

**CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, August 23, 2022**

The regular meeting of the Common Council of the City of Marshall was held August 23, 2022, 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: Craig Schafer, Steve Meister, Amanda Schroeder, Russ Labat, John DeCramer, and James Lozinski. Absent: None. Staff present included: Sharon Hanson, City Administrator; Dennis Simpson, City Attorney; Jason Anderson, Director of Public Works/City Engineer via Zoom; E.J. Moberg, Director of Administrative Services; Preston Stensrud, Parks Supervisor and City Clerk Steven Anderson.

The Pledge of Allegiance was recited at this time.

Ceremonial Swearing in of Elected Official

City Clerk Steven Anderson swore in new councilmember Amanda Schroeder who won the August 9th Special Election filing the vacancy in Ward 1.

Consider approval of the minutes from the regular meeting held on August 8, 2022 and special meeting held August 11, 2022

Motion made by Councilmember Meister, Seconded by Councilmember Labat to approve the minutes held on August 8 and the special meeting held on August 11. Voting Yea: Mayor Byrnes, Councilmember Schafer via voice vote, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. Voting Abstaining: Councilmember Schroeder. The motion **Carried. 6-0-1.**

Floodplain Management Ordinance Amendment – Chapter 38, Article II of the City Code of Ordinances – 1) Public Hearing; 2) Adoption of Ordinance.

Mayor Byrnes opened the public hearing and called on Director of Public Works/City Engineer Jason Anderson to lead the hearing. On March 15, 2022, the City received a Letter of Final Determination (LFD) from the Federal Emergency Management Agency (FEMA). The LFD explains that the Flood Insurance Rate Maps (FIRMs) and Lyon County Flood Insurance Study is complete and will become effective on September 15, 2022. In the City of Marshall, map panels 304, 308, and 312 were amended to reflect that the land that is protected by the 1963 levee is land that contains levees that are not accredited, and therefore are not shown to protect from the 1 percent-annual-chance flood. Now that the city flood maps and insurance study have been amended, we are required to ensure that our floodplain management regulations meet Federal standards. Simply stated, our community must amend our floodplain ordinance or adopt a new floodplain ordinance prior to September 15, 2022 in order to continue participating in the National Flood Insurance Program (NFIP). The Minnesota Department of Natural Resources (MNDNR) has reached out to provide the City with a model floodplain ordinance that meets the Federal criteria.

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

Motion made by Councilmember Schafer, Seconded by Councilmember Labat to adopt the Floodplain Management Ordinance Amendment as presented. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 7-0.**

Authorization to Purchase Trees for Parks Department as part of 2021 Preparing for EAB Grant

Parks Supervisor Preston Stensrud presented the bids that were received to purchase trees through a MN DNR grant. The first step of this grant was to remove 113 ash trees from the parks Independence, Legion Field, Victory, Freedom, and Channel Parkway Softball Complex. The next step to fulfill this grant is to purchase and plant 226 new trees in these parks this fall. Four vendors were offered the opportunity to bid providing these trees and 2 bids were received. The

Marshall parks department will be purchasing 226 trees of 16 varieties. The low bid of \$49,960 came from Greenwood Nursery and the bid also included a two-year warranty on the trees.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to accept the bid and purchase trees from Greenwood Nursery. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 7-0.**

Approval of the Consent Agenda

Motion made by Councilmember DeCramer, Seconded by Councilmember Schafer to approve the consent agenda. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 7-0.**

- Consider approval of a Temporary On-Sale Intoxicating Liquor License for Marshall Area Chamber of Commerce at Kruse Motors
- Consider approval of a Temporary On-Sale Intoxicating Liquor License for Marshall Area Chamber of Commerce Taste of Marshall Event.
- Consideration of temporary extension of alcohol license area for Brau Brothers Brewing Company, 1010 East Southview Drive for Hop Fest on September 9-10, 2022
- Consider approval of On-Sale Intoxicating Liquor License and Sunday On-Sale for Knochenmus Enterprises, LLP
- Consider approval of a Temporary On-Sale Liquor License for the Marshall Area YMCA
- Consider approval for a LG214 Premises Permit Application for the Marshall Baseball Association
- Consider a resolution calling for a public hearing on the proposed assessments for ice, snow, and weed elimination.
- Consider approval of the bills/project payments

On-Street Bike Lanes on State Aid Streets.

Director of Public Works/City Engineer Jason Anderson presented the proposed bike lane layouts. MnDOT District 8 staff reviewed the City of Marshall project for final approval. District 8 staff noticed that city on-street bike lanes appeared to be out of compliance with State Aid rules and asked that we review. Most of the city on-street bike lanes do not meet minimum standards for State Aid routes because each roadway use meets the minimum threshold for width. The parking lane, bike lanes, and driving lanes cannot all be at minimum width, and in our situation, we oftentimes are at all minimum widths. Five options were presented to do adhere to State Aid rules. The first option is to widen streets to allow more space. Option two is the keep the bike lanes as they are and apply for a variance. Option three is to remove parking from one side of the street and re-stripe bike lanes. Option four is to remove the dedicated bike lanes and paint shared lane markings. The final option is the remove bike lanes altogether. City staff recommends removing the dedicated bike lanes and paint shared lane markings. This option will make the streets feel more comfortable to the vehicle drivers while also fully accommodating parking and calling attention to bicyclists on the streets. Staff believes this arrangement to be a good compromise to continue to meet our objectives in achieving “complete streets” while also meeting minimum State Aid standards for typical lane widths. The Public Improvement and Transportation Committee met on August 8, and all voted in favor of the shared lane markings. The council commented about education regarding shared bike lanes.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to approve the recommendation by city staff to remove dedicated bike lanes and paint shared lane markings. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 7-0.**

Consider Joint Funding Agreement with US Geological Survey (USGS) for Redwood River Gaging Station near Marshall, Minnesota for Federal FY2022-2026.

In 2010, the City of Marshall was notified that the Department of Natural Resources (DNR) would be discontinuing funding of the stream gage just west of the City of Marshall. The USGS relocated and constructed a new gage at no cost to the local entities but requires funding for 50% of the operational costs. This is an extremely important gage for not only flooding but several other informational issues, including the following items: 75 years of continuous streamflow record; Unregulated flow record important for assessing trends; Site is part of National Streamflow Information Program; Gage data used in USGS water-quality studies; Flood forecasting and warning; Water-quality & aquatic life assessments; and Wastewater permits tied to streamflow. The City of Marshall will be the local project sponsor of the 50% match of this gage. Since the initial agreement, ADM has continued to partner with the city in funding 50% of the annual operational costs, which City staff invoices annually to ADM.

Motion made by Councilmember Schafer, Seconded by Councilmember Labat to authorize the joint funding agreement with the US Geological Survey for the Redwood River Gaging Station. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 7-0.**

Commission/Board Liaison Reports

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| Byrnes | Assigned newly elected Councilmember Amanda Schroeder to the following boards/commissions: Equipment Review, Ways and Means, HRA, and Planning Commission. |
| Schafer | MERIT center was utilized 92 out of 123 from May-August, with approximately 1020 people in attendance. NRCS, MNDOT, Regional Communications Board, FEMA and Hibbing Community College Driving Course were a few notable groups. United Way held their Stuff the Bus event at MERIT and will use the facilities again next year. |
| Meister | No report. |
| DeCramer | MMU met and discussed policies. Well water levels in the area has not reached a point to be of concern. EDA met and received updates on projects such as the former ShopKo building. |
| Labat | Marshall Area Transit is hoping to re-establish some routes with the advent of new driver hires. A grant was received for 6 new bus shelters. |
| Lozinski | No report. |

Councilmember Individual Items

Councilmember Lozinski commented on the success of Sounds of Summer.

Councilmember Labat also commented on the Sounds of Summer and thanked all the staff and sponsors involved. He also wanted to make the public aware that construction is underway for school crossings and to be mindful when driving in the residential area when a detour is present.

Councilmember DeCramer thanked the 150th committee and encouraged the public to view the newly unveiled "M" mosaic at Independence Park.

Councilmember Schroeder thanked everyone for the warm welcome and is honored to be sitting on city council.

City Administrator

Numerous budget discussions are taking place with Director of Administrative Services E.J. Moberg. The EDA has met on various topics and unfortunately some are still pending announcement.

Director of Public Works/City Engineer

RRFB school crossing project started this week and should be completed soon. However, the signage for the RRFB project is on backorder and may not be installed until later this fall. Updates were also given on the following: Halbur Road project; South 1st, Greeley, and Williams Street project; mill & overlay project came in under budget; and West Lyon Street project. MNDOT is doing soil borings along College Drive, and it is possible some lane closures may occur. The railroad crossing on Airport Road is complete and BNSF has some work left on the other crossings. MPCA has notified the city that an audit will be conducted for the stormwater program this year.

City Attorney

No report.

Information Only

There were no questions on the information items.

Upcoming Meetings

There were no questions on the upcoming meetings.

Adjourn

At 6:17pm Motion made by Councilmember Schroeder, Seconded by Councilmember Lozinski to adjourn. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 7-0.**

Mayor

Attest:

City Clerk