

CITY OF MARSHALL  
CITY COUNCIL MEETING  
M I N U T E S  
Wednesday, January 23, 2019

The regular meeting of the Common Council of the City of Marshall was held January 23, 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, Glenn Bayerkohler, John DeCramer, Russ Labat and James Lozinski. Absent: Steven Meister. Staff present included: Sharon Hanson, City Administrator; Dennis Simpson, City Attorney; Jason Anderson, Assistant City Engineer/Zoning Administrator; Jim Marshall, Director of Public Safety; Annette Storm, Director of Administrative Services; Quentin Brunsvold, Fire Chief; Bob VanMoer, Wastewater Treatment Facility Superintendent; Ilya Gutman, Plan Examiner/Assistant Zoning Administrator and Kyle Box, City Clerk.

The Pledge of Allegiance was recited at this time.

There was a consensus to operate under the presented agenda.

**Approval of the Minutes.**

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer to approval the minutes. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat. Abstaining: Councilmember Lozinski. The motion **Passed. 5-0-1**

**Consider Moving a Dwelling into Residential District At 312 Warsaw Circle.**

Jason Anderson Assistant City Engineer/Zoning Administrator presented the item to Council. Councilmember DeCramer provided discussion from the EDA and confirmed with staff that this house would have new siding and new roof.

Motion made by Councilmember Labat, Seconded by Councilmember DeCramer that the Council close the public hearing. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat. Abstaining: Councilmember Lozinski. The motion **Passed. 5-0-1**

Motion made by Councilmember DeCramer, Seconded by Councilmember Labat that the Council to approve the request of Mike Swalboski to move a dwelling into a residential district at 312 Warsaw Circle. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat. Voting Abstaining: Councilmember Lozinski. The motion **Passed. 5-0-1**

**Approval of Consent Agenda.**

Councilmember Labat requested that item number 12, Consider a venue change for an On-Sale Intoxicating Liquor License for Holy Redeemer Church for March 23, 2019 and item number 14, Consider Resolution Amending the 2019 Fee Schedule be pulled for further discussion.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to approve the consent agenda. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

Approval of Resolution Number 4584, Second Series regarding Charter FCC Form 394 – Assignment of Cable Television Franchise to Spectrum Mid-America, LLC

Approval of a Special Assessment Deferral

Authorization to declare vehicles as surplus property for the Police Department.

Vacate Easements in Commerce Industrial Park – Call for Public Hearing on Resolution Authorizing the Vacation of Easements.

Approval of an application for an On-Sale Intoxicating Liquor License for Marshall Area Chamber of Commerce for February 21, 2019.

Approval of a LG220 Application for Exempt Permit for Shades of the Past for June 1, 2019.

Approval of a venue change for a LG220 Application for Exempt Permit for Holy Redeemer Church for March 23, 2019

Approval of the bills/project payments

**Consider a venue change for an On-Sale Intoxicating Liquor License for Holy Redeemer Church for March 23, 2019.**

Councilmember Labat pulled the item for further discussion. City Clerk Kyle Box provided information on the Temporary On-sale Liquor License application and the venue.

Motion made by Councilmember Schafer, Seconded by Councilmember Labat to approve the venue change of a Temporary On-Sale Liquor License for Holy Redeemer Church to use on March 23, 2019 at Schwan's Mercantile 100 West College Dr, Marshall, Minnesota. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

**Consider Resolution Amending the 2019 Fee Schedule.**

Councilmember Labat pulled the item for further discussion, specifically inquiring about the rate changes revolving around the Fire Department. Fire Chief Quentin Brunsvold provided further information on the requested changes.

Motion made by Councilmember Schafer, Seconded by Councilmember Labat Approve Resolution Number 4585, Second Series approving specific fees to be charged by the City of Marshall. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

**Consider a Request for a Variance Adjustment Permit (1) Greater Minnesota Family Services at 1408 Floyd Wild Drive.**

Assistant City Engineer/Zoning Administrator Jason Anderson provided the background information on the item. This item is being recommended by the Planning Commission.

There was further discussion by Council and Staff. Tom Belcher, Greater Minnesota Family Services CFO was in attendance and discussed their operations.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to Approve a Variance Adjustment Permit for an access drive leading to a non-residential use through residential properties and adding the conditions that the variance is contingent upon the property being utilized as described by Greater Minnesota Family Services. The property shall be used to operate the SEED program for 3-5-year-old children, in groups no larger than 10 kids, with no more than two groups per day, operating Monday-Friday. The participants must be brought in by bus and no more than 8 employees may be present at any time. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Lozinski. Voting Nay: Councilmember Labat. The motion **Passed. 5-1**

**Consider a Request for a Variance Adjustment Permit (2) Greater Minnesota Family Services at 1408 Floyd Wild Drive.**

Councilmember Lozinski discussed pavement being required at other similar locations. There was further discussion by Council and Staff.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to deny the variance adjustment permit (2) and use enforcement discretion. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

**Consider a Request for a Variance Adjustment Permit (3) Greater Minnesota Family Services at 1408 Floyd Wild Drive.**

Jason Anderson Assistant City Engineer/Zoning Administrator introduced the item to Council. Councilmember Bayerkohler provided discussion from the Planning Commission regarding the gravel driveway.

Motion made by Councilmember Lozinski, Seconded by Councilmember Bayerkohler to approve a Variance Adjustment Permit for unpaved access drive to a business use with the added condition of controlling dust. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Bayerkohler, Councilmember Labat, Councilmember Lozinski Voting Nay: Councilmember DeCramer. The motion **Passed. 5-1**

**Introduction of Ordinance Amending to permit an archery range and Call for Public Hearing.**

Assistant City Engineer/Zoning Administrator Jason Anderson presented the item to Council.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to introduce the Ordinance Amending to permit an archery range and call for Public Hearing to be held on February 12, 2019. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

**Introduction of Ordinance to rezone 1007 Erie Road, REQUEST FOR MAP AMENDMENT (REZONE).**

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer to introduce an ordinance to rezone 1007 Erie Road from I-2 General Industrial District to an A – Agricultural District. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

**Introduction of Ordinance amendment to Section 62-2 Ice and snow and Call for Public Hearing**

Assistant City Engineer/Zoning Administrator Jason Anderson introduced and provided the background information on the item. Councilmember Lozinski asked staff to better define a private street before adopting the ordinance. There was further discussion by Council and Staff.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer that the Council introduce the Ordinance amendment to Section 62-2 Ice and snow and call for Public Hearing to be held on February 12, 2019. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

**Project Y62: TH 23 and Saratoga Street Intersection Improvements – Consider Change Order No. 4 Consider Final Pay Request #11.**

City Attorney Dennis Simpson introduced the item and provided the background information to Council.

Motion made by Councilmember Lozinski, Seconded by Councilmember Labat to approve Change Order No. 4 to Robert R. Schroeder Construction Co. of Glenwood, Minnesota resulting in a contract decrease in the amount of \$42,000 for the above1-35 referenced project. That the Council approve final pay to Robert R. Schroeder Construction Co. of Glenwood, Minnesota in the amount of \$61,205.13. Final pay results in contract savings in the amount of \$109,086.98. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Passed. 6-0**

**Special Assessments on Tax Forfeited Property Located at 620 W Main Street.**

Director of Administrative Services Annette Storm introduced the item to Council. Director Storm also introduced Lyon County Auditor/Treasurer E.J. Moberg who provided addition insight on the item from the County's perspective. There was continued discussion by Council.

Motion made by Councilmember Lozinski, Seconded by Councilmember Bayerkohler to reassess up to 50% of the unpaid special assessments for the tax forfeited property located at 620 W. Main Street, Marshall, MN when returned to private ownership. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

**Phase-1 Wastewater Treatment Improvements – Approve Plans & Specifications and Authorize Advertisement for Bids.**

Wastewater Treatment Facility Superintendent Bob VanMoer introduced the item to Council.

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer to approve the plans and specifications and authorize advertisement for bids for Phase-1 Wastewater Treatment Improvements, approve plans and specifications and authorize advertisement for bids. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

**Marshall Hotel – Consider Authorization to Request for Proposals for Removal of Hazardous Materials and Miscellaneous Debris.**

Assistant City Engineer/Zoning Administrator Jason Anderson introduced the item to Council. There was further discussion by Council.

Motion made by Councilmember Lozinski, Seconded by Councilmember DeCramer to authorize a request for proposals for Marshall Hotel – Authorization to Request for Proposals for Removal of Hazardous Materials and Miscellaneous Debris. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

**Consider Resolution Authorizing Preparation of Report on Improvement for Project Z69 East Lyon Street Reconstruction Project and Project Z74 Huron Road/Superior Road Reconstruction Project.**

Assistant City Engineer/Zoning Administrator Jason Anderson introduced the item to Council. Mayor Byrnes discussed the projects being assessed under the current special assessment policy. There was further discussion by Council.

Motion made by Councilmember Schafer, Seconded by Councilmember Labat to adopt Resolution Number 4586, Second Series, which is the “Resolution Ordering Preparation of Report on Improvement” for Project Z69: East Lyon Street Reconstruction Project and Project Z74: Huron Road/Superior Road Reconstruction Project Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

**Consider an application for an On-Sale Intoxicating Liquor License for SMSU Ducks Unlimited for February 23, 2019.**

Motion made by Councilmember Labat, Seconded by Councilmember Lozinski to approve a Temporary On-Sale Liquor License for SMSU Ducks Unlimited for February 23, 2019 at SMSU Upper Conference Center, 1501 State Street, Marshall, Minnesota. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski Voting Abstaining: Councilmember Bayerkohler. The motion **Carried. 5-0-1**

**Commission/Board Liaison Reports.**

Byrnes            No Report

Schafer           No Report

Bayerkohler    Planning Commission met and their items were discussed at this meeting.

DeCramer        Economic Development Authority met and their items were discussed at this meeting.  
Marshall Municipal Utilities Commission met and discussed reserve funds in anticipation of settlements between Xcel Energy and others.

Labat             Library Board met appointed a new president and vice president to the board. The library was selected to participate in an American Creed project.  
Convention and Visitors Bureau met and is working on amending their by-laws. There are also a number of events beings scheduled at the Red Baron Arena.

Lozinski Marshall Area Transit met and is working on a redesign of their bus routes.

**Councilmember Individual Items.**

Councilmember Lozinski reminded everyone to be careful around snowplows.

Councilmember Labat thanked staff and MMU for clearing the snow around the fire hydrants.

Councilmember reminded everyone that we are a heavily used pedestrian community and thanked staff for the clearing of the cross walks.

Mayor Byrnes discussed the Race Equity Cohort and appointed John DeCramer to represent the Council. Mayor Byrnes will attend a Coalition of Greater Minnesota Cities event as well as participating in a Transportation Alliance Day and a Highway 23 Corridor Coalition reception. Mayor Byrnes commented on discussions with Tru Shrimp.

**City Administrator**

No Report

**Director of Public Works**

No Report

**City Attorney**

City Attorney Dennis Simpson commented on the ongoing development of the special assessment policy.

**Information Only.**

There were no questions on the information items.

**Upcoming Meetings.**

There were no questions on the upcoming meetings.

**Adjourn Meeting**

At 7:21 P.M., Motion made by Councilmember Labat, Seconded by Councilmember Lozinski to adjourn. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

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Mayor

Attest:

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City Clerk