

**CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, April 09, 2019**

The regular meeting of the Common Council of the City of Marshall was held April 9, 2019 in the Professional Development Room at the Marshall Middle School, 401 South Saratoga 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, Steven Meister, Glenn Bayerkohler John DeCramer, Russ Labat and James Lozinski. Absent: None. Staff present included: Sharon Hanson, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Jason Anderson, Assistant City Engineer/Zoning Administrator; Ilya Gutman, Plan Examiner/Assistant Zoning Administrator; Jim Marshall, Director of Public Safety; Annette Storm, Director of Administrative Services; Sheila Dubs, Human Resource Manager; Scott VanDerMillen, Director of Community Services; Preston Stensrud, Parks Superintended and Kyle Box, City Clerk.

The Pledge of Allegiance was recited at this time.

With consensus from the Council Mayor Byrnes requested to remove item number 14, Consider Amendments for the Fund Balance Policy and item number 19, Request for map amendment (rezone) 1213, 1215 and 1217 West Main Street. Mayor Byrnes also requested that item number 20, Request for a condition use permit for Carr Family LTD Partnership, at 405 Country Club Drive immediately follow the approval of the minutes.

Consider approval of the minutes of the regular meeting held on March 26, 2019.

Motion made by Councilmember Labat, Seconded by Councilmember Lozinski that the minutes of the regular meeting held on March 26, 2019 be approved as filed with each member and that the reading of the same be waived. Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

REQUEST FOR CONDITIONAL USE PERMIT for Carr Family LTD Partnership, at 405 Country Club Drive.

Mayor Robert Byrnes submitted a written letter on behalf of the applicant, Carr Family LTD Partnership, to the Council requesting the withdrawal for the conditional use permit request.

Anderson Addition – Public Hearing on Preliminary Plat, Approval of the Preliminary Plat and Consider a Resolution Adopting the Final Plat.

As a portion of the property has not been platted before and some of the property is included in separate subdivisions, the property needs to be replatted. The property owner wishes to construct an addition to his existing building located within the Marshall Right of Way Addition and by doing so would encroach into properties not within the subdivision, a copy of which is attached. Attached please find a copy of the Engineer's Report of Preliminary Plat Review. Copies of the proposed subdivision have been sent to the local utility companies for their review and comments. At the Planning Commission meeting on March 13, 2019, Ruud made a motion, seconded by Knieff to recommend approval of the preliminary plat to the City Council. All voted in favor.

Motion made by Councilmember DeCramer, Seconded by Councilmember Labat to close the public hearing on the Preliminary Plat of Anderson Addition. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to approve the Preliminary Plat of Anderson Addition. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Motion made by Councilmember DeCramer, Seconded by Councilmember Lozinski to adopt RESOLUTION NUMBER 4603, which is the Resolution Adopting the Final Plat of Anderson Addition, subject to City Attorney review of abstract of title and title opinion. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

305 Brussels Ct. – Public Hearing regarding a home property tax abatement request and Consideration of Resolution Number 4604, Second Series, a resolution approving home property tax abatement.

On March 26, 2019 a public hearing was called for and to be held on April 9, 2019 regarding a home property tax abatement request. 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. The property is located at 305 Brussels Ct. with an estimated market value of \$158,900 with the difference of improvement being \$146,900.

City Clerk Kyle Box opened introduced the item to Council. City Assessor Dave Parsons provided information regarding the difference between the homestead and non-homestead tax rates.

Motion made by Councilmember Labat, Seconded by Councilmember Meister to Close the Public Hearing. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat Voting Abstaining: Councilmember Lozinski. The motion **Passed. 6-0-1**

Motion made by Councilmember Meister, Seconded by Councilmember Labat to approve Resolution Number 4604, Second Series, a resolution approving home property tax abatement Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat Voting Nay: Councilmember Bayerkohler. Voting Abstaining: Councilmember Lozinski. The motion **Passed. 5-1-1**

307 Brussels Ct. – 1) Public Hearing regarding a home property tax abatement request and Consideration of Resolution Number 4605, Second Series, a resolution approving home property tax abatement.

On March 26, 2019 a public hearing was called for and to be held on April 9, 2019 regarding a home property tax abatement request. 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. The property is located at 307 Brussels Ct. with an estimated market value of \$167,300 with the difference of improvement being \$155,300.

Motion made by Councilmember DeCramer, Seconded by Councilmember Labat to Close the Public Hearing. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat. Voting Abstaining: Councilmember Lozinski. The motion **Passed. 6-0-1**

Motion made by Councilmember Meister, Seconded by Councilmember Labat to approve Resolution Number 4605, Second Series, a resolution approving home property tax abatement. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat. Voting Nay: Councilmember Bayerkohler. Voting Abstaining: Councilmember Lozinski. The motion **Passed. 5-1-1**

Approval of Consent Agenda

Motion made by Councilmember Meister, Seconded by Councilmember Labat that the following consent agenda items be approved as presented. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Approval of Resolution Number 4606, a Resolution Authorizing Transfer of funds from Fund 495 to Fund 602.

Approval of the Fire Township Agreements

Approval to Declare Surplus Property from Building Maintenance.

Approval of Resolution Number 4607, a Resolution Authorizing Transfer of Funds from Fund 101 to Fund 495

Approval of an Off-Sale 3.2 Percent Malt Liquor License and Tobacco License for I Mart Stores, LLC., 304 East College Dr., Marshall, MN.

Approval of the bills/project payments

REQUEST FOR A VARIANCE ADJUSTMENT PERMIT BY L2A, LLC, AT 501 Village Drive.

Several apartment complexes in Marshall have recently been purchased by Suite Liv'n Company. They want to add a new apartment building at the back of the 501-517 Village Drive development. There are already 6 buildings there so the options for new building location are limited. Zoning Ordinance requires a rear yard to be 25% of the entire lot depth, which in this case will be about a hundred feet. The owner is asking to reduce it to 30 feet.

An apartment building on the property directly south is located within 10 feet from the rear property line, based on a variance approved in 1992. Considering this information and the fact that adjacent property to the west is zoned A – Agricultural District and used as a cemetery, this request seems reasonable.

The variance regulations and procedures are found in Section 86-29 A property aerial photo and a proposed site plan is attached for reference.

At the Planning Commission meeting on March 28, 2019, a motion was made by Fox, second by Knieff to recommend approval to the City Council of the request by L2A, LLC for a Variance Adjustment Permit for reduction of the required rear yard from 25% of the lot depth, or about 100 feet, to 30 feet as recommended by staff. All voted in favor of the motion.

Motion made by Councilmember DeCramer, Seconded by Councilmember Lozinski to approve the request by L2A, LLC for a Variance Adjustment Permit for reduction of the required rear yard from 25% of the lot depth,

or about 100 feet, to 30 feet. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Consider a resolution amending Resolution No. 4430, Second Series, in support of chloride reduction in water discharged to the Redwood River.

On September 26, 2017, Marshall City Council approved Resolution No. 4430, Second Series, a resolution in support of chloride reduction in water discharged to the Redwood River. The 2017 resolution supported the development by MMU and its consultants for the development of plans for new pretreatment of water system for the City of Marshall. The anticipated costs of the project at that time totaled \$9,043,000. Of that amount, MMU submitted an application hoping to receive \$7M grant to pay for the majority of the improvement costs. Grant application was submitted through the Point Source Implementation Grant (PSIG) process. The prior application, however, was denied and the PSIG funds were not dispersed to the MMU. MMU, however, has continued to develop the proposed plans and has now submitted a "certified plan" for the development of a water system for pretreatment of water. PSIG has now approved the \$7M grant to the MMU.

The plans have continued to develop, and it is anticipated that the costs of the project are now \$10,606,000. The majority of those costs are to be paid by the \$7M PSIG grant. Discussions have ensued between MMU and the City as to the appropriate parties to pay the remaining \$3,606,000 of the project. The resolution as proposed divides those remaining costs 55.74% to the City of Marshall and 44.26% to MMU. City's anticipated costs based upon engineer's estimate would be \$2,009,984. MMU's costs would be \$1,596,016. Project is to be bid by MMU on June 11, 2019.

MMU General Manager Brad Roos, Bob VanMoer, Wastewater Superintendent and Glenn Olson, Director of Public Works/City Engineer will be present to discuss this matter. Various documents and presentations have been submitted in connection with the project.

Motion made by Councilmember Labat, Seconded by Councilmember DeCramer to approve Resolution Number 4608, Second Series amending Resolution No. 4430, Second Series, a resolution in support of chloride reduction in water discharged to the Redwood River. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Approve Strategic Planning Services.

The City of Marshall desires to conduct a survey and focus groups with city stakeholders in order to build ownership and create a 3-year strategic plan for the city. The strategic plan will be created by the city council and city administrator in a 5-hour retreat facilitated by Vantage Point Marketing Consultants. During this retreat a detailed 3-year strategic plan, grounded in the survey results, will be developed, including action plans and accountability marks for each key goal.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to approve Strategic Planning Services with Vantage Point Marketing Consultants in the amount of \$17,500. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski Voting Nay: Councilmember Meister, Councilmember Bayerkohler. The motion **Passed. 5-2**

Consider approval of Consumption and Display License for Southwest Minnesota State University.

Motion made by Councilmember DeCramer, Seconded by Councilmember Meister to approval of the annual renewal of the Consumption and Display License for Southwest Minnesota State University for the period April 1, 2019 through March 31, 2020 at a fee of \$130.00. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. Voting Abstaining: Councilmember Bayerkohler. The motion **Passed. 6-0-1**

Commission/Board Liaison Reports

Byrnes No Report

Schafer No Report

Meister No Report

DeCramer No Report

Labat Library Board met and discussed their final budge for 2018. The Library also posted its 2nd newsletter.
Police Advisory Committee met and conducted interviews for the Police Captain position.

Lozinski No Report

Councilmember Individual Items

Councilmember Lozinski commented on the discussion revolving around the conditional use permit item pulled from the agenda.

Councilmember Labat discussed the City's future focus on the Comprehensive Plan to potentially avoid controversial items.

Councilmember DeCramer continued the discussion related to the conditional use permit item pulled from the agenda. Councilmember DeCramer believes that current zoning of the property, B-3, is correctly zoned and would allow the business to be there.

Councilmember Schafer brought up a discussion he had with an individual regarding September 11, 2001. The person that he met with documents memorials dedicated to 9/11. Councilmember Schafer commented that he is very proud to be involved with the 9/11 memorial located in memorial park. Member Schafer also discussed the conditional use item pulled from the agenda.

Councilmember Bayerkohler discussed the conditional use permit that was pulled from the agenda. Member Bayerkohler mentioned that he was against the conditional use permit and understood the action to be against the City ordinance. Member Bayerkohler commented that he is for economic development but in a fair and legal way.

Mayor Byrnes reminded all that the conditional use permit request never did come to the City Council as it was withdrawn from the applicant prior to the meeting. Mayor Byrnes outlined in the letter received by the

business owner and his decision not to bring his business to the City of Marshall. Mayor Byrnes discussed strategic planning for the City of Marshall to change the perception of the City of Marshall.

City Administrator

City Administrator Sharon Hanson discussed the legal opinion from the City of Marshall and its City Attorney as well as outside legal counsel. Administrator Hanson mentioned that the Weather Channel will be covering the upcoming weather event.

Mayor Byrnes recognized Greg Taylor to speak on the business atmosphere in the City. Mr. Taylor discussed several items regarding the business involved with the conditional use permit and the need for business growth in the City.

Director of Public Works

Director of Public Works/City Engineer Glenn Olson discussed the Public Works schedule for the upcoming snow event. Director Olson also discussed the Redwood River water levels and limited parking on snow emergency routes during the snow event.

City Attorney

City Attorney Dennis Simpson discussed the legal opinion from his office regarding the condition use permit pulled from the agenda.

Administrative Report

There were no questions on the Administrative Report.

Information Only

There were no questions on the information items.

Upcoming Meetings

There were no questions on the upcoming meetings.

Adjourn Meeting

At 6:54 P.M., Motion made by Councilmember Schafer, Seconded by Councilmember Meister.
Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski

Mayor

Attest:

City Clerk