

**CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, November 26, 2024**

The regular meeting of the Common Council of the City of Marshall was held November 26, 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: Amanda Schroeder, Steve Meister, Craig Schafer, See Moua-Leske and James Lozinski. Absent: John Alcorn. 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; Sheila Dubs, Human Resource Manager; Preston Stensrud, Park and Rec Supervisor; Dean Coudron, Public Ways Supervisor; Ilya Gutman, Plans Examiner; and Steven Anderson, City Clerk.

Consider Approval of the Minutes from the Regular and Special Meetings Held on November 12th

There were no amendments to the minutes from November 12, 2024.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to approve the minutes from the regular and special meeting held on November 12, 2024. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

Consider Award of Quotation for Steel Double Drum Asphalt Roller for Street Department

Coudron had sought the replacement of the existing 1980 Ingersoll Rand steel roller for the street department. The existing roller was costly to maintain because parts are difficult to source due to age of the unit or parts had to be modified to keep the roller in working condition. Three quotes were received for the replacement with the low quote coming from Zigler CAT for a CAT CB 2.5 GC at a total cost, less trade-in of \$43,636.10. The street department budget included \$40,000 in the capital equipment fund levy.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to award the quote for a new CAT CB 2.5 GC roller for the Street Department to Ziegler CAT of Marshall for \$43,636.10, less trade-in. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

Consider Approval of the Consent Agenda

Councilmember Moua-Leske requested that the item "Consider Approval for a Raffle Permit for the SMSU Foundation on February 22, 2025" be removed from the consent agenda.

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

- Consider Approval of the 2025 Wage Schedule for Temporary and Seasonal Employees
- Consider Amendment to Personnel Policy Appendix A
- Consider an Ordinance Amending Ch.22-VIII Licensing and Registration Requirements for the Sale of Intoxicating Cannabinoid Products
- Introduction of an Ordinance Amending Chapter 86, Sections 71, 96, 102-108, and Adding Section 166 Certification of Cannabis Business License Application
- Consider Approval of a Temporary Liquor License for the Friends of the Orchestra
- Consider Approval of a Temporary Liquor License for Visit Marshall for January 24, 2025
- Consider Approval of Liquor License Renewals for 2025
- Consider Approval of Tobacco License Renewals for 2025
- Call for a Public Hearing for the Request of an On-Sale Wine License for the Marshall A's Baseball Assoc.
- Consider Approval of the Bills/Project Payments

Consider Approval for a Raffle Permit for the SMSU Foundation on February 22, 2025

Moua-Leske had a conflict of interest on the item and needed to abstain.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to approve the Raffle Permit for the SMSU Foundation for February 22, 2025. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Lozinski. Voting Abstaining: Councilmember Moua-Leske. The motion **Carried. 5-0-1.**

Convention and Visitors Bureau Annual Report

Cassi Weiss, Visit Marshall/Convention and Visitors Bureau Director, presented the annual report to city council. Highlights included marketing strategies, major events in 2024 such as the Made in Minnesota Wine and Beer Festival, financials and a recap of the 5-year goals for the CVB. For the Red Baron Arena & Expo Weiss also reviewed major events, ice rentals, marketing strategies, and 5-year goals.

Motion made by Councilmember Moua-Leske, Seconded by Councilmember Schafer to approve the annual service agreement between the Marshall Convention and Visitors Bureau and the City of Marshall and to also approve the lease agreement between the Marshall Convention and Visitors Bureau and the City of Marshall. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

Consider the Request of Brenan Clark for an Interim Use Permit and a Variance Adjustment Permit to have an Outside Storage Unit in a B-3 General Business District at 1507 East College Drive

A request for an interim use permit for a one storage unit (a semi-trailer) in a B-3 General business district was received from Brenan Clark. Per City Ordinance Section 86-248 (f), which allows one unit, the storage container must be painted to match the building, does not have any signage and the unit was not placed in the front yard. For this request, the unit was located behind the building, but the lot was a double frontage lot, meaning that it faced streets on two non-adjacent sides, which effectively means that the storage unit was in the front yard. As such, a variance would be required to address the front yard issue, prior to an interim use permit approval. The Planning Commission conducted a public hearing on November 13, 2024, and unanimously recommended approval with the following conditions:

Variance Adjustment Permit:

- That the regulations, standards, and requirements as set forth in the City Code and as pertains to the class of district in which such premises are located shall be conformed with.
- That the City reserves the right to revoke the Variance Adjustment Permit in the event that any person has breached the conditions contained in this permit provided first, that the City serve the person with written notice specifying items of any default and allow the applicant a reasonable time in which to cure any such default.

Interim Use Permit:

- The semi-trailer shall be painted to match the building and should not have any signage or writing.
- The semi-trailer should have current registration tabs.
- This Interim use permit expires when the property is sold or changes the ownership in any way.

Motion made by Councilmember Schafer, Seconded by Councilmember Schroeder to approve the request for a variance adjustment permit for a storage unit located at 1507 E. College Drive with the conditions recommended by the Planning Commission. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

Motion made by Councilmember Schafer, Seconded by Councilmember Schroeder to approve the request for an interim use permit for a storage unit located at 1507 E. College Drive with the conditions recommended by the Planning Commission. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

Consider Authorization to Submit Letter of Support for Intersection Safety Improvements at TH 23 & Tiger Drive

The intersection of Tiger Drive and Minnesota Trunk Highway 23 (TH 23) had been a local safety concern for many years. On January 3, 2024, the Marshall Area Transportation Group (MATG) hosted a meeting in the City Council Chambers with numerous stakeholders to discuss safety concerns at the intersection. At the meeting, District Engineer Jon Huseby and District Eight Traffic Engineer Cody Brand discussed opportunities and challenges associated with developing an intersection improvement project at this location. During the presentation, MnDOT largely focused on the possibility of implementing a Reduced Conflict Intersection (J-Turn) type of safety improvement at this location due to the low cost and high benefit of this type of improvement. The stakeholders attending the meeting were in support of a safety improvement and a J-Turn was viewed as an acceptable safety enhancement. Back in early 2024, the City of Marshall submitted for a Rural High-Risk Roads grant for design and scoping of a J-Turn improvement at this intersection. Though the City was unsuccessful with this grant application, we did have letters of support from Marshall Public Schools, Southwest Minnesota State University, MnDOT District Eight, and the Marshall Area Transportation Group. MnDOT District Eight was planning to submit a Highway Safety Improvement Program (HSIP) grant to design and construct a J-Turn improvement for the intersection. If successful, MnDOT could construct the project in 2028. MnDOT Traffic Engineer, Cody Brand, had asked for letters of support from Marshall Public Schools, Southwest Minnesota State University, and the Marshall Area Transportation Group as well as the City of Marshall.

Motion made by Councilmember Lozinski, Seconded by Councilmember Meister to authorize city staff to submit a letter of support to MnDOT to be included with the Highway Safety Improvement Program grant application. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

Resolution to Accept the Results of the General Election Held on November 5, 2024

The General Election for Mayor and three council members was held on November 5, 2024. Per Minnesota Statute results from the election are unofficial until local, county and state canvassing boards meet and certify results. The Lyon County Canvassing Board met on November 8th, the City of Marshall Canvassing Board met on November 12th and the State Canvassing Board met on November 21st to certify the results from the General Election. The City of Marshall Canvassing Board certified that Bob Byrnes, Amanda Schroeder, Amanda Schwartz, and James Lozinski received the majority votes for their respective races and were declared the winners.

Motion made by Councilmember Meister, Seconded by Councilmember Schafer to adopt Resolution 24-100 accepting the results of the General Election held on November 5, 2024. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

Introduce an Ordinance Amending Ch. 14 Animals

Chapter 14 Animals was last updated in 2008 and needed an update. Many of the processes outlined in the ordinance are either obsolete or have changed. Definitions were updated and dangerous animal(dog) and potentially dangerous animal(dog) now matched the statutory definition. Common pets such as hamsters, gerbils and guinea pigs were also not allowed under the ordinance. The amendments also introduce a new section to allow backyard chickens. The Legislative and Ordinance Committee met on September 10 and invited veterinarian Scott Kuecker and Southwest Health and Human Services personnel to discuss chickens. The L&O Committee reviewed other cities that allowed chickens, and all members voted in favor of introducing the amendments. Article 14-V would limit the number of chickens to five per lot, roosters would not be allowed, setbacks for

placement of coops and runs, no commercial sale of eggs would be allowed and slaughter within city limits would also be prohibited. Mayor Byrnes expressed his concern with Article 14-V but was in favor of the updates to the rest of the ordinance.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to introduce Ordinance 24-026. Voting Yea: Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Moua-Leske, Councilmember Lozinski. Voting Nay: Mayor Byrnes. The motion **Carried. 5-1.**

Statement of Annual Performance Evaluation for the City Administrator

In accordance with the personnel policy on Employee performance reviews (Policy 4.6) and the employment agreement between the City and Administrator Sharon Hanson, Hanson should receive an annual performance evaluation based upon the anniversary date of her hire date, which was November 16, 2017. On November 26, 2024, the City Council held a Special Meeting with a closed session in accordance with Minnesota Statute 13D.05, subd.3(a) to evaluate the performance of Administrator Hanson. Mayor Byrnes provided a summary of conclusions from the closed session.

Motion made by Councilmember Schafer, Seconded by Councilmember Meister to accept the performance evaluation of Administrator Hanson. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

Consider Going Into Closed Session pursuant to Minn. Stat., Section 13D.03, to Discuss Strategy for Union Negotiations

The current collective bargaining agreements with Law Enforcement Labor Services, Inc. Local 190, Law Enforcement Labor Services, Inc. Local 245, and AFSCME Council 65 expired on December 31, 2024. The Minnesota Open Meeting Law, Minnesota Statutes section 13D.03, allows a public meeting to be closed for the purpose of discussion labor negotiation strategies. Staff recommend the Council consider a motion to go into closed session pursuant to Minn. Stat. 13D.03, to consider strategy for labor negotiations, including negotiation strategies or developments or discussion and review of labor negotiation proposals.

At 6:15 PM Motion made by Councilmember Meister, Seconded by Councilmember Schafer to go into a closed session pursuant to Minn. Stat. §13D.03 to discuss strategy for union negotiations. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

Reconvened from Closed Session

At 7:03 PM Mayor Byrnes resumed the regular council meeting.

Consider Approval of Labor Agreements Between the City and Law Enforcement Labor Services, Inc., Local No. 190

The current collective bargaining agreement with Law Enforcement Labor Services, Inc. Local 190 expired on December 31, 2024. Tentative agreement with the union on contract terms for new three-year agreements (2025-2027) had been reached. There had been a reduction in the number of Police Officer applicants for vacancies and a significant number of law enforcement agencies that are hiring in the State of Minnesota, creating a unique attraction and retention concern for Police Officers. The terms of the contract addressed these unique attraction and retention concerns. If approved by the Council, Staff would post copies of the collective bargaining agreement and memorandum of agreement following the meeting.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to adopt Resolution 24-101 approving the 2025-2027 labor agreement and memorandum of agreement with Law Enforcement Labor Services, Inc. Local 190. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

Consider Approval of 2025-2027 Wage Schedules for Non-Union Employees

Staff had reached a tentative agreement on a three-year (2025-2027) contract with the LELS Patrol Unit on general wage increases. Staff had recommended the same general wage increase for non-union employees for 2025, 2026, and 2027 to maintain consistency and fairness of the City’s internal wage pattern for these years. The non-union schedules include full-time, part-time, and paid-on-call positions. The general wage increases would be effective the first day of the pay period that includes January 1. If approved by the Council, Staff would post copies of the non-union wage schedules following the meeting.

Motion made by Councilmember Meister, Seconded by Councilmember Schafer to approve the 2025-2027 wage schedule for non-union employees. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

Commission/Board Liaison Reports

Byrnes	SRDC met and would be working through transitions that need to occur due to election results.
Schafer	No report.
Meister	No report.
Schroeder	No report.
Alcorn	Absent.
Moua-Leske	DEI further discussed their strategic plan. The Library and CVB also reviewed their strategic plan.
Lozinski	No report.

Councilmember Individual Items

Mayor Byrnes reminded citizens about a few holiday events.

City Administrator

Aquatic Center Committee would be meeting to discuss design changes.

Director of Public Works/City Engineer

The bid opening for College Drive was scheduled for 6th, MnDOT would be adding no parking signs along Highway 68 from Kwik Trip towards Minneota.

City Attorney

No report.

Information Only

There were no questions about the Information Only items.

Upcoming Meetings

There were no questions about the Upcoming Meetings.

Adjournment

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

Attest:

Steven Anderson, City Clerk

Robert Byrnes, Mayor