

**CITY OF MARSHALL  
CITY COUNCIL MEETING  
M I N U T E S  
Tuesday, January 24, 2023**

The regular meeting of the Common Council of the City of Marshall was held January 24, 2023, 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, Craig Schafer, Steve Meister, John Alcorn, See Moua-Leske and James Lozinski. Absent: None. 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, Public Safety Director; Ryan Hoffman, Police Captain; Preston Stensrud, Park & Rec Supervisor; Dave Parsons, City Assessor; Ilya Gutman, Plans Examiner; Scott Truedson, Wastewater Supervisor; and Steven Anderson, City Clerk.

The Pledge of Allegiance was recited at this time.

**Consider Approval of the Minutes from the Regular Meeting and Work Session Held on January 10, 2023**

There was no question on the minutes from January 10, 2023.

Motion made by Councilmember Meister, Seconded by Councilmember Schafer to approve the minutes as read. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

**Conduct Public Hearing of the New Article VIII Residential Rental Code**

Jason Anderson, Director of Public Works/City Engineer gave background information on the proposed residential rental code. In the summer of 2021, the City received a complaint about a VRBO rental property in town. The current ordinance does not address short-term rentals, such as VRBO's and Airbnb's. At the Council meeting discussing the situation, staff received direction to develop an ordinance addressing the short-term rentals. However, at the Legislation and Ordinance Committee meeting discussing the first draft, it was suggested that short-term rentals should be handled like in most other cities, that regulate them through a rental ordinance along with other rental properties.

Four meetings were held for landlords to discuss and give opinions on the rental code. Feedback was taken and the rental code was re-written based on the feedback from landlords. Mayor Brynes opened the meeting for public comment.

Greg Taylor asked questions about requests that were made to the City Attorney and commented about the costs.

Kevin Stroup an Attorney retained by a number of landlords commented about various parts of the proposed rental code.

Misty Butler stated that she spoke with numerous tenants that would have liked to come but were afraid of retaliation from their landlords. Ms. Butler read a letter addressed to the council from a tenant named Bradin.

Robert Arends made reference to the Minnesota Attorney Generals Landlords and Tenants: Rights and Responsibilities.

Shawn Butler spoke about the situation in Broadmoor Valley and questioned where protections for tenants are in regards to the ordinance.

John Clapp talked about rental rates and bug issues in the city.

Brianna Holmquist spoke about her situation when renting in Marshall while she was in college.

Marlene Colomb talked about her experiences renting in Marshall and why she left the city.

Darwin Dyce commented about accountability for tenant issues and concerns.

Terri Arends talked about upkeep of units and bug issues.

Jeremy Perry commented about affordable rent and funding for landlord to fix things.

Tara Onken spoke about scenarios that tenants make that increase difficulty for landlords.

Robert Arends reiterated that help is available and that landlords and tenants should be better informed on where the help is available.

Councilmembers followed up on the public comments and thanked the public for their stories and opinions.

Motion made by Councilmember Meister, Seconded by Councilmember Schafer to close the public hearing. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

**Adopt Ordinance Adding Ch 18 Article VIII Residential Rental Code**

City Attorney Pamela Whitmore added the motion should include a continuance to a specific date and time or to have staff start fresh.

Motion made by Councilmember Meister, Seconded by Councilmember Schafer to **not** adopt the ordinance as proposed and to direct staff to revise the proposed rental code. 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) Improvement Hearing; 2) Consider Resolution Ordering Improvement & Preparation of Plans**

Jason Anderson briefly described the scope of the project: reconstruction and utility replacement on West Lyon Street from East College Drive to North 5th Street and North 3rd Street from West Main Street to West Redwood Street. All utilities will be replaced, including watermain, sanitary sewer, and storm sewer on West Lyon and North 3rd 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. Also included with this project will include reconstruction of the Addison Parking Lot adjacent to West Lyon Street and East College Drive. Reconstruction of the parking lot will include pavement removal, grading, aggregate base, and concrete surfacing.

Al Gregg representing the Presbyterian Church on Lyon and 4<sup>th</sup> spoke about concerns about how the implementation of the construction was going to affect businesses while portions are closed. Anderson stated this was a concern staff also had and has not finalized plans yet but were thinking about a phased construction. Schafer mentioned that the Public Improvement and Transportation Committee met earlier in the day to discuss the project and is still recommending that council move forward with it. Lozinski mentioned that the project has been talked about for the past 15 years at least. Meister spoke about a constituent that had concerns about the street closure and how it will affect businesses.

Motion made by Councilmember Schafer, Seconded by Councilmember Schroeder to close the public hearing. 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 Lozinski, Seconded by Councilmember Schroeder to approve Resolution 23-008 Ordering Improvement and Preparation of Plans. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. Voting Nay: Councilmember Meister. The motion **Carried. 6-1**

#### **Approval of the Consent Agenda**

There were no requests to pull an item from the consent agenda.

Motion made by Councilmember Meister, Seconded by Councilmember Schroeder 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.**

- Consider Approval of Memorandum of Agreement Amending AFSCME Article 13.2
- Preliminary Plat of Kwik Trip 1255 – Introduce Plat and Call for Public Hearing
- Consider Authorization to Advertise for Bids – 1) Project MMU001: T.H. 23 Watermain Crossing Project; 2) Project SWM-002: Legion Field Stormwater Improvements Project-Phase II; 3) Project ST008/SAP No. 139-121-004: Channel Parkway Pavement Replacement Project; 4) Project ST0012023: Chip Sealing on Various City Streets
- Consider Authorization to Declare Vehicles as Surplus Property for the Marshall Police Department
- Consider Approval of the Bills/Project Payments

#### **Request for Interim Use Permit/ Storage Containers in a B-3 General Business District**

A request was made by the property owner at 508 Baseline Road to have a storage container on the premises. Ilya Gutman presented the request and explained the conditions that must be met according to city ordinance. Schroeder stated the Planning Commission had no issues with the request and just wanted to make sure the property owner knew they had to build a fence and comply with the ordinance requirements.

Motion made by Councilmember Meister, Seconded by Councilmember Schafer to approve the Interim Use Permit for a Storage Container in a B-3 General Business District. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

#### **Adopt Ordinance Authorizing Sale of City Owned Land**

Centerpointe Real Estate Group agrees to pay the City of Marshall \$55,000 for approximately 30,000 square feet of land located at the northeast corner of Main & Boyer. No other offers had been made on the property and Centerpointe Real Estate Group is in discussions with the property owner to the north that might open up additional development opportunities.

Motion made by Councilmember Lozinski, Seconded by Councilmember Moua-Leske to adopt Ordinance 23-006 Authorizing the Sale of City Owned Land. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

#### **Aquatic Center Local Sales Tax Resolution**

The City conducted a feasibility study of the current aquatic center in 2018 (report issued in 2019) and deemed several deficiencies with the current aquatic center. In 2021, the City completed a community park and recreation survey that indicated public support for the sales tax and park and recreation amenities. The survey results indicated great than 50% support for consideration of the sales tax for funding park and recreation projects.

To impose a general local sales tax under Minnesota Statutes, section 297A.99, a city must take the following steps:

1. Adopt a resolution proposing a general local sales tax.
2. Submit a resolution and supporting materials to state tax committees.
3. Get legislative authorization to enact a local sales tax.
4. Adopt a resolution accepting the new law.
5. Hold a referendum on a local sales tax on November 7, 2023.
6. Pass an ordinance imposing the tax.

Councilmembers wanted to remind the public that the resolution is an important first step but this will be costly. It won't come down in cost as the years progress and the pool is on borrowed time.

Motion made by Councilmember Meister, Seconded by Councilmember Schroeder to approve Resolution 23-009 supporting authority to impose a local sales tax for an aquatic center. 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 Regional Development Commission: Met but because of weather related concerns cut items short.

Schafer No report.

Meister No report.

Schroeder EDA: Discussed direction and upcoming projects.  
Planning Commission: Discussed the Interim Use Permit shown today.

Alcorn No report.

Moua-Leske CVB: Discussed ordinance and by-law changes.

Lozinski No report.

### **Councilmember Individual Items**

Councilmember Meister mentioned a constituent that had concerns about the fee increase for airport hangers.

Mayor Byrnes gave an update on the 2020 Post Census Group Quarters Review. The challenge submitted by the city was approved and accepted however, the Census Bureau was unwilling to provide us with our updated population number.

### **City Administrator**

Met with the new Runnings CEO and met with the CEO of Northstar Insurance based out of Cottonwood. Northstar was in support of the new aquatic center and believes it would be a regional draw. Marshall Community Services addressed some issues with open skate and did open the Arena for the 3 day weekend when it wasn't normally scheduled. Stensrud commented the open skate had decent numbers and MCS was thanked by parents for the additional hours.

### **Director of Public Works/City Engineer**

No report.

### **City Attorney**

No report.

### **Information Only**

There were no questions on the Information Only items.

**Upcoming Meetings**

There were no questions on the Upcoming Meetings.

**Adjourn**

At 7:13 PM Motion made by Councilmember Alcorn, Seconded by Councilmember Lozinski to adjourn the meeting.

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

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Mayor

Attest:

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City Clerk