

**CITY OF MARSHALL  
CITY COUNCIL MEETING  
M I N U T E S  
Tuesday, January 09, 2024**

The regular meeting of the Common Council of the City of Marshall was held January 9, 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: Craig Schafer, Amanda Schroeder, John Alcorn, See Moua-Leske and Steve Meister. Absent: James Lozinski. 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; Ilya Gutman, Plans Examiner; and Steven Anderson, City Clerk.

**Marshall Baseball Association Donation to Legion Field Improvements**

Preston Stensrud presented a \$64,000 donation from the Marshall Baseball Association. Members of the association were in attendance. Councilmembers thanked the association for their continued support of Legion Field and the City of Marshall.

**Consider Approval of the Minutes from the Special Meeting Held on December 19th**

There were no requests for amendments to the minutes.

Motion made by Councilmember Schafer, Seconded by Councilmember Alcorn to approve the minutes as presented. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske. The motion **Carried. 6-0.**

**General Obligation Bonds, Series 2024A. 1) Conduct a Public Hearing 2) Consider a Resolution Approving a Five-Year Street Reconstruction Plan and the Issuance of General Obligation Street Reconstruction Bonds**

Moberg opened the public hearing by stating that the City is authorized under Minnesota Statutes, Section 475.58, subdivision 3b to prepare a plan for street reconstruction or bituminous overlay of streets in the City over the next five years, which includes a description of the street reconstruction or overlay to be financed, the estimated costs, and any planned reconstruction or overlay of other streets in the City over the next five years. The City may issue general obligation bonds to finance the cost of street reconstruction activities described in such plan. Before the approval of the street reconstruction plan and the issuance of any bonds the City is required to hold a public hearing on the plan and the issuance of bonds thereunder. Following the hearing, the resolution would authorize approval of the street reconstruction plan and the issuance of general obligation street reconstruction bonds in the maximum principal amount of \$2,100,000 to finance the costs of the Project, as described in the Plan. The street reconstruction plan would be available for inspection at the Finance Department. Moberg also noted that under statute the issuance of street reconstruction bonds must be approved by a vote of two-thirds majority of members of the governing body present at the meeting following a public hearing. Councilmember Meister asked if the street reconstruction was delayed and what would be the effects. Director Anderson indicated that generally each year there would be a 3%-6% increase in costs. Moberg said if the bonding were to be passed it would have resulted in a 5.3% increase to the 2025 levy. Councilmember Schafer added that some of these street reconstruction projects were in preparation for the 2025/2026 Trunk Highway 19 project and to ensure that city infrastructure was in place to connect utilities and reduce overall cost for both the City of Marshall and MnDOT.

Motion made by Councilmember Schafer, Seconded by Councilmember Meister to close the public hearing. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske. The motion **Carried. 6-0.**

Motion made by Councilmember Alcorn, Seconded by Councilmember Schafer to adopt Resolution 24-006 approving a street reconstruction plan and the issuance of general obligation street reconstruction bonds. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske. The motion **Carried. 6-0.**

**General Obligation Bonds, Series 2024A. 1) Conduct a Public Hearing 2) Resolution Approving Property Tax Abatement to Finance Certain Public Improvements in the City**

The City was proposing property tax abatement to aid in financing certain public improvements, including improvements to various city parks (Independence Park and Legion Field), all pursuant to Minnesota Statutes, Sections 469.1812 through 469.1815. The City intends to issue one or more series of general obligation bonds, a portion of which would be designated as tax abatement bonds, in the aggregate principal amount estimated not to exceed \$600,000 to pay the costs of the project. Moberg explained that this was a financial tool available to the city to pledge the cities portion of taxes to the debt and was not similar to other tax abatements that were offered to homeowners or commercial businesses.

Motion made by Councilmember Schroeder, Seconded by Councilmember Moua-Leske to close the public hearing. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske. The motion **Carried. 6-0.**

Motion made by Councilmember Schroeder, Seconded by Councilmember Alcorn to adopt Resolution 24-007 approving property tax abatement to finance certain public improvements in the city. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske. Voting Nay: Councilmember Meister. The motion **Carried. 5-1.**

**Approval of the Consent Agenda**

There were no requests to remove an item from the consent agenda for further discussion.

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

- Consider a Resolution Designating the Official Newspaper
- Consider Resolution designating the Official Depositories for City Funds for 2024
- Consider Resolution Delegating Authority to the City to Make Electronic Fund Transfers
- Consider Approval of a Resolution to Authorize the Finance Director to Pay Certain Claims
- Consider Approval for the Marshall Golf Club to Conduct a Raffle on June 1st
- Consider Approval to Renew a 3.2 Off Sale Liquor License for Freedom Valu Center
- Consider Approval to Renew Tobacco License for Freedom Valu Center
- Consider Approval of Taxicab License Renewal
- Introduction of an Ordinance Amending the City Charter and Call for Public Hearing
- Introduction of Ordinance Adding Article 18-VIII Residential Rental Code and Call for Public Hearing
- Adopt an Annual Election to Set a Micro-Purchase Threshold of \$25,000
- Consider Approval to Change Regular Meeting Dates in August and December
- Consider Approval of Administrative Hearing Officers
- Acceptance of Donation to the Marshall Parks Department for Improvements at Legion Field
- Repeal of Emergency Ordinance 23-019
- Consider Approval of the Bills/Project Payments

**Consider a Resolution Authorizing Submission of the Pay Equity Implementation Report**

Sheila Dubs described the need to authorize submission of the pay equity implementation report. In 1984, the Minnesota Legislature passed the Local Government Pay Equity Act, Minnesota Statutes 471.991 to 471.999. That law required all public jurisdictions to eliminate any gender-based wage inequities in compensation and to submit reports to the Minnesota Department of Management and Budget once every three (3) years. That report was not required for private businesses. The City of Marshall was required to submit the report by January 31, 2024, using compensation and employee data that were effective on December 31, 2023. Pay Equity was a method of eliminating discrimination against women who are paid less than men for jobs requiring comparable levels of

expertise. Minnesota's pay equity law does not address individual differences in pay; rather, it relates to the overall structure of a pay system. The pay equity law does not take the job market or another organizations' salary data into account, the statistical analysis is based solely on the City of Marshalls internal compensation structure. Four tests are used to determine compliance: Statistical Analysis, Salary Range, Exceptional Service, and Completeness and Accuracy tests. The City of Marshall was in compliance with all four tests. Dubs further explained that the predicted pay report often generated questions. The predicted pay report was only to be utilized if a public entity was out of compliance, so no further action was needed by the City of Marshall.

Motion made by Councilmember Meister, Seconded by Councilmember Schafer to adopt Resolution 24-013 authorizing submission of the 2024 pay equity implementation report. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske. The motion **Carried. 6-0.**

#### **Authorization of Services with Widseth for Purpose of DNR Outdoor Recreation Grant Application for 2024**

Stensrud said that for the past several years the Parks Department has applied for the DNR Outdoor Recreation Grant annually. Several times, the work for the grant application was done by City staff, however, in the past two years we have utilized services from Widseth to complete the application process of which both years were successful awards. For the next grant application, staff would like to apply for funding towards the renovation/remodeling of the Bandshell at Liberty Park. In 2021, the Bandshell was inspected by a Structural Engineering Firm, that report had been shared with Council previously. The report noted significant deterioration of the support structures and recommended significant repairs or even replacement. If awarded, the grant would require a 50/50 match and the project would need to be completed by June 30, 2026. Costs for the project are expected to be close to \$500,000. Currently, the 2025 CIP has \$400,000 earmarked for funding this project. The maximum eligible award amount is \$350,000. Councilmember Schafer shared that hopefully the band shell could be restored to at least it's original size but not any smaller and also asked if the grant writing would be considered as part of the 50/50 match. Stensrud verified that the grant writing could not be included as part of the match because the grant would not have yet been awarded. Mayor Byrnes and Stensrud commented that Widseth had previously helped the city win a grant to replace the Independent Park main shelter and bathroom.

Motion made by Councilmember Schafer, Seconded by Councilmember Schroeder to authorize the services of Widseth for the purpose of a DNR Outdoor Recreation grant application. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske. The motion **Carried. 6-0.**

#### **Consider Resolution for Municipal State Aid Street System (MSAS) 2024 Advance Funds (Z88 State Aid Overlay Bond Payment, 2024 AT Grant Project)**

The 2021 State Aid Overly Project (Z88) was substantially completed in 2021 with final completion in 2022. The project was financed through municipal bonds that were issued locally, with the intent of utilizing Municipal State Aid Street (MSAS) funds to make bond payments. Project PK-013 includes shared use trail and Rectangular Rapid Flashing Beacon (RRFB) improvements at three different locations. The project would add trail along US 59 between Boyer Drive and Windstar Street, an RRFB pedestrian crossing along US 59 at A Street, and an RRFB pedestrian crossing of CR7/Airport Road near the Redwood River which includes realignment of the existing bike trail to eliminate the need to use Airport Road as a bike trail. The project is funded by an Active Transportation (AT) Grant award to the City of Marshall, in the amount of \$360,381. The intent is to utilize MSAS funds to pay for applicable engineering fees and to cover any construction costs should costs exceed our AT Grant award. The current MSAS construction account balance as of 01/04/2024 was -\$2,060,591. Because the city has "advanced" future years of funding to finance past projects, the account has a negative account balance. The total maximum MSAS advance, set by Minnesota Commissioner of Transportation is the lesser of \$4,000,000 or five (5) times the City annual construction apportionment. The 2024 City of Marshall annual construction apportionment was estimated at \$809,261, which times 5 results in an amount of \$4,101,855. Therefore, the maximum amount of MSAS advance

for the city is \$4,000,000. Resolution 24-012 was required in order to allow MSAS advance funding. The resolution identifies a request to advance funds for Z88 bond principal payment and PK-013 engineering costs and possible construction costs in excess of our AT Grant award.

Motion made by Councilmember Meister, Seconded by Councilmember Moua-Leske to adopt Resolution 24-012 requesting an advance of Municipal State Aid System funding in the amount of up to \$,1636,330. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske. The motion **Carried. 6-0.**

**Justice Park Trail Project – 1) Consider Resolution Authorizing Agent of Sponsoring Agency for Transportation Alternatives Project; 2) Consider Resolution Identifying Responsibility for Operation and Maintenance for Transportation Alternatives Project**

MnDOT District 8 was soliciting for 2028 Transportation Alternatives (TA) grant applications. The TA grant was a 80-20 grant to match program that provides funds for pedestrian and bike facilities, historic preservation, Safe Routes to School, and more. Previous projects the City had funded through this program include the Rectangular Rapid Flashing Beacon School Crossings Project, which was constructed in 2022, the C St.-Southview Trail Project which is scheduled for construction in 2025, and the East Lyon Street Trail Project which is scheduled for construction in 2026. The proposed project included the reconstruction of a 10-foot-wide multi-use trail through Justice Park and replacement of a pedestrian bridge over the Redwood River from Pleasant Street to Justice Park by reconstruction of approximately 1,200 feet of off-street multi-use trail through Justice Park and the replacement of the City's oldest pedestrian bridge. The pedestrian bridge is a direct connection point from the neighborhood across the Redwood River into Justice Park. The project would replace distressed paving and replace a dated bridge with a pedestrian friendly crossing over the Redwood River while bringing both the pedestrian bridge and trail into compliance with current ADA standards. To complete the grant application process, staff would like the City Council to offer their support for the grant application. One resolution identified the City as the grant sponsoring agency and the entity responsible for managing the grant. The other resolution identified the City as the responsible party for continued operation and maintenance of the shared use path. There was no fiscal impact as of the date of this meeting.

If awarded a grant, staff would be notified in Spring 2024. In today's dollars, our cost estimate for City participation is \$103,576 in cash with the City also providing the services for grant application, project design, project permitting, and construction administration. These engineering services are valued at approximately \$82,862. Local cost participation may be funded through the use of Municipal State Aid Street (MSAS) funds. Councilmember Moua-Leske asked if the grant funds would lock-in with the estimated amount being provided or would it adjust when the project actually happens. Director Anderson said that MnDOT would typically apply an inflation factor for these types of projects to get the funding more closely aligned when the project starts.

Motion made by Councilmember Moua-Leske, Seconded by Councilmember Alcorn to adopt Resolution 24-008 authorizing agent of sponsoring agency for Transportation Alternatives Project. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske. The motion **Carried. 6-0.**

Motion made by Councilmember Schafer, Seconded by Councilmember Meister to adopt Resolution 24-009 identifying responsibility for operation and maintenance for Transportation Alternatives Project. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske. The motion **Carried. 6-0.**

**Country Club Trail Reconstruction Project – 1) Consider Resolution Authorizing Agent of Sponsoring Agency for Transportation Alternatives Project; 2) Consider Resolution Identifying Responsibility for Operation and Maintenance for Transportation Alternatives Project**

Director Anderson said that this was the same TA grant as the previous item but for reconstruction along County Club Drive. The Country Club Trail Reconstruction project includes reconstruction of approximately 1,300 feet of off-street multi-use trail running parallel to County Club Drive. The reconstruction would start at Travis Road and end at Southview Drive. This project will replace distressed paving, construct ADA compliant pedestrian ramps and improve drainage within the limits of the project. Some of the paving would occur over private driveways along the trail. The cost was estimated to be \$70,936 for the city portion. Councilmember Moua-Leske asked if any special assessments would be given to the homeowners that are along the trail. Director Anderson stated that staff would not propose assessing homeowners and special assessments are generally only assessed to street reconstruction projects.

Motion made by Councilmember Schafer, Seconded by Councilmember Schroeder to adopt Resolution 24-010 authorizing agent of sponsoring agency for Transportation Alternatives Project. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske. The motion **Carried. 6-0.**

Motion made by Councilmember Moua-Leske, Seconded by Councilmember Alcorn to adopt Resolution 24-011 identifying responsibility for operation and maintenance for Transportation Alternatives Project. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske. The motion **Carried. 6-0.**

#### **Commission/Board Liaison Reports**

Brynes	No report.
Schafer	Airport Commission discussed the Instrument Landing System and the tentative construction plan to replace the ILS. The Airport Commission has one open position to be filled by the community.
Meister	EDA discussed the projects and initiatives that occurred in 2023. Kwik Trip plans to open the College Drive location in January and the Main Street location in June if the construction season was favorable. Grant applications for Main Street Revitalization were being accepted.
Schroeder	The EDA also discussed their strategic plan.
Alcorn	No report.
Moua-Leske	DEI discussed Juneteenth and the It Begins with Us event held at SMSU. The DEI commission has three openings they are hoping to have filled. The Library Board cut their meeting short because of the weather but did welcome their newest member Michael Fenske and went over the library directors end of year evaluation.
Lozinski	Absent.

#### **Councilmember Individual Items**

Councilmember Schafer reminded citizens to clear sidewalks of snow and to be mindful of neighbors.

Mayor Byrnes made no changes to the board/commission assignments. Byrnes also mentioned that the city has a cost participation program of up to \$750 to replace portions of a sidewalk.

Mayor Byrnes reviewed his top priorities for the upcoming year.

1. Aquatic Center planning. Mayor Byrnes assigned Councilmembers Schafer, Alcorn, and Moua-Leske to the Aquatic Center committee.
2. Highway 19 Project.
3. Industrial Development, which included the Solugen Bioforge project.
4. Shopko building development.
5. Affordable housing.
6. Cannabis policies.
7. Final 2020 census population number.
8. Emerald ash borer.
9. Compost/tree disposal site location.
10. Elections.

### **City Administrator**

Commission and Board openings will be posted/published soon for citizens. The Legislative & Ordinance Committee met and considered allowing the manufacture of THC beverages for breweries/distilleries and allowing on-site consumption of THC beverages for holders of an on-sale liquor license issued by the City of Marshall.

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

TKDA has a scope of services that might be brought before council for the ILS at the airport. A pre-bid conference with contractors was held for the SRE building and bids would be opened on January 23<sup>rd</sup>. A task force was created to discuss the banks of the Redwood River and a meeting with property owners at Lyon Circle would be held on January 18.

### **City Attorney**

Clarified on-site consumption of THC beverages proposed amendments and the repeal of the emergency ordinance. Whitmore explained the repeal needed to follow the same method of how the emergency ordinance was enacted which was why there was not an introduction and passage at a following meeting that other ordinances follow.

### **Administrative Brief**

There were no questions on the Administrative Brief.

### **Information Only**

There were no questions on the Information Only items.

### **Upcoming Meetings**

There were no questions on the Upcoming Meetings.

### **Adjournment**

At 6:37 PM Motion made by Councilmember Meister, Seconded by Councilmember Schroeder. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske. The motion **Carried. 6-0.**

Attest:

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Steven Anderson, City Clerk

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Craig Schafer, President Pro Tem