strategies included expanding outreach to ethnically and culturally diverse members of the community; increase engagement and representation across various commissions, committees and organizations within the city; working with DEI Commission and staff to develop a diverse talent pipeline for city staff positions; and support efforts of the DEI Commission to create a community-wide culture of value and respect. Hanson gave a short presentation on the history and future of the DEI Commission.

Motion made by Councilmember Moua-Leske, Seconded by Councilmember Schroeder to adopt the Diversity, Equity, and Inclusion Strategic Plan for 2025-2030. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

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

The council held interviews prior to the regular meeting. Mayor Byrnes appointed Anne Marie Vorbach to the Library Board with a term ending December 31, 2027, Mary Jane Striegel to the Library Board with a term ending December 31, 2027, and Jan Loft to the Library Board with a term ending December 31, 2028.

Motion made by Councilmember Meister, Seconded by Councilmember Lozinski to confirm the nominations to the Library Board by Mayor Byrnes. 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	SWRD received their 2021/2022 audit. SWRD had to change auditors and are also working on the 2022/2023 and 2023/2024 audits.
Schafer	No report.
Meister	No report.
Schroeder	Public Housing was working on a sewer line update.
Alcorn	No report.

Moua-Leske The Convention and Visitors Bureau would be donating to the YMCA and were looking to hire an intern.

Lozinski No report.

Councilmember Individual Items

Councilmembers wished everyone happy holidays.

Councilmember Moua-Leske announced that Heart-to-Heart had moved locations from the Armory to SMSU and the “It Begins with Us” conference had moved from the SMSU conference room to The Upper Room event space.

Councilmember Steven Meister thanked everyone and encouraged citizens to run for office as it was a great opportunity to learn about the city and serve its citizens.

City Administrator

December 20 Sheila Dubs and Hanson would be continuing union negotiations at 5:00 PM.

Director of Public Works/City Engineer

No report.

City Attorney

No report.

Information Only

There were no questions or comments about the Information Only items.

Upcoming Meetings

There were no questions or comments about the Upcoming Meetings.

Adjourn

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

Attest:

City Clerk

Mayor