

**CITY OF MARSHALL  
CITY COUNCIL MEETING  
M I N U T E S  
Tuesday, July 14, 2020**

The regular meeting of the Common Council of the City of Marshall was held July 14, 2020, at the Minnesota Emergency Response and Industrial Training (MERIT) Center, 1001 West Erie Road. 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; Jason Anderson, Director of Public Works/ City Engineer; Annette Storm, Director of Administrative Services; Scott VanDerMillen Director of Community Services/ City Hall Owners Representative; Sheila Dubs, Human Resource Manager; Ilya Gutman, Plan Examiner/ Assistant Zoning Administrator; Ray Henriksen, Chief Building Official/ Building Services Coordinator; Eric Luther, Tall Grass Liquor Manager and Kyle Box, City Clerk.

The Pledge of Allegiance was recited at this time.

There was a consensus to operate under the current agenda.

**Consider approval of the minutes of the two work sessions and the regular meeting held on June 23, 2020.**

That the minutes of the two work sessions and the regular meeting held on June 23, 2020 be approved as filed with each member and that the reading of the same be waived. Motion made by Councilmember Meister, Seconded by Councilmember Labat. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

**Consider Award of Bids for Street Sweeper for the Street Department.**

The City opened bids on July 10, 2020 for replacement Dump Box, Plow and Wing for Street Department. This is a replacement of the existing 2015 Elgin Pelican street sweeper. The total net cost is \$172,059.00. The approved 2020 Capital Equipment budget included \$180,000 for the purchase of this unit from the Surface Water Management Utility fund.

Jason Anderson Director of Public Works/ City Engineer introduced the agenda item and commented that staff had been approached by some councilmembers on keeping the existing street sweeper in the fleet and add an additional street sweeper to the fleet.

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer that the Council authorize the purchase of a new 2020 Elgin Pelican NP Dual Street Sweeper for the Street Department from MacQueen Equipment of St. Paul, Minnesota, in the amount of \$240,259.00 and retain the existing 2015 Elgin Pelican street sweeper to establish equipment replacement schedule. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer. Voting Nay: Councilmember Meister, Councilmember Bayerkohler, Councilmember Labat, Councilmember Lozinski. The motion **Failed. 3-4**

Motion made by Councilmember Lozinski, Seconded by Councilmember Meister to table. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Lozinski. Voting Nay: Councilmember Labat. The motion **Passed. 6-1**

**Consider Award of Bids for Dump Box, Plow and Wing for Street Department.**

The City opened bids on July 10, 2020 for replacement Dump Box, Plow and Wing for Street Department. This is a replacement of the existing 2001 4900 International with Dump Box and a Falls 12' reversible full trip snowplow. The total net cost is \$154,797.75. The approved 2020 Bonding-Levy included \$150,000 for the purchase of this unit.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski that the Council authorize the purchase of a new 2021 International HV507SFA Chassis with Dump Box, Plow and Wing for the Street Department from North Central International, Inc. of Marshall, Minnesota, in the amount of \$154,797.75, including tax and \$9,000.00 trade-in of the existing 2001 4900 International with Dump Box and a Falls 12' reversible full trip snowplow. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Lozinski. Voting Nay: Councilmember Meister, Councilmember Labat. The motion **Passed. 5-2**

**Consider approval of the Consent Agenda**

Councilmember Labat requested that item number 7, Introduction of Ordinance amendment to permit some slaughtering of animals in butcher shops in general business district and industrial districts and permit landscaping business in general industrial district and Call for Public Hearing, be removed for further discussion.

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

Approval of a rate extension of the group Long-Term Disability Insurance policy

Approval of the Wastewater Treatment Facilities Improvement Project – 1) Consider Application for Payment No. 12 to Magney Construction, Inc.; 2) Consider Payment of Invoice 1302084 to American Engineering Testing, Inc.; 3) Consider Payment of Invoice 0252947 to Bolton & Menk, Inc.

Approval of a LG220 Application for Exempt Permit for Holy Redeemer Church for August 19, 2020.

Approval of a LG220 Application for Exempt Permit for Holy Redeemer Church for September 26, 2020.

Approval of a Temporary On-Sale Intoxicating Liquor License for Holy Redeemer Church for August 19, 2020.

Approval of a Temporary On-Sale Intoxicating Liquor Licenses for Marshall Area Chamber of Commerce for July 29, 2020.

Approval of the Ratification of a Resolution Approving the Sale of City Owned Property to Marshall Municipal Utilities.

Approval of the bills/project payments

**Introduction of Ordinance amendment to permit some slaughtering of animals in butcher shops in general business district and industrial districts and permit landscaping business in general industrial district and Call for Public Hearing**

There is currently a business owner interested in opening a butcher shop in Marshall. Part of his operations would involve some limited slaughtering of animals. Staff reviewed the Ordinance and determined that no district currently allows slaughtering operations either as a permitted or conditional use. Considering that this type of business is relatively common, it makes sense to add it to appropriate zoning districts. Since slaughtering may seem objectionable in some circumstances, it is added as a conditional use in all districts to retain some control. It is also described as limited in General Business and Limited Industrial districts, mostly to convey the limited nature to applicants, as the final determination of the limitations would be established during the conditional use permit process based on location and other applicable factors. Most other cities do not explicitly list butcher shops in the ordinance.

During the same review, it was determined that landscaping business is not listed in any of the zoning districts either. To correct this, it is suggested to add this type of use to general industrial district.

Meat processing facilities were also added to the I-2 General Industrial district as a conditional use, since this use is not listed anywhere either. Several other cities allow stockyards, including slaughtering, in industrial districts as a conditional use.

At the June 10, 2020, regular Planning Commission meeting Lee made a motion, second by Carstens to recommend to city council an approval as recommend by staff. All voted in favor of the motion.

At the meeting on June 18, 2020, Legislative and Ordinance Committee voted to recommend to council the approval of the Ordinance amendment to permit some slaughtering of animals in butcher shops in general business district and industrial districts and permit landscaping business in general industrial district as recommended by staff.

Councilmember Labat provided clarification to the public on the agenda item.

Motion made by Councilmember Schafer, Seconded by Councilmember Labat that the Council introduce the Ordinance revisions amending Section 86 104 – general business district and 86-106 limited industrial district by adding butcher shops with limited slaughtering as a conditional use, and 86-107 general industrial district by adding butcher shops and meat processing plants as a conditional use and landscaping business as a permitted use and call for Public Hearing to be held on July 28, 2020. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

**City Hall Committee Report**

City Administrator, the City Hall Committee and City Hall Owner's Representative/ Director of Community Services, Scott VanDerMillen and Chief Building Official/ Building Services Coordinator, Ray Henriksen provided an update on the City Hall construction and Marshall Hotel Demolition.

Chief Building Official/ Building Services Coordinator, Ray Henriksen presented photos and discussed actions that have taken place to date and future decisions that need to be made by the council in order for the project to continue.

Motion made by Councilmember Lozinski, Seconded by Councilmember Labat to affirm the staff recommendation to remove the cinderblock wall on the existing city hall, to correct the offset of city hall wall and to affirm the professional services agreement for design of a new structure to stabilize and supplement the wall with Mainstay Café. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. Voting Nay: Councilmember Bayerkohler. The motion **Passed. 6-1**

**Consider request of Marshall Public Schools for City funding assistance for relocation of shared use path.**

Prior to approving project plans for a new elementary school on Southview Drive, a traffic impact study was completed by engineering firm Short Elliot Hendrickson (SEH) to review possible traffic impacts to the adjacent street network. The predominate recommendation of the study was to re-stripe Southview Drive from a two-lane street with parking on both sides to a continuous two-way left turn lane (TWLTL) configuration with parking allowed on the south side of the street. To accommodate this TWLTL configuration, the painted on-street bike lanes would be eliminated. As a result, City staff recommended that Marshall Public Schools accommodate a widened sidewalk, 8-FT in width, to allow for shared use between bikes and pedestrians. Marshall Public Schools obliged and included a sidewalk widening in their project plans. The existing sidewalk was planned to remain, with the elementary school project contractor being required to add 4-FT of width to the existing sidewalk, connecting the new concrete to the existing concrete with steel tie bars.

Once the project construction was underway, Marshall Public Schools staff reached out to City staff to discuss the shared use path alignment and cost. School staff believes that the proposed plan of adding sidewalk width and connecting with tie bars is not very feasible and may not result in the best end product. Further, school staff believes that snow removal on the path may be difficult due to heavy snow drifting on this portion of Southview Drive and the close proximity of the sidewalk to Southview Drive would result in a lot of plowed snow being deposited on the path. The school is proposing to install new path a minimum of 11-FT off the street curb, with exception to school driveway crossings. School staff believes that a greater distance between sidewalk and curb—11-FT instead of 5-FT—will offer greater user comfort and safety, and easier snow removal for school staff.

To help facilitate the added cost of moving the path, Marshall Public Schools is asking for City cost participation in the amount of \$37,051 to evenly split the \$74,102 cost as provided by their contractor to complete the path along the new proposed alignment.

The school project included significant sanitary sewer relocation due to the new school being built on the location of existing sanitary sewer facilities. The school installed over 1,000-FT of new 15" PVC sanitary sewer to relocate around the new school building. Additionally, the school district included the replacement of 300-FT of 10" sanitary sewer main that did not specifically lie within the footprint of the school. While the sewer needed to be replaced, the school project didn't specifically and directly impact the existing segment of 10" sanitary sewer that was replaced. City staff estimates that the cost of installing 300-FT of 10" PVC sewer and other associated work would result in a cost that is very similar to the amount being requested by Marshall Public Schools.

Per Finance, \$37,051 to be paid by the Wastewater Utility Fund. This project was unbudgeted for in 2020 and could result in the use of reserves.

Motion made by Councilmember Meister, Seconded by Councilmember Lozinski that the Council authorize City staff to utilize Wastewater Utility funds to pay to the school district in support of their new elementary school construction project. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Lozinski. Voting Nay: Councilmember Labat. The motion **Passed 6-1**

**Request for a Variance Adjustment Permit for Charles and Jolene Steffl at 109 East Redwood St**

An existing garage is currently located within about a foot of the side property line. It is in a very bad shape and the owner would like to take it down and rebuild in the same location to utilize existing concrete garage floor. The Ordinance calls for 5-foot side yards for accessory buildings. An adjacent property also has a garage which is located very close to the side property line. Based on the above considerations and considering that the current garage location is due to circumstances unique and not created by the owner and rebuilding this garage will not alter the neighborhood's essential character, staff believe a variance request is justified. The variance regulations and procedures are found in Section 86-29 [https://library.municode.com/mn/marshall/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH86ZO\\_ARTIIADEN\\_DIV1GE\\_S86-29VA](https://library.municode.com/mn/marshall/codes/code_of_ordinances?nodeId=PTIICOOR_CH86ZO_ARTIIADEN_DIV1GE_S86-29VA). At the Planning Commission meeting on July 8, 2020, a public hearing was held and a motion was made by Schroeder, second by Knieff to recommend approval to the City Council of the request by Charles and Jolene Steffl for a Variance Adjustment Permit for re-building a garage on the existing concrete slab within required side yard. All voted in favor of the motion.

Motion made by Councilmember Meister, Seconded by Councilmember Schafer that the Council approve the request by Charles and Jolene Steffl for a Variance Adjustment Permit for re-building a garage on the existing concrete slab within required side yard. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat. Voting Abstaining: Councilmember Lozinski. The motion **Passed. 6-0-1**

**Request for Map Amendment (rezone) James R Swenson and Teah Swenson at 1111 Canoga Park Drive**

This is a request by James R Swenson and Teah Swenson Marshall, MN to rezone 1111 Canoga Park Drive from R-2 One to Four Family Residential District to B-3 General Business District. The owner wants to use this lot for parking, together with two lots to the north, which are already zoned B-3 General Business District. Parking lot is a permitted use in a B-3 General Business District. Based on the Parking and Landscaping Ordinance, a fence or planting screen will be required along the south side of the property since it borders residential district. Rezoning procedures are described in Section 86-30 Amendments.

At the June 10, 2020, Planning Commission meeting, a public hearing was held, and a motion was made by Carstens, second by Lee to recommend approval to City Council to rezone the property as recommended by staff. All voted in favor.

The Ordinance Amendment to rezone 1111 Canoga Park Drive from R-2 One to Four Family Residential District to B-3 General Business District was introduced at the June 23, 2020, City Council meeting

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer that the Council adopt Ordinance Number 751, Second Series to rezone 1111 Canoga Park Drive from R-2 One to Four Family Residential District to B-3 General Business District. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember

Lozinski. The motion **Carried. 7-0**

**Request for Map Amendment (Rezone) Action Company LLC at 1209 and 1211 West Main Street**

This is a request by Action Company, LLC, Marshall, MN to rezone 1209 and 1211 West Main Street from B-3 General Business District to I-2 General Industrial District. The owner wants to use this area for landscaping business that is not a permitted or conditional use in a business district and better fits into industrial district. Area to the north and west is already zoned industrial, as the area across West Main Street.

Rezoning procedures are described in Section 86-30 Amendments.

At the June 10, 2020, Planning Commission meeting, a public hearing was held, and a motion was made by Carstens, second by Lee to recommend approval to City Council to rezone the property as recommended by staff. All voted in favor. The Ordinance Amendment to rezone properties at 1209 and 1211 West Main Street from B-3 General Business District to I-2 General Industrial District was introduced at the June 23, 2020, City Council meeting.

Motion made by Councilmember Meister that the Council adopt Ordinance Number 752, Second Series to rezone properties at 1209 and 1211 West Main Street from B-3 General Business District to I-2 General Industrial District. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

**Tall Grass Liquor Annual Report**

Tall Grass Liquor Store Manager, Eric Luther, presented the 2019 annual report for Tall Grass Liquor.

**Introduction of the ordinance amending salaries and compensation of mayor and councilpersons.**

Chapter 2, Sec. 2.07 of the City of Marshall Charter requires salaries of the Councilmembers and Mayor to be discussed as an agenda item at the first council meeting in July of each year. After said discussions, the council shall set and determine said salaries in accordance with the applicable state law.

Minnesota State Statute 415.11 allows for the governing body fix their own salaries by ordinance in such amount as they deem reasonable. No change in salary shall take effect until after the next succeeding municipal election.

Staff have adjusted the proposed salaries to be in line with the nonunion employee general wage increases through December 31, 2021. The proposed ordinance will become effective January 1, 2021.

Mayor Salary - \$10,687.92 (annual). \$858.84 increase since January 1, 2019 Councilpersons Salary - \$6,760.31 (annual). \$543.23 increase since January 1, 2019

Motion made by Councilmember Meister, Seconded by Councilmember Schafer to introduce the ordinance amending the salaries and compensation of the mayor and councilpersons. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat Voting Nay: Councilmember Bayerkohler, Councilmember Lozinski. The motion **Passed. 5-2**

**Consider a LG220 Application for Exempt Permit for SMSU Foundation for January 13, 2021.**

Motion made by Councilmember DeCramer, Seconded by Councilmember Schafer BE IT RESOLVED, that the City Council hereby (1) grants local unit of government approval to SMSU Foundation to hold a raffle on January 13, 2021, at Southwest Minnesota State University , 1501 State Street, Marshall, Minnesota, (2) acknowledges the receipt of LG220 Application of Exempt Permit, (3) waives the 30- day waiting period, and (4) authorizes and directs the appropriate city personnel to complete and sign the LG220 Application for Exempt Permit on behalf of the City of Marshall. Voting Yea:

Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. Voting Abstaining: Councilmember Bayerkohler. The motion **Passed. 6-0-1**

**Consider Appointments to the Various Boards, Commissions, Bureaus and Authorities.**

Mayor Byrnes introduced and recommended the following applicants to various positions.

Planning Commission

Bruce Knieff to an unexpired term set to expire on 5/31/23

Public Housing Commission

Patricia Knoben to an unexpired term set to expire on 5/31/23

Motion made by Councilmember Meister, Seconded by Councilmember Labat to approve the appointments to the various boards, commissions, bureaus and authorities. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

**Commission/Board Liaison Reports**

Byrnes Southwest Region Development Commission continues to promote the funds received for economic development assistance for small businesses affected by COVID-19.

Schafer No Report

Meister No Report

Bayerkohler Planning Commission met and discussed agenda item number 16.

DeCramer No Report

Labat Library Board met and continue its response to COVID-19. The overall visitor count to the library is down for the year but is up from the previous month.

Police Advisory Board met and approved the hiring and promotional process to begin with the retirement of an officer.

Convention and Visitors Bureau met and has started booking events for 2021 and are working on sponsorships for the arena.

Lozinski No Report

### **Councilmember Individual Items**

Councilmember Meister reminded everyone to wear a mask and to wear it appropriately.

Councilmember Bayerkohler asked the City Attorney, Dennis Simpson what the total purchase price for the Marshall Hotel was. Attorney Simpson confirmed the \$210,000 purchase price of the hotel. Member Bayerkohler discussed the appraised value of the hotel at the time of purchase and the costs of the project on the property to date totaling \$831,609. According to the City Assessor, after the hotel is demolished the assessed value of the property will be \$42,000-\$52,000. Bayerkohler recommended that the hotel project be reviewed by council and staff to see if any lesson could be learned and to see if there is any action that could be taken to reduce the City's losses.

Member DeCramer reminded users of the compost site to use existing piles of compost. Member DeCramer also asked the council as a whole on meeting as a whole again. There was further discussion by council and staff on the pros and cons of meeting in person and via Zoom.

Councilmember Lozinski discussed an alley way project that is being resolved by the Public Works Department. Member Lozinski also commented on the Marshall Hotel project.

Mayor Byrnes discussed the positive comments on the July 4 fireworks display. Mayor Byrnes also commented on the numerous messages received on issuing a mandatory mask mandate for the city of Marshall. Mayor Byrnes also discussed the 2020 April general sales tax report for the City of Marshall. Mayor Byrnes also recommended that a CARES Fund Oversight Committee.

### **City Administrator**

City Administrator Sharon Hanson provided further insight on the general sales, food, beverage and lodging tax numbers for the city of Marshall.

### **Director of Public Works**

Director of Public Works/ City Engineer Jason Anderson provided discussion on the Airport Commission, as well as an update on construction projects throughout the city.

### **City Attorney**

City Attorney Dennis Simpson commented the Buffalo Ridge Plat has been completed and the project can now proceed.

### **Administrative Brief**

There were no questions on the Administrative Brief.

### **Information Only**

There were no questions on the information items.

### **Upcoming Meetings**

There were no questions on the upcoming meetings



**Adjourn Meeting**

At 8:18 P.M., Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to adjourn.

Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

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Mayor

Attest:

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City Clerk