

MINUTES
PUBLIC IMPROVEMENT/TRANSPORTATION COMMITTEE MEETING
February 29, 2024
5:30 PM

- MEMBERS PRESENT:** Schafer (via Zoom), Lozinski, Alcorn
- MEMBERS ABSENT:** None
- STAFF PRESENT:** City Administrator Sharon Hanson
Director of Public Works/City Engineer Jason Anderson,
Park & Recreation Supervisor Preston Stensrud
City Assessor Dave Parsons
- OTHERS PRESENT:** Sarah Sonsalla, Attorney for Kennedy and Graven, Mayor Robert Byrnes, Councilmember Steven Meister

Call to Order

Lozinski on behalf of Chair Schafer called the meeting to order at 5:31 pm.

1. Approval of the Minutes

MOTION BY Schafer, SECOND BY Alcorn to approve the minutes of the February 13, 2024, Public Improvement/Transportation Committee meeting. ALL VOTED IN FAVOR. MOTION PASSED 3:0.

2. Elaine Park Discussion

Administrator Hanson provided information on the history of Eatros Place. In 1947 the area was platted and developed as a new housing development and the Eatros family dedicated Elaine and Michael Parks to the city on the plat, as an easement for park purposes. Since this was through an easement the city does not actually own Elaine or Michael Park like the other parks within city limits. The Marshall Golf Course and the Eatros Family would be the title holders of the land according to the Eatros Place plat. In 2006 the Public Improvement and Transportation Committee reviewed Elaine Park and decided to not vacate the park and left maintenance to the area residents. On February 13, 2012, the city of Marshall held a meeting with homeowners to discuss options for Elaine Park and following the meeting no process for land transfer had been started or completed. In late 2023 a property owner queried the city to maintain Elaine Park, which prompted the request from the city to meet with surrounding homeowners. Hanson presented a few options the city could take.

1. City staff maintained the park but would stake boundaries of the park and any personal property would need to be removed. Such as sheds or playsets.
2. The City could try to obtain clear title to the park property from the Eatros Family and Marshall Golf Course. Once title was obtained the park would be divided through a new plat and a sales price would be determined and sold to adjoining property owners. Through the plat process easements would need to be obtained for utilities.
3. An HOA could be established or a condo association to maintain the shared greenspace.
4. Leave Elaine Park as a “neighborhood park” and maintenance would continue to fall on the adjoining property owners.

Attorney Sonsalla explained the process of what would need to be done for the city to obtain clear title to the land. Dave Parsons expanded upon if the city were to obtain title and sell the land to homeowners. The value of the newly

acquired land would increase property values if it were combined, which could result in an increase in property tax. If any landowners had a mortgage, Lyon County would not combine the newly acquired land with their current home so landowners would receive two tax statements.

Jon Schmutge, resident at 713 Marguerite Ave., asked about buildings or structures being on utility easements. Janine Erickson spoke on behalf of her mother Fran Andrzejewski, resident at 704 South 4th Street. Janine stated that her mother would not like to continue to maintain the public area and would not be interested in purchasing the property if it were to split. Fran would prefer it if the city were to maintain Elaine Park. Hanson and Sonsalla commented that if the city were to divide the park every owner would need to purchase to streamline the process. Member Alcorn questioned how HOA fees would work and what would be covered under the agreement. Parsons mentioned the HOA would at least want to have enough fees to pay for mowing/weeds, property taxes, and possibly insurance. Member Schafer spoke about covenants and possible liabilities that might fall under the HOA. Attorney Sonsalla stated that a declaration of some sort would need to be drafted and recorded at the Lyon County Recorder's Office as part of formalizing the HOA process. The topic of drainage came up and how the park tended to retain water in the past. Director Anderson stated during the Marguerite Street reconstruction project drains were moved and there should have been an impact on the park as the water was being redirected. Deb Anderson, at 711 Marguerite Street, commented on the value of having the green space and that some of the adjacent streets do use the park. Deb would be in favor of the city maintaining the area, but they have issues with weeds and thistles. Stensrud said the parks department would be able to mow but they wouldn't be able to spray consistently. Deb also mentioned that an old tree had fallen and was removed but the hole left behind was a concern as children could be injured by falling or tripping. Stensrud said the parks department would consider bringing some dirt to fill the hole left by the tree. Matt Whitesitt at 700 South Fourth Street wished for the park to be developed as an official city park with signage and ADA access. Chad Springborg at 612 West James Avenue commented that he would have liked the park to stay as a "neighborhood park" and left to the surrounding homeowners. Member Lozinski remarked that an option could be to turn the park into a pollinator area with wildflowers to reduce the need for maintenance. Lozinski also noted that in his area of the city the homeowners maintain the medians that divide the one-way streets. Administrator Hanson spoke about encroachment issues and if the direction was decided to have the city maintain Elaine Park personal property would need to be moved and boundaries would need to be established. Sarah Whitesitt at 700 South Fourth Street questioned if things were left as is who would be liable for an injury in the park area. It was noted that if the HOA were formed or if the land were divided liability would fall onto the homeowners. Matt Whitesitt re-addressed the committee and commented about city ordinances and mowing of other city parks.

Attorney Sonsalla again explained that the dedication of the park on the Eatros Place plat granted the city an easement and no ownership of Elaine Park. Permission would need to be granted by the Eatros family and the Marshall Golf Club. Janine Erickson on behalf of her mother Fran stated that her mother would have liked to see an actual decision made with some form of formality. Hanson also indicated that she would like a binding decision on record. Hanson also commented that among the individuals that had voiced their opinions no one mentioned vacating the park and selling the land, nor forming an HOA. Member Schafer reiterated the integrity of a neighborhood park and the wishes of the developer to allow some freedom and enjoyment of the park for the surrounding homeowners. Member Alcorn also mentioned that he felt the developer intended the area to be a neighborhood park.

Adjourn

MOTION BY ALCORN, SECOND BY SCHAFFER to adjourn the meeting. ALL VOTED IN FAVOR. MOTION PASSED 3:0.
Meeting adjourned at 6:20 pm.

Respectfully submitted,
Steven Anderson, City Clerk