

**CITY OF MARSHALL  
CITY COUNCIL MEETING  
M I N U T E S  
Tuesday, July 09, 2024**

The regular meeting of the Common Council of the City of Marshall was held July 9, 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, John Alcorn, James Lozinski and See Moua-Leske. Absent: None. Staff present included: Sharon Hanson; City Administrator; Pamela Whitmore, City Attorney; Jason Anderson, Director of Public Works/ City Engineer; Preston Stensrud, Park & Rec Supervisor; Karla Drown, Finance Director; Eric Hanson, Assistance City Engineer; Quentin Brunsvold, Fire Chief; and Steven Anderson, City Clerk.

**Consider Approval of the Minutes from the Regular Meeting Held on June 25th**

There were no requests to amend the minutes from June 25<sup>th</sup>.

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.**

**Project ST-009: W Lyon St. / N 3rd St. Reconstruction Project – 1) Public Hearing on Assessment; 2) Consider Resolution Adopting Assessment**

The project consisted of reconstruction and utility replacement on West Lyon Street from East College Drive to North Fifth Street, and North Third Street from West Main Street to West Redwood Street. All utilities were replaced, including watermain, sanitary sewer, and storm sewer on West Lyon and North Third Streets. Other items of work included in this project are pavement removal, aggregate base, concrete surfacing, sidewalks, curb and gutter, streetscaping, and other minor work. Assessment interest rate was calculated using the most recent bond interest rate and adding 2% for administrative costs. Per City Finance Department, the 2023A Bonding had a True Interest Cost of 3.27% for the Street Improvements, plus 2%, resulted in a 5.27% interest rate for Special Assessments. The term of the assessment repayment was proposed by staff to be eight years. The City doesn't possess a formal written policy on the term but has followed an administrative past practice to generally match the assessment repayment to the bond repayment term. Dereck Deutz, owner of Columbia Imports located at 256 West Main Street spoke to the council during the comment portion of the public hearing. Mr. Deutz questioned his assessment amount of \$39,716.78. Director Anderson provided a breakdown of the assessments and explained that the unique layout of Deutz' property and being on a corner meant that the distribution on frontage was proportionately higher than other properties.

Motion made by Councilmember Schafer, Seconded by Councilmember Meister to continue the public hearing specifically regarding the property located at 256 West Main Street on August 12, 2024. 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 Alcorn to approve Resolution 24-065 adopting assessments for Project ST-009 except the property located at 256 West Main Street identified as Parcel 27-677104-0.

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

**Utility Vehicle for the Fire Department**

The Fire Department requested bids for a very generic Utility Task Vehicle to encourage competition. Four bids were received with the lowest coming from Action Sports for a 2024 Polaris Ranger 1000 EPS for \$18,737.00. Brunsvold did mention that Kesteloot Enterprises for an additional \$19.73 would have a two-year warranty on a Kubota RTVXG850 while Action was a one-year warranty. Councilmembers discussed maintenance and how often a warranty would be used.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to accept the low bid from Action Sports for \$18,737.00 for the purchase of a 2024 Polaris Ranger 1000 EPS. 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**

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

Motion made by Councilmember Lozinski, Seconded by Councilmember Meister to approve 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.**

- Call for Public Hearing for a New On-Sale Liquor License for Sazon Catracho, LLC
- Call for Public Hearing to Consider Granting a Franchise Agreement with Minnesota Energy Resources and Introduction of the Ordinance
- Consider Liability Coverage – Waiver for 2024-2025 League of Minnesota Cities Insurance Trust Property/Casualty and Liability Insurance
- Consider Approval to Allow Holy Redeemer Church to Hold a Raffle on September 28
- Consider Approval to Allow Holy Redeemer Church to Hold a Raffle on December 31
- Consider Approval of the Bills/Project Payments

### **City of Marshall 2023 Audit**

Prior to the regular council meeting a work session was held where Nancy Schulzetenberg of BergankDV presented the City of Marshall 2023 Audit. Director Moberg reported that there was an unmodified opinion which is the best opinion that an auditor can offer and no written findings were found.

Motion made by Councilmember Meister, Seconded by Councilmember Alcorn to accept the City of Marshall 2023 Audit from BergankDV. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

### **Card Reader/Key FOB Entry System at the Fire Station**

Chief Brunsvold explained the 2024 CIP included \$15,000 toward the addition of adding a key FOB entry system to four apparatus bay doors at the Marshall Fire Station. The Fire Station had a mechanical door code punch entry system that had to be manually adjusted any time there was a resignation, termination, or retirement. In the last 10 years, the Marshall Fire station and the former "North Ambulance" building had been added to the city fiber-optic network which would reduce the cost of the project as the Fire Station can "piggyback" off the system in place at City Hall and be administrated internally. Each staff member would be issued a FOB, that is dedicated to that staff person only. At the time of resignation, termination or retirement, the key FOB could be turned off, without needing to manually change every door on the fire station and would immediately remove access to the building. One bid by the current vendor of this technology was obtained, because the system wasn't interchangeable with other equipment on the market. The Fire Station had added a larger 48 port network switch, and the previous 24 port switch was placed in the former North Ambulance building for the addition of the same entry system in the future. The former ambulance building was used for the equipment of the Hazardous Materials Response Team (formerly Chemical Assessment Team), Marshall Fire Department technical rescue team equipment and supplemental storage equipment for the Parks Department. Councilmember Lozinski asked about spare keys and Councilmember Meister asked about unauthorized entry. The proposal from Living Connected was for \$21,308.21 and with the low bid utility vehicle some of the additional savings would be used towards the entry system. The additional \$4,045.21 would be covered by CIP fund balance, according to Director of Administrative services, E.J Moberg.

Motion made by Councilmember Moua-Leske, Seconded by Councilmember Alcorn to accept the bid from Living Connected to allow the Marshall Fire Department to install a Card Reader/FOB Entry System at the Fire Station. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske. Voting Nay: Councilmember Meister, Councilmember Lozinski. The motion **Carried. 5-2.**

**Consider Approval of Amendment #3 Between Stockwell Engineers and the City of Marshall for the Marshall Aquatic Center to Facilitate Donor Splash Pad Enhancements**

Administrator Hanson explained the city of Marshall had been in contact with a potential donor of the proposed Aquatic Center in the amount of \$100,000. The donor specified that their intention was to sponsor enhancements to the splash pad and wished to remain anonymous. These donor enhancements, when discussed with Stockwell, meant anticipated costs estimated near \$175,000. The city went back to the donor to discuss reducing the enhancements to align with their donation of \$100,000. The resulting enhancement meant additional engineering and design considerations. Waterplay Solutions and Stockwell Engineering presented a short slideshow highlighting the proposed enhancements to make the splash pad unique to Marshall. Water jets of variable height, timing, and lighting were to be added that could also act as a show like fountain plazas that could be found in Las Vegas. The additional \$18,000 of design work was included in the donation amount.

Motion made by Councilmember Schroeder, Seconded by Councilmember Schafer to approve Amendment #3 with Stockwell Engineering for Splash Pad Enhancements. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

**Adoption of Joint Airport Zoning Ordinance – Chapter 86, Article 86-VII**

The Joint Airport Zoning Board (JAZB) met for a public hearing on the proposed SW MN Regional Airport Zoning Ordinance on September 5, 2023. At that meeting, the JAZB recommended approval of the proposed airport zoning ordinance and authorized the submittal to MnDOT Aeronautics for review. Following the meeting, TKDA staff submitted the ordinance and supporting documents to MnDOT-Aeronautics for review and consideration. MnDOT agreed that the JAZB made efforts to comply with MN State Statutes and that proper steps were taken, and the Director of MnDOT Aeronautics approved the airport zoning ordinance. The final step of the process for the JAZB was to adopt the airport zoning ordinance on February 6, 2024. City staff believed that it was necessary to include the airport zoning ordinance within the city zoning ordinance. Since the new Airport Zoning Ordinance would become a part of the City Zoning Ordinance (Article 86-VII), State Statutes required the Planning Commission to hold a public hearing which was held on June 12, 2024. In conjunction with the new airport zoning, the main city Zoning Map was also being revised by adding three airport safety zones: A, B, and C. After final approval by the Council, all safety zones would be added to the official City zoning map.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to adopt Ordinance 24-013 Adding Article VII Airport Safety Zoning. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

**Project ST-009: W Lyon St. / N 3rd St. Reconstruction Project – Consider Change Order No. 7 (Final) and Acknowledgement of Final Pay Request (No. 12)**

The project consisted of reconstruction and utility replacement on West Lyon Street from East College Drive to North Fifth Street, and North Third Street from West Main Street to West Redwood Street. All utilities were replaced, including watermain, sanitary sewer, and storm sewer on West Lyon and North Third Streets. Other items of work included in the project were pavement removal, aggregate base, concrete surfacing, sidewalks, curb and gutter, streetscaping, and other

minor work. Change Order No. 7 resulted in a contract decrease in the amount of -\$109,011.60. Final Pay request No. 12 in the amount of \$39,368.94 resulted in a total contract amount of \$3,777,763.22, a net decrease of -\$67,734.09 from the original contract amount of \$3,845,497.31.

Motion made by Councilmember Meister, Seconded by Councilmember Alcorn to approve Change Order No. 7 (final) and acknowledge Final Pay Request No. 12 in the amount of \$39,368.94 to R&G Construction of Marshall. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

#### **Firm Gas Service Extension Agreement with Great Plains Natural Gas - Airpark East**

The city was constructing a snow removal equipment and maintenance building (SRE building) in the Airpark East development area at the Southwest Minnesota Regional Airport. City staff had been working with Great Plains Natural Gas (GPNG) to coordinate an extension of gas main into Airpark East to serve the new SRE building. In addition, the gas main would be available to serve the newly constructed private hangar and any future development in Airpark East. To service Airpark East, GPNG intended to extend gas main from existing facilities located at the northwest quadrant of Channel Parkway and MN 19. The extension would run parallel with the Diversion Channel and would be located on Diversion Channel property, before heading into Airpark East at Madrid Circle. The preliminary estimate for city participation cost in the gas main extension was \$57,386. Actual cost would vary depending on contractor bids to GPNG. The city had budgeted \$90,000 in SRE project funding for electric and gas infrastructure to serve the building. Mayor Byrnes commented that Great Plains policy on extending gas lines in residential areas was a limitation for development and Councilmember Lozinski also mentioned that other gas companies that he had worked with take on the costs themselves instead of requiring homeowners to front costs.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to authorize execution of Firm Gas Service Extension Agreement with Great Plains Natural Gas. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. Voting Nay: Councilmember Meister. The motion **Carried. 6-1.**

#### **Consider Approval of Amendment to Final Lease Agreement with Adult Basic Education (ABE) Program Extending the Agreement Effective August 1, 2024 through August 31, 2024.**

Adult Basic Education (ABE) had requested an extension to their lease agreement. The SMSU Social Sciences Building was under construction to accommodate alternate education space for the Marshall School District that was to be finished the beginning of August. Due to further construction needed, a delay had occurred with final construction occurring through August and it was anticipated that Adult Basic Education would be able to occupy SMSU space September 1, 2024. ABE was allocated space in the EDA Suite located on the second floor of City Hall during construction.

Motion made by Councilmember Schafer, Seconded by Councilmember Schroeder to adopt Resolution 24-066 authorizing the extension of the lease agreement with ABE and the City of Marshall until August 31, 2024, and authorizing temporary delegation of lease extension authority to the City Administrator until January 31, 2025, or until the lessee no longer wishes to extend the lease, whichever occurs first. 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.**

#### **Salaries and Compensation of Mayor and Councilpersons**

Chapter 2, Sec. 2.07 of the City of Marshall Charter required that salaries of the Councilmembers and Mayor 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. In 2022, City Council adopted Ordinance 22-008

setting council salaries for 2023 and 2024 using a 3% increase. Councilmember Meister brought up the comparisons to other cities of similar size and to attract individuals to these public positions' compensation was needed.

Motion made by Councilmember Meister, Seconded by Councilmember Lozinski to increase Councilmember and Mayor salaries by 3% for 2025 and 2026 and to introduce Ordinance 24-015. 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	No report.
Schafer	No report.
Meister	No report.
Schroeder	Public Housing received a lead-based paint report, and none were found. Housing was also working on new policies.
Alcorn	No report.
Moua-Leske	The Library Board approved the 2025 preliminary budget. DEI Commission discussed recruitment and retention for commission members.
Lozinski	No report.

**Councilmember Individual Items**

Councilmember Lozinski commented on garbage trucks and possible ordinance amendments that should be looked at.

Councilmember Moua-Leske attended the League of Minnesota Cities Conference and found her time to be enjoyable and learned much.

**City Administrator**

No report.

**Director of Public Works/City Engineer**

Provided updates on the following projects: Mill & Overlay, MN 23 lift station, Lyon Circle and Independence Park back parking lot.

**City Attorney**

No report.

**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 6:36 PM Motion made by Councilmember Moua-Leske, Seconded by Councilmember Schroeder to adjourn the meeting. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Attest:

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Steven Anderson, City Clerk

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Robert Byrnes, Mayor