

**CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, August 27, 2024**

The regular meeting of the Common Council of the City of Marshall was held August 27, 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 (via Zoom), Amanda Schroeder, Steve Meister, John Alcorn, James Lozinski and See Moua-Leske. 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; Preston Stensrud, Park & Rec Supervisor; Lauren Deutz, Economic Development Director; Ilya Gutman, Plans Examiner; and Steven Anderson, City Clerk.

Consider Approval of the Minutes from the Regular Meeting and Work Session Held on August 12th

There were no amendments to the minutes from the meetings held on August 12, 2024.

Motion made by Councilmember Meister, Seconded by Councilmember Schafer to approve the minutes from the Regular Meeting and Work Session from August 12, 2024. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

1) Conduct Public Hearing for Proposed Assessments for Unpaid Services 2) Consider Resolution Adopting Unpaid Assessments to be Certified to the Auditor/Treasurer

Clerk Anderson opened by explaining that the public hearing was for unpaid services for ice, snow, grass, and weed removal as well as for Fire Call services provided by the Marshall Fire Department. The Finance Department had sent past due invoices to the properties and were requesting the unpaid invoice amounts be certified to the Lyon County Auditor/Treasurer's Office as a special assessment for taxes payable in 2025. Anderson had sent notices of the public hearing pursuant to Minnesota Statutes and three property owners had paid once notice was received. Anderson also mentioned that parcels 27-156027 and 27-600100-0 were under new ownership and recommended that these two properties be removed for the assessment list.

Motion made by Councilmember Lozinski, Seconded by Councilmember Alcorn 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 Meister, Seconded by Councilmember Lozinski to approve Resolution 24-076 Adopting Assessments for Unpaid Services and to remove Parcel #s 27-156027-0 and 27-600100-0 from certification. 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 the Consent Agenda

Motion made by Councilmember Meister, 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, Councilmember Lozinski. The motion **Carried. 7-0.**

- Consider Approval for a Temporary Liquor License for the Chamber of Commerce on September 3rd
- Consider Temporary Extension of Alcohol License Area for Brau Brothers Brewing Company
- Consider Approval for a Raffle Permit for Tracy Area Animal Rescue on September 7, 2024
- Consider Request of Southwest Minnesota State University for Homecoming Parade (Saturday-October 12, 2024).
- Preliminary Plat of Stone Meadow – Introduction of Preliminary Plat

- Consider the Approval of Modifications to the Restrictive Covenants for Stone Meadows Subject to Wal-Mart Real Estate Business Trust Approval
- Call for a Public Hearing Regarding Proposed Property Tax Abatement for SR Auto Repair Garage
- Introduce the Request of Turkey Valley Farms to Rezone Two Lots from R-1 One Family District to R-2 One to Four Family District
- Consider Approval of the Bills/Project Payments

Consider the Request of Paul and Joanne Stoneberg for a Conditional Use Permit for Three Multifamily Apartment Buildings in a B-3 General Business District

Gutman explained that the Stoneberg Family and the developer Kuepers Architects and Builders had submitted a building permit to build an apartment complex at 1000 Clarice Avenue, which was adjacent to Runnings and Wal-Mart. A public hearing was held with the Planning Commission on August 14, 2024, and was recommended for approval. Councilmember Lozinski asked if the apartments would hinder the traffic in the area. Gutman replied that because the area was designed as a commercial area the public ways should be more than adequate to handle the additional traffic.

Motion made by Councilmember Schafer, Seconded by Councilmember Schroeder to adopt Resolution 24-077 approving a Conditional Use Permit for 1000 Clarice Avenue for a Three Multi-Family Apartment Building. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Consider the Request of Independent Lumber for a Conditional Use Permit for a Lumberyard in a B-3 General Business District

Gutman began by stating that the request was unique as the existing lumberyard was built before the area was annexed into city limits. As part of the annexation, Independent Lumber was grandfathered in and became a legal non-conforming use, as the ordinance required. However, the provision did not allow expansion of the use, and the owner wanted to build more buildings. Granting a Conditional Use Permit would allow for further development and would remove potential limitations on expansion. Menards was considered a lumberyard and was also granted a Conditional Use Permit for such use.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schroeder to adopt Resolution 24-078 approving a Conditional Use Permit for 504 – 508 Baseline Road for a lumber yard. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Legion Baseball Field Improvements Discussion and Authorization to Proceed

On August 22 staff received quotes for improvements at Legion Field and only one quote was received due to two other local contractors not having time to complete the work this fall. Improvements included the construction of a new dugout and installation and construction of a new backstop netting system. The quote received was \$281,300.00. Staff met with the contractor who submitted the only quote to get a better understanding of pricing on each part of the project. It was made known at that time that the submitted pricing included sheltering and heat for the brick work. After further review and negotiations new pricing was received for the Dugout Construction of \$158,589.00, and Backstop Construction of \$95,490.00 for a total of \$254,079.00. With bonding dollars and donations there was approximately \$584,000 available in funds. There was an additional \$30,000 in donations pending. Staff would need to complete the remaining dugout, restrooms, and concession stand next year and there was an additional \$490,000 budgeted for 2025 in the Capital Improvement Plan with the remaining funds from 2024. Attorney Whitmore clarified that when the project was being put together Stensrud had a good faith estimate less than \$175,000 for the project, thus the reason for going out for quotes instead of competitive bids. It was unexpected that the project would come in so high and with only one bidder. Stensrud also attributed the increased cost and lack of quotes due to the short

construction window between the baseball seasons and deficiency in the number of bricklayers in Southwest Minnesota.

Motion made by Councilmember Meister, Seconded by Councilmember Lozinski to accept the quote of \$158,589 for Dugout Construction, and \$95,490 for Backstop Construction from Bladholm Construction. 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	No report.
Schafer	No report.
Meister	No report.
Schroeder	EDA discussed the tax abatement for SR Auto Repair Garage and held public hearings for the Conditional Use Permits for Independent Lumber and Stone Meadow Plat. Lauren Deutz was considering doing EDA tours sometime in the fall.
Alcorn	No report.
Moua-Leske	No report.
Lozinski	No report.

Councilmember Individual Items

Councilmember Alcorn commented on the Sounds of Summer and Mayor Byrnes thanked the members of the committee and city staff for running another successful event.

City Administrator

No report.

Director of Public Works/City Engineer

Updates were given on the following projects: Whitney Street; Lyon Circle; and United Community Action Partnership bus shelters.

City Attorney

No report.

Information Only

There were no question on the Information Only items.

Upcoming Meetings

There were no question on the Upcoming Meetings.

Adjournment

At 5:53 PM Motion made by Councilmember Meister, Seconded by Councilmember Lozinski to adjourn the meeting. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Attest:

Steven Anderson, City Clerk

Robert Byrnes, Mayor