

**CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, July 25, 2023**

The regular meeting of the Common Council of the City of Marshall was held July 25, 2023, at City Hall, 344 West Main Street. The meeting was called to order at 5:30 P.M. by Mayor Pro-Tempore Craig Schafer. In addition to Schafer the following members were in attendance: Amanda Schroeder, John Alcorn, See Moua-Leske and James Lozinski. Absent: Mayor Robert Byrnes and Steven Meister. 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; Eric Luther, Liquor Store Manager; Quentin Brunsvold, Fire Chief; Lauren Deutz, Economic Development Director; Ilya Gutman, Plans Examiner; and Steven Anderson, 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 from the Regular Meeting Held on July 11, 2023

There were no amendments to the minutes.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schroeder to approve the minutes as read. Voting Yea: Councilmember Schafer, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 5-0.**

Approval of the Consent Agenda

Councilmember Lozinski request that Introduction of an Ordinance Amending Article 42-V to Prohibit the Use of Cannabis and Hemp in Public Places be removed for further discussion.

Motion made by Councilmember Schroeder, Seconded by Councilmember Alcorn to approve the remainder of the consent agenda. Voting Yea: Councilmember Schafer, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 5-0.**

- Consider a Resolution Calling for a Public Hearing on Proposed Assessments for Unpaid Services and Ordering Preparation of Proposed Assessments
- Call for Public Hearing for an On-Sale Liquor License Application for Wing Axe Company
- Consider Declaring Two Grass Rig Skid Units for Marshall Fire Department as Surplus
- Consider Approval for the Joint Powers Agreement with the Minnesota Anti-Heroin Task Force Program
- Consider a Resolution for the Transfer of Property to the Economic Development Authority
- Consider a Resolution of Support for a Job Creation Fund Application
- Consider Approval of Off-Site Bingo for American Legion at the Lyon County Fair
- Consider Approval for Holy Redeemer to Conduct a Raffle on January 29, 2024
- Consider Approval of a Raffle Permit for SMSU Homecoming on October 14, 2023
- Introduction of Ordinance Article 2-VII Administrative Citations
- Acknowledgement and Acceptance of the Updated Stormwater Pollution Prevention Program (SWPPP) for the City of Marshall
- Call for Public Hearing for the Sale of Land Located at 116 S. 10th St.
- Consider Approval of the Bills/Project Payments

Introduction of an Ordinance Amending Article 42-V to Prohibit the Use of Cannabis and Hemp in Public Places

Councilmember Lozinski wanted to see the amendment go through the Legislative and Ordinance Committee prior to its introduction to council. Attorney Whitmore asked for clarification on what the focus of the committee meeting would be regarding.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schroeder to remove the introduction and have the ordinance amendment be brought to the Legislative and Ordinance Committee first for discussion. Voting Yea: Councilmember Schafer, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 5-0.**

Consider the Request for a Variance Adjustment Permit for Reduced Setbacks for an Accessory Building at 710 South Bend Avenue

Ilya Gutman explained that the property owner wished to construct a new detached garage in the rear corner of their property with a 5-FT rear setback and a 2-FT side yard setback and that there was an existing detached garage at this location. The property owner desired to demolish the existing 22' x 22' structure and replace it with a larger structure, likely 24' wide by 36' deep. Granting of a variance may be permitted if the request met the "practical difficulties" test, which requires that the proposed use was reasonable, that the problem is caused by conditions that are unique to this property, and that granting the variance will not change the character of the area. Upon review, city staff believed that the argument could be made that the proposal generally met the practical difficulties test for a rear yard variance. There are numerous structures in the neighborhood and area that do not meet minimum setbacks and there was already a garage in place. Staff believed that the lot is unique due to the orientation of the lot and the rear yard of this lot aligns with the side yard of 604 W. Southview Drive. In a more typical lot orientation, the neighbor at 604 W. Southview Drive could have expected a structure within 5-FT of the lot line. As for the side yard request, staff questioned the reasonableness of placing a larger structure so close to the lot line. The existing building is smaller than the proposed building, and the proposed detached garage would be close to the neighboring structure. At the Planning Commission meeting on July 12, 2023, a public hearing was held and recommend to City Council to approve a 5' rear and 2' side yard variance adjustment permit for reduced setbacks for accessory building at 710 South Bend Avenue and directing City staff to prepare the Finding of Facts document that outlines the basis for the decision. During the Planning Commission meeting, the owner presented evidence for this application satisfying all three components of the "practical difficulty" test.

Councilmembers further discussed the "practical difficulties" test. Schroeder mentioned that none of the neighbors were present at the public hearing and no concerns were brought forward.

Motion made by Councilmember Schroeder, Seconded by Councilmember Alcorn to approve the Variance Adjustment Permit to have reduced setbacks for an accessory building with 5 feet for the rear yard and 2 feet for the side yard. Voting Yea: Councilmember Schafer, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske. Voting Nay: Councilmember Lozinski. The motion **Carried. 4-1.**

Tall Grass Liquor Annual Report

Eric Luther updated council on the liquor store operations, mission statement, and store priorities. In 2022, the overall sales of the Liquor Operation were \$7,078,147 with a net profit of \$944,305. This was an increase of total sales by \$352,468 and a net profit decrease of \$54,891 when compared to 2021. Ready to drink cocktails and craft beer were popular items for customers and the store has held and would continue to hold in store events and partnered with Visit Marshall for the Made in Minnesota Craft Beer and Wine Festival at the Red Baron Arena and Expo Center. 2024 sales are estimated to be at a 3% increase over 2023. The trend was about 4% ahead in sales for 2023. Gross Profit margin was targeted at 28%+ for 2024. Tall Grass continued to see the benefit of the investments made earlier with a free-standing 50ml merchandiser, 2 self-serve open-air coolers for displaying single cans, cold wine and RTD's and the Pick Six Mix & Match area. All these investments were designed for customers to 'add on' purchases or make an 'impulse' purchase benefitting the store with a higher ticket average and increased gross profit dollars. The on-line ordering platform through City-Hive has been successful. Tall Grass rolled out the website in the Fall of 2022 and continues to grow in usage. A video surveillance upgrade began in Fall 2022 and was completed in early 2023 with a recorder server and additional cameras added to the existing configuration to give better coverage of the building exterior and the sales floor. Plans are being made to add a locked display cabinet for allocated/high end spirits so that customers can shop these products out on the floor. We are also looking at adding 2 more open-air refrigerated merchandisers to increase

the offerings of cold RTD's and single serve cans. Tall Grass was also looking at installing 2-3 large message monitors around the store. Messages would be programmed about monthly specials, in-store tastings, and new products.

Commission/Board Liaison Reports

Brynes Absent.

Schafer MERIT Center: Jasmin Desmet the Training Facility Coordinator had taken on a new position at the City as Community Education Coordinator.

Meister Absent.

Schroeder Planning Commission: Discussed the various adjustment permit on South Bend Avenue.

Public Housing Commission: Approved replacement doors for the patio, welcomed a new member, and voted on officers.

EDA: Held a public hearing for the transfer of property for a development in the Commerce Park Addition.

Alcorn MMU Commission: Updated workplace policies, testing was ongoing for an online customer portal, and the Ford F-150 Lightning has been delivered and can be seen driving around Marshall.

Moua-Leske SWRD Commission: Held their 50th anniversary event.

CVB: Marshall School District Athletic Director gave a presentation on improvements that were happening and a new parking lot is planned to be added by the tennis courts behind the high school.

Lozinski No report.

Councilmember Individual Items

Councilmember Lozinski commented on the progress of the Terrace 1872 and the Third Street project. MAYBA sent a letter of appreciation to the Parks Department in appreciation of hosting a state baseball tournament at the Amateur Sports Complex.

City Administrator

National Night Out will be on August 1st and updated information on the Aquatic Center would be available at the event. Staff continues to get information out regarding the Aquatic Center vote. An artwork centerpiece is still planned for Terrace 1872.

Director of Public Works/City Engineer

Updates were given on the following projects: Third and Lyon Street, Legion Field Storm sewer Pond Phase II, mill & overlay progress, and Channel Parkway was expected to begin in the middle of August.

City Attorney

Working with staff on policy and ordinance changes.

Information Only

There were no questions on the Information Only items.

Upcoming Meetings

There were no questions on the Upcoming Meetings.

Adjourn

At 6:23 PM Motion made by Councilmember Lozinski, Seconded by Councilmember Schroeder to adjourn the meeting. Voting Yea: Councilmember Schafer, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 5-0.**

Attest:

City Clerk

Mayor