

**CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, January 23, 2024**

The regular meeting of the Common Council of the City of Marshall was held January 23, 2024, at City Hall, 344 West Main Street. The meeting was called to order at 5:30 P.M. by President Pro-Tem Craig Schafer. In addition to Schafer the following members were in attendance: Amanda Schroeder, John Alcorn, See Moua-Leske and Steve Meister. Absent: Mayor Robert Byrnes. 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; Preston Stensrud, Park and Rec Supervisor; Scott Przybilla, Assistant Wastewater Superintendent; and Steven Anderson, City Clerk.

Consider Approval of the Minutes from the Regular Meeting Held on January 9th

There were no amendments to the minutes presented.

Motion made by Councilmember Meister, Seconded by Councilmember Schroeder to approve the minutes. Voting Yea: Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

Approval of the Consent Agenda

There were no requests to remove an item from the consent agenda for additional discussion.

Motion made by Councilmember Meister, Seconded by Councilmember Lozinski to approve the items on the consent agenda. Voting Yea: Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

- Vacation of Alley and Utility Easement in Schwan's Corp I Addition - Receive Petition for Vacation and Call for Public Hearing
- Consider Approval of the Joint Powers Agreement for the Drug Task Force
- Consider Authorization to Declare Bicycles as Surplus Property for the Marshall Police Department.
- Consider Approval for SW MN Ducks Unlimited to Host a Bingo Fundraiser
- Consider Approval for a Temporary Liquor License for the Visit Marshall Beer and Wine Festival
- Consider a Resolution Regarding Write-In Vote Counting, Uniform Election Dates, and Authorization of Election Judge Appointments
- Consider Approval of the Bills/Project Payments

Wastewater Treatment Plant Generator Woodward Controller Replacement

Scott Przybilla explained that the main plant generator located at the wastewater facility was put into service in October 2003. The generator was used to provide critical emergency power to the plant during an outage. The generator was also used by MMU to load shed during peak energy demand events which helped to keep electrical rates low in Marshall. The generator utilized a seamless power transfer switchgear to switch between generator and utility power. This was accomplished by utilizing a Woodward EGCP-2 Sync and Load Control Module that monitors the power and Hz of both the generator and the utility power along with critical generator operating parameters. The EGCP-2 would connect the generator to the utility power, slowly transfer the electrical load to the generator, and once completed, would disconnect the wastewater facility from the utility power. The reverse happens when switching back to utility power. The existing Woodward EGCP-2 computer is over 21 years old and was identified as obsolete during routine maintenance by Ziegler Power Systems. There have been three separate failures in 2018, 2019, and 2020 in which, after removing and cycling power, the computer recovered. Because of its obsolescence, and part unavailability, replacement was recommended by Ziegler Power System. Two other components, the switchgear PLC and Generator Set Controller, were also identified as obsolete and would be budgeting to replace them in the near future. Councilmember Meister asked for clarification if the EasyGen

controller was comparable to the existing Woodward controller. Przybilla confirmed that the update would be the best fit and that other replacement parts were available but would require additional hardware and costs.

Motion made by Councilmember Meister, Seconded by Councilmember Lozinski to authorize the replacement of the existing EGCP-2 with an EasyGen controller. Voting Yea: Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

Highway 23/South Saratoga Street Manhole Refurbishing

The Wastewater Department continued to have the worst sanitary manholes relined to stop hydrogen sulfide corrosion and the infiltration of ground water into the sanitary system. However, two manholes, MH9SW30 and MH9SW32 located near the intersection MN 23 and South Saratoga Street, had been identified as being structurally compromised and beyond relining. The manholes are 17' deep and are in an area with high groundwater. Wastewater staff received a quote from Hydro-Klean LLC for \$48,970 to install a High-Density Polyethylene (HDPE) liner with welded seams. Approximately 6" of high strength concrete would be poured between the HDPE liner and the existing manhole inside walls which will restore the structural integrity of the manhole. Unforeseen repairs due to groundwater infiltration could add additional time and material costs. President Pro-Tem Schafer asked questions on the refurbishing process. Councilmember Lozinski questioned the warranty differences between the two quotes received. Director Anderson provided insight into why the Wastewater and Engineering staff believed the HDPE liner was a superior product for the project.

Motion made by Councilmember Meister, Seconded by Councilmember Alcorn to accept the quote from Hydro-Klean for \$48,970 for Highway 23/South Saratoga Street Manhole Refurbishing. Voting Yea: Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske. Voting Nay: Councilmember Lozinski. The motion **Carried. 5-1.**

PK-013 RRFB and Trail Extension at County Road 7 – Proposed Plan and Design

The Camden Trail realignment was a proposed project to install a 10' wide trail on the top of the existing levee along the Redwood River. The trail was proposed to start approximately 640' west of County Road 7, cross County Road 7 with a new Rectangular Rapid Flashing Beacon (RRFB) and end at a connection point approximately 100' east of County Road 7. The existing trail would be partially removed along the current alignments including removal of the pedestrian ramps. The City Council authorized staff to apply for an Active Transportation (AT) Grant during the December 27, 2022, City Council meeting. On July 27, 2023, city engineering staff was notified that the PK-013 project was selected for the AT Program funds. On October 10, 2023, the City Council awarded the Proposal for Professional Services to Bolton & Menk, Inc. of Mankato, Minnesota, for the development of construction plans, including preliminary and final design engineering services, to ready the improvement project for competitive bidding for the 2022 Active Transportation (AT) Infrastructure Project. The project was presented to the PI/T Committee at their meeting on December 12, 2023.

Property owners along the proposed realignment were notified to let them know that this project would be discussed at the December 12, 2023, Public Improvement/Transportation (PI/T) Committee meeting. Input was received from the two adjoining property owners. Concerns were brought forward by the adjacent residential property owner regarding extra pedestrian traffic next to the residential property, trespassing onto private property by both people and pets, proximity of the trail to the home, trail user safety crossing the highway, and drainage issues around the residential property. The proposed trail alignment occurs entirely on City flood control property. City staff had contacted the US Army Corps of Engineers and were also working with the Lyon County Engineering Department and did not foresee any permitting issues with the proposed alignment. Staff did preliminary survey work and verified that drainage on the residential property generally flowed south, away from the levee and the proposed trail. Staff intended to have the trail be pitched towards the river so any runoff would not drain onto the adjoining neighbor properties.

President Pro-Tem Schafer commented that citizens not picking up after their animal was a chronic problem throughout the entire trail system. The Parks Department spends a lot of time and money to provide bags and other amenities to ensure the trails are taken care of. Schafer also mentioned that future discussion would be upcoming with the adjoining neighbor about the abandonment of the south portion of the existing trail.

Motion made by Councilmember Moua-Leske, Seconded by Councilmember Lozinski to approve the layout, general design considerations and authorize staff to further design project PK-013. Voting Yea: Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

Project ST-012-2024: South Whitney Street Reconstruction Project (E College Dr to Jean Ave) - Consider Resolution Approving Plans and Specifications and Ordering Advertisement for Bids

Director Anderson detailed that the project consisted of reconstruction of the sidewalk, roadways and utility replacement on South Whitney Street from East College Drive to Jean Avenue. All public utilities would be replaced, including watermain, sanitary sewer, and storm sewer on South Whitney Street. Other items of work included in the project would be pavement removal, aggregate base, bituminous surfacing, sidewalks, curb and gutter, and other minor work. The engineer's estimate for the construction portion of the project was \$1,737,800. The total estimated project cost, including 10% allowance for contingencies and 16% for engineering and administrative costs was \$2,217,500.00. All improvements would be assessed according to the current Special Assessment Policy, including, but not limited to, participation from Marshall Municipal Utilities, Wastewater Department, Surface Water Management Utility Fund and Ad Valorem participation. Final approval of each project must include determination of funding sources.

Motion made by Councilmember Schroeder, Seconded by Councilmember Moua-Leske to adopt Resolution 24-014 Approving Plans and Specification and Ordering Advertisement for Bids for project ST-012-2024: South Whitney Street Reconstruction Project. Voting Yea: Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske. Voting Abstaining: Councilmember Lozinski. The motion **Carried. 5-0-1.**

Consider Request from Enterprise Rent-a-Car to Install Signage on Airport Property

City staff received a request from Enterprise Rent-a-Car to install a business sign on city airport property to better advertise their business. The request did not include an exact sign size, but the request was for a monument type of sign at the airport entrance off MN 19 that was near the size maximum allowed by the City. The request indicated something similar to the size of sign that currently exists at the Southwest MN Regional Airport entrance off MN 19. The purpose of the sign request was Enterprise's desire to establish a more concrete retail presence with greater visibility. At their January 2, 2024, meeting, the Airport Commission discussed the request from Enterprise for entrance signage. Much of the feedback from Commission members related to the precedent that would be set if Enterprise was allowed signage and how the sign would not match the general aesthetic at the airport. There was cohesive and intentional signage that followed a specific color regime and design characteristic, including some wayfinding signage, that directs customers around the airport. The Airport Commission voted unanimously against allowing the sign to be installed. President Pro Tem Schafer mentioned that the Airport Commission recommended that Enterprise ask MnDOT if signage could be installed along MN 19. Director Anderson updated the council that he had recently talked with MnDOT and MnDOT would not allow any signage along MN 19 for Enterprise as it did not meet their signage requirements. Administrator Hanson asked if any wayfinding signs were in place at the airport. Councilmember Lozinski commented that he would like the city to work with Enterprise because not a lot of cities of similar size to Marshall have a car rental business and it would be detrimental to the area to lose Enterprise.

Motion made by Councilmember Lozinski, Seconded by Councilmember Meister that staff work with Enterprise Rent-A-Car and the Airport Commission toward a mutually acceptable sign installation resolution at the Southwest

Minnesota Regional Airport. Voting Yea: Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

Redwood River One Watershed, One Plan - Memorandum of Agreement

The purpose of the One Watershed, One Plan (1W1P) program was to develop a comprehensive watershed management plan that aligns multiple local water planning efforts into one watershed-wide plan which crossed county boundaries. The goal was a systematic, watershed-wide, science-based approach to watershed management. The State of Minnesota is completing these 1W1P planning efforts watersheds throughout the State to transition away from county boundary-based water planning to watershed-based water planning. The Redwood-Cottonwood Rivers Control Area (RCRCA) had received a planning grant for the Redwood River watershed. The RCRCA reached out to city staff regarding our participation in the planning process because we are a Local Government Unit (LGU) within the planning area. City staff responded to the RCRCA request by indicating that the City of Marshall would like to participate in the planning efforts. To participate in the Redwood 1W1P, the City of Marshall must assign an elected official to serve as a delegate on the Redwood 1W1P Policy Committee and the City must sign the agreement that was included in the Council packet. The city may also assign an alternate delegate to serve in the absence of the delegated official. The meetings are expected to begin as monthly meetings for the first 4 months and then transition into approximately every other month. The planning process was expected to continue into mid-2026. City staff would also attend meetings and would serve as part of the "steering team" for the planning process. Administrator Hanson relayed in the mayor's absence that Mayor Byrnes had indicated he would be willing to be a delegate for the 1W1P.

Motion made by Councilmember Meister, Seconded by Councilmember Moua-Leske to designate a delegate member and authorize execution of the memorandum of agreement for the Redwood River One Watershed, One Plan. Voting Yea: Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

Introduction of an Ordinance Amending Interim Cannabis Prohibition

Attorney Whitmore provided background on the ordinance introduction. Although certain nuisance factors, including noise and odor, existed from manufacturing from seed to product, the Council had learned that with Lower-Potency Hemp beverages, the manufacturing was not typically produced from seed to product, but instead, the manufacturers, such as breweries, purchased the THC in a liquid form and mixed it with various seltzers to produce the THC-infused beverages. This type of manufacturing was less of a nuisance concern and allowing these Lower-Potency Hemp beverages to be manufactured at facilities that already produce intoxicating beverages represents a reasonable extension of their business and product lines, as long as it is not produced from the plant. Commercial businesses involved in limited manufacturing, and the transporting, or delivery and distribution of that infusion based lower potency hemp beverages did not pose a risk to the health, safety and welfare of the public since the operation of those businesses did not result in an introduction of THC related intoxicating products for off sale use by the public within the City of Marshall.

Commercial businesses involved in testing, manufacturing, transporting, or delivery and distribution of lower potency hemp edibles and hemp-derived consumer products would not result in increased exposure or availability of these intoxicating products to youth in the community. Opportunities existed for commercial businesses in the City to provide services involving the manufacturing, transporting, or delivery and distribution of lower potency hemp beverages; and that opportunities exist for commercial on-sale liquor licensed establishments to sell lower potency hemp beverages on their premises, all of which will benefit commerce in the City. Whitmore also asked the council to have the ordinance amended to remove "*proposing to engage in the sale of any Cannabinoid Products, including Cannabis Products, Lower-Potency Hemp Edibles, or Hemp-Derived Consumer Products*" under subsection 3(a)(3) as that was erroneously underlined instead of struck out. Administrator Hanson added that for

2024 no fee would be required for manufacturing at breweries/distilleries and the addition of on-site consumption for on-sale liquor license holders would also be exempt until 2025.

Motion made by Councilmember Moua-Leske, Seconded by Councilmember Lozinski to introduce Ordinance 24-002 to amend Interim Cannabis Prohibition ordinance to allow the manufacture of THC beverages by breweries and distilleries and to allow on-site consumption of THC beverages for holders of an on-sale intoxicating liquor license. Including the removal of language as indicated by City Attorney Whitmore. Voting Yea: Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

Consider Approval of Joint Powers Agreement Renewal with Marshall Public Schools

Administrator Hanson stated that the Joint Powers Agreement was typically renewed annually. The main intent of the agreement was to cover community education and shared facility use. As part of the agreement city recreation programs are not charged to use school facilities. Staff from the city and Marshall Public Schools meet once a month and the partnership has been beneficial to both the school and city. The agreement used to be renewed at the beginning of the school year but has been suggested to begin on January 1st each year. The Marshall School Board had already approved the agreement at the beginning of the school year. President Pro-Tem Schafer commented on the collaboration between the two entities and Hanson added that the new Career Technical Institute could be a valuable asset for new community education classes.

Motion made by Councilmember Schroeder, Seconded by Councilmember Alcorn to approve the Joint Powers Agreement Renewal with Marshall Public Schools. Voting Yea: Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Lozinski. Voting Abstaining: Councilmember Moua-Leske. The motion **Carried. 5-0-1.**

Commission/Board Liaison Reports

Brynes	Absent.
Schafer	No report.
Meister	No report.
Schroeder	EDA discussed Solugen and their plan to have a ceremonial ground-breaking event sometime in March or April. Tapestry who had applied for a Minnesota Housing Grant year and did not receive planned on applying again this year for the same grant for affordable and senior housing.
Alcorn	No report.
Moua-Leske	CVB discussed a new banking account and procedures as a check that had been sent to a entertainment group who helped with Prairie Jam had been stolen.
Lozinski	No report.

Councilmember Individual Items

Councilmember Moua-Leske mentioned that the It Begins with Us event was going to be held on February 12 and 13 at SMSU.

City Administrator

The Aquatic Center Committee would have a kick-off design meeting on January 26th.

Director of Public Works/City Engineer

Five bids were opened January 24th for the SRE Building with the apparent low bid coming from Sussner Construction at approximately \$2.8 million which was below the engineers estimate. On February 7th the FAA would be in Marshall for various meetings. MnDOT installed a permanent traffic counter at the intersection of Highway 19 and 23.

City Attorney

No updates were given.

Administrative Brief

There were no questions on the Administrative Brief.

Information Only

There were no questions on the Information Only items.

Upcoming Meetings

There were no questions on the Upcoming Meetings.

Adjournment

At 6:14 PM Motion made by Councilmember Lozinski, Seconded by Councilmember Moua-Leske to adjourn the meeting. Voting Yea: Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

Attest:

Steven Anderson, City Clerk

Robert Byrnes, Mayor