

**CITY OF MARSHALL  
CITY COUNCIL MEETING  
M I N U T E S  
Tuesday, May 28, 2024**

The regular meeting of the Common Council of the City of Marshall was held May 28, 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, Amanda Schroeder, Steve Meister, and John Alcorn. Absent: James Lozinski and See Moua-Leske. 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; Eric Luther, Liquor Store Manager; Dean Coudron, Public Ways Supervisor; Ilya Gutman, Plans Examiner; Stephen Zimmer, Administrator Intern; and Steven Anderson, City Clerk.

**Introduction of City Administrator Intern**

Administrator Hanson introduced her intern, Stephen Zimmer. Zimmer informed the council of his background and goals with the internship.

**Consider Approval of the Minutes from the Regular Meeting Held on May 14th**

There were no amendments to the minutes presented.

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. The motion **Carried. 5-0.**

**Vacation of Utility Easements in Proposed Lockwood Second Addition – 1) Public Hearing on Resolution Granting Petition to Vacate; 2) Consider Resolution Granting Petition to Vacate Easements**

A signed petition for vacation of utility easements had been received from the owners of all the real property that included the proposed area to vacate. The purpose of the vacation was for a building addition in the proposed Lockwood Second Addition that would be heard later to approve the Final Plat. All utility companies had been notified of the vacation of easements petition and had been directed to coordinate with the property owner and land surveyor regarding the individual requirements, if any, of each utility company for completion of the vacation. The applicant had paid the \$200 escrow for direct costs related to the petition for vacation, and the difference would be refunded or billed to the applicant according to the current Fee Schedule.

Motion made by Councilmember Schroeder, Seconded by Councilmember Alcorn to close the public hearing. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn. The motion **Carried. 5-0.**

Motion made by Councilmember Schafer, Seconded by Councilmember Schroeder to approve Resolution 24-058 Granting a Petition for Vacation of Utility Easements. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn. The motion **Carried. 5-0.**

**Sounds of Summer 2024 - 1. Public Hearing on Private Use of Public Streets and Parking Lots (August 22-25, 2024); 2. Approval of Private Use of Public Streets and Parking Lots (August 22-25, 2024); 3. Approval of Parade (August 24, 2024)**

The Sounds of Summer Committee had requested permission to close various streets from August 22, 2024, through August 25, 2024 for the annual Sounds of Summer event and parade. Due to the magnitude of the proposed event and potential impact to the businesses adjacent to the areas that are being requested to be blockaded, City Staff recommended that the City Council hold a public hearing on these types of requests prior to granting final approval. Marc Klaith and Brock Klaith of the Sounds of Summer Committee thanked the council and announced that a groundbreaking ceremony for the new aquatic center would be held August 23<sup>rd</sup> during the 16<sup>th</sup> annual Sounds of

Summer. In 2025 the Committee would need to make some adjustments because of the Aquatic Center construction and MnDOT Highway 19 constructions projects.

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. The motion **Carried. 5-0.**

Motion made by Councilmember Meister, Seconded by Councilmember Alcorn to approve the private use of public streets and parking lots for Sounds of Summer from August 22-25, 2024. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn. The motion **Carried. 5-0.**

Motion made by Councilmember Schroeder, Seconded by Councilmember Alcorn to approve the Sounds of Summer parade on August 24, 2024, subject to MnDOT approval as well. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn. The motion **Carried. 5-0.**

#### **Approval of the Consent Agenda**

Motion made by Councilmember Alcorn, Seconded by Councilmember Schroeder to approve the items on the consent agenda. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn. The motion **Carried. 5-0.**

- Consider Approval of a Garbage/Refuse Haulers License for Sweetman Sanitation
- Consider an Amendment to Resolution 24-050 for the American Legion to Conduct Bingo at the Red Baron Arena on June 6th
- Consider Approval of the Bills/Project Payments

#### **Approve Out-of-State Travel for Liquor Store Manager**

Tall Grass Liquor had been selected as a winner for this year's Top 100 Retailers Awards. All winners would be featured in the June issue of *Beverage Dynamics*. Eric Luther, Tall Grass Liquor Store Manager, was also invited to accept the award in person in Chicago on June 19 at the Beverage Alcohol Retailers Conference. Trophies would be presented to all winners in attendance, and the conference would announce the retailers ranked in the top 20, as well as their Retailer of the Year. With being selected as a winner the conference costs were covered with a free promotional code. The conference runs from June 17th through 19th. The added costs of attending the out-of-state conference would have been mileage/car rental, and meals and lodging. Sessions at the conference included but are not limited to social media best practices; store security; legal & regulatory update; THC beverages; industry data presentations; business planning; E-commerce and third-party delivery services. There would be educational value in attending and staff also believe it would be beneficial to see what was happening at this level of retail store operations and would be a good networking opportunity. Mayor Byrnes commented on how well Tall Grass Liquors was run and operated, Councilmember Schafer also echoed the same sentiment as Mayor Brynes.

Motion made by Councilmember Schafer, Seconded by Councilmember Schroeder to approve the out of state travel request for Liquor Store Manager Eric Luther. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn. The motion **Carried. 5-0.**

#### **Lockwood Second Addition - 1) Approval of Preliminary Plat; 2) Consider Resolution Adopting the Final Plat**

The property owner was planning a building addition and wished to redefine property lines to accommodate the addition. A public hearing was held on the preliminary plat at the Planning Commission meeting on May 8, 2024, and was recommended by the Planning Commission to approve the preliminary plat. The applicant has paid the \$300 escrow for direct costs relating to the plat and the difference will be refunded or billed to the applicant according to the current Fee Schedule. Councilmember Schroeder said the Planning Commission didn't have any concerns about the plat during the public hearing.

Motion made by Councilmember Schroeder, Seconded by Councilmember Schafer to approve the Preliminary Plat of Lockwood Second Addition. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn. The motion **Carried. 5-0.**

Motion made by Councilmember Alcorn, Seconded by Councilmember Schroeder to approve Resolution 24-056 Approving the Final Plat of Lockwood Second Addition. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn. The motion **Carried. 5-0.**

**Peachy Subdivision - 1) Approval of Preliminary Plat; 2) Consider Resolution Adopting the Final Plat**

The property owner was planning a demolition of existing buildings on the site and desired to create lots for sale and development. A public hearing was held on the preliminary plat at the Planning Commission meeting on May 8, 2024, and the Planning Commission recommended that the preliminary plat be approved. The applicant has paid the \$300 escrow for direct costs relating to the plat and the difference will be refunded or billed to the applicant according to the current Fee Schedule. Councilmember Schroeder said the Planning Commission didn't have any concerns about the plat during the public hearing.

Motion made by Councilmember Schroeder, Seconded by Councilmember Schafer to approve the Preliminary Plat of Peachy Subdivision. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn. The motion **Carried. 5-0.**

Motion made by Councilmember Schafer, Seconded by Councilmember Schroeder to approve Resolution 24-057 Approving the Final Plat of Peachy Subdivision. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn. The motion **Carried. 5-0.**

**Consider Authorization to Submit MnDOT Grant Request Letter and Purchase Tractor/Loader for Airport**

The city was recently notified that MnDOT Aeronautics had extended a grant offer to the city for a 70-30 cost split for the purchase of a new tractor with loader for use at the Southwest Minnesota Regional Airport/Ryan Field. The item was discussed at the May 9, 2024 Equipment Review Committee meeting and recommended that staff request quotes and to bring the quotes for Council recommendation on May 28, 2024. Following the recommendation from the Equipment Review Committee, City staff requested quotes from local implement dealers and on May 20, 2024, reviewed four quotes, submitted by three different dealers. The low proposal that met all requested specifications was a 2024 Case Maxxum 150 from Titan Machinery of Marshall, Minnesota, for \$145,340.76 after trade-in of the existing 2000 John Deere MFD 7410 with Loader. MnDOT was asking for a complete grant request by May 31, 2024. Councilmember Schafer said the Equipment Review Committee discussed the tractor and that the 24-year-old tractor had a lot of hard hours put into it and was due for replacement.

Motion made by Councilmember Schroeder, Seconded by Councilmember Alcorn to authorize city staff to submit a grant request letter to MnDOT for the purchase of a 2024 Case Maxxum 150 from Titan Machinery of Marshall. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn. The motion **Carried. 5-0.**

**Consider Authorization to Purchase Robotic Total Station for Engineering Department and Declaring Existing Unit as Surplus**

The Trimble S7 Robotic Total Station would replace the existing Trimble M3 Total Station which was purchased February of 2014. The robotic total station offered a productivity increase by replacing a conventional two-person operation with a one-person operation. The unit also offered higher quality measurement and precision. The robotic total station would be used with our existing GPS units to produce higher quality surveys, especially in areas with satellite obstructions. An example of these obstructions would have been when staff surveyed an area with tree cover, proximity to buildings, or deep ditches. Staff requested authorization to declare the existing Trimble M3 Total

Station as surplus property to be sold as the trade in value was very minimal. The 2024 Engineering capital budget included \$39,500 for the unit.

Motion made by Councilmember Schafer, Seconded by Councilmember Alcorn to authorize the purchase of a Trimble S7-2 Robotic Total Station in an amount not to exceed \$39,649.25 and to approve Resolution 24-059 declaring the existing Trimble M3 Total Station as surplus. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn. The motion **Carried. 5-0.**

### **Registration/Zoning for THC Retail Sales**

The city, through a moratorium, prohibited almost all business operations related to hemp-based products. Referred to as 151 Products because they are authorized by Minnesota Statutes, 151.72 and Lower-Potency Hemp Edibles. The two exceptions are that hemp-based beverages may be made at a brewery or distillery and an exclusive liquor store may sell hemp-based beverages. The moratorium was set to expire July 2024. The current estimate was that the Office of Cannabis Management (OCM) would begin issuing licenses early 2025 but seemed unlikely due to the slow progress of rulemaking by the OCM. The state law remained unchanged after a recent legislative session and the state would be licensing the sale of both the hemp-based products, and the higher-level cannabis products. Additionally, the law remained unchanged to allowing local governmental authorities basic zoning authority to establishments, like locations of retailers. State law also required businesses to register with the Minnesota Department of Health, and to follow the sales, packaging, and other related regulations contained in Minn. Stat. 151.72. Enforcement of violations was under the purview of the Minnesota Department of Health but would be transferred to the local governmental authority once licensing was in place. Staff, along with the Legislative and Ordinance Committee, discussed a framework that retailers of the Lower Potency Hemp based products/151 Products could start selling those products in the City of Marshall before waiting for final OCM rulemaking. The proposed ordinance created a registration system which complied with state law and enabled the city to know where these products were sold for purposes of compliance checks (like tobacco type compliance checks). Additionally, the proposed ordinance allowed the city to charge a registration fee to help offset the costs associated with compliance checks. The proposed ordinances also included proposed amendments to existing zoning which prohibited retail sales of these products in residential districts as "home sales" and created reasonable distance requirements between retailers selling these products and schools (500 feet from primary building as identified on city-maintained map). Along with the proposed registration ordinance, the proposed amendments to the existing zoning, and the repeal of the current moratorium, staff recommended adopting a new moratorium on the higher-level cannabis products until the OCM finalized rulemaking. Councilmember Meister noted that the L&O Committee discussed the registration a couple of times and depending on how the OCM creates rules many things may end up needing to be changed in the ordinance. Attorney Whitmore clarified that licensing was restricted to the state and local governments would only be able to do registrations. The OCM was recently allowed to grant an 18 month preliminary license for business' to start gaining traction before January 1, 2025.

Motion made by Councilmember Meister, Seconded by Councilmember Schroeder to introduce a proposed ordinance for the registration and zoning of THC retail sales and set a public hearing date with the Planning Commission on June 12, 2024, at 5:30PM. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn. The motion **Carried. 5-0.**

Motion made by Councilmember Schroeder, Seconded by Councilmember Meister to introduce an interim ordinance on the moratorium of high level cannabis and to set a public hearing date with the City Council on June 25, 2024, at 5:30 PM. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn. The motion **Carried. 5-0.**

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

Byrnes

No report.

Schafer	Commented that the PI&T Committee had been busy the past few months and thanked the members and city staff.
Meister	No report.
Schroeder	EDA focused on childcare and the City of Marshall was accepted into a Childcare Strategic Supply Plan Program.
Alcorn	No report.
Moua-Leske	Absent.
Lozinski	Absent.

**Councilmember Individual Items**

Councilmember Meister talked about a constituent that had spoken to him about the Rental Ordinance and their confusion with the language of it.

Mayor Byrnes addressed mowing and weeds and that there is a process that the city has to follow before ordinance violations can be taken care of.

**City Administrator**

The Schwan's hanger lease was awaiting additional approval from their corporate office before the item comes to council.

**Director of Public Works/City Engineer**

Any questions on the rental ordinance should be directed to the Public Works department and projects were still ongoing but the rain had slowed down some progress.

**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.

**Adjournment**

At 6:22 PM Motion made by Councilmember Schafer, Seconded by Councilmember Schroeder to adjourn the meeting. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn. The motion **Carried. 5-0.**

Attest:

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Steven Anderson, City Clerk

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Robert Byrnes, Mayor