

**CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, January 14, 2025**

The regular meeting of the Common Council of the City of Marshall was held January 14, 2025, 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, See Moua-Leske, John Alcorn, Amanda Schwartz and Amanda Schroeder. 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; Jasmine DeSmet, Community Education Coordinator; Preston Stensrud, Park and Rec Supervisor; and Steven Anderson, City Clerk.

Ceremonial Swearing in of Elected Officials

Clerk Anderson swore in the newly elected Councilmember Amanda Schwartz and re-elected Mayor Robert Byrnes and Councilmember Amanda Schroeder. Councilmember Lozinski was unavailable and had been sworn in separately.

Mayor for a Day

The League of Minnesota Cities and the City of Marshall held a "Mayor for a Day" essay contest open to Fourth, Fifth and Sixth grade students in the area. The essay written by Micah Thor was selected as the winner. Micah read his essay and was presented with a certificate by Mayor Byrnes.

Consider Approval of the Minutes from the Meeting Held on December 17

There were no amendments to the minutes from the meeting held on December 17, 2024.

Motion made by Councilmember Schafer, Seconded by Councilmember Schroeder to approve the minutes from December 17, 2024. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schroeder, Councilmember Schwartz. The motion **Carried. 6-0.**

Project ST-012-2025: S Hill Street / S Minnesota Street / Charles Avenue Reconstruction Project - 1) Public Hearing on Improvement; 2) Consider Resolution Ordering Improvement and Preparation of Plans; 3) Consider Resolution Approving Plans and Specifications and Ordering Advertisement for Bids

Director Anderson opened the public hearing by explaining that property owners that were affected by the project had been notified that a hearing would be held on January 14, 2025. The project consisted of reconstruction and utility replacement on South Hill Street and South Minnesota Street from East College Drive to Charles Avenue, two alleys from East College Drive to Charles Avenue and Charles Avenue from South Whitney Street to South Minnesota Street. All utilities would be replaced, including watermain, sanitary sewer, and storm sewer within the areas identified above. The project also included new water and sewer services to the right-of-way. Other items of work included in the project were pavement removal, aggregate base, bituminous surfacing, concrete surfacing, sidewalks, curb and gutter and other minor work. City staff previously invited all property owners in the project area to a project informational meeting that was held on November 21, 2024, in the City Council Chambers.

The engineer's estimate for the construction portion of the project was \$1,146,600. The total estimated project cost, including 10% allowance for contingencies and 16% for engineering and administrative costs, was \$1,463,100. All improvements would be assessed according to the current Special Assessment Policy, including, but not limited to, participation from Marshall Municipal Utilities, Wastewater Department, Surface Water Management Utility Fund and Ad Valorem participation. No members of the public approached the podium when Mayor Byrnes called for public comment. Mayor Byrnes did note that a super majority of all council members were required to pass the project. Since councilmember Lozinski was absent all present councilmembers would need to vote in the affirmative for the project to pass.

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

Motion made by Councilmember Alcorn, Seconded by Councilmember Moua-Leske to adopt Resolution 25-005 Ordering the Improvement and Preparation of Plans for ST-012-2025. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schroeder, Councilmember Schwartz. The motion **Carried. 6-0.**

Motion made by Councilmember Schafer, Seconded by Councilmember Schroeder to adopt Resolution 25-006 Approving the Plans and Specifications and Ordering Advertisement for Bids for Project ST-012-2025. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schroeder, Councilmember Schwartz. The motion **Carried. 6-0.**

Approval of the Consent Agenda

There were no requests to remove an item on the consent agenda for additional discussion.

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

- Consider Resolution Designating the Official Newspaper
- Consider Resolution Designating the Official Depositories for City Funds for 2025
- Consider Resolution Delegating Authority to the City to Make Electronic Fund Transfers
- Adopt an Annual Election to Set a Micro-Purchase Threshold of \$25,000
- Renewal of Unlicensed Maintenance Electrician Inspection Agreement for 2025-2026
- Consider Approval to Change Regular Meeting Date in November
- Consider Approval for a Raffle Permit for Holy Redeemer Church on February 3, 2025
- Consider Approval of a Temporary Liquor License for the SMSU Foundation for February 8, 2025
- Consider Mayoral Appointment for Councilmembers to Boards/Commissions and Committees
- Consider Approval of the Bills/Project Payments

Selection of City Council President Pro Tempore by City Council

In the event of the absence of the mayor under section 2.06 of the City Charter the Council shall choose from its members a President Pro tempore to hold office. Councilmember Moua-Leske nominated Councilmember Schafer. Mayor Byrnes asked for any additional nominations, and none were heard.

Motion made by Councilmember Schroeder, Seconded by Councilmember Alcorn to elect Councilmember Craig Schafer as President Pro tempore. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Schroeder, Councilmember Schwartz. Voting Abstaining: Councilmember Schafer. The motion **Carried. 5-0-1.**

Noticed Closure from Broadmoor Manufactured Home Park 1) Closed Session Pursuant to Minnesota Statutes, Section 13D.05, Subdivision 3(b) for an Attorney-Client Protected Discussion with the City's Attorney Regarding Threatened Litigation by Schierholz & Associates in Response to City Receipt of the Minnesota Attorney General's Office's Objection to Broadmoor Valley Closure Statement 2) Discussion of Cancellation of Public Hearing

Motion made by Councilmember Schafer, Seconded by Councilmember Moua-Leske to move into closed session pursuant to Minnesota Statutes Section 13D.05, subdivision 3(b) for an attorney-client protected discussion with the city attorney regarding threatened litigation by Schierholz and Associated in response to City receipt of the Minnesota Attorney General's Office objection to Broadmoor Valley closure statement. Voting Yea: Mayor Byrnes,

Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schroeder, Councilmember Schwartz. The motion **Carried. 6-0.**

Attorney Whitmore summarized that the city received notice from Paul Schierholz on behalf of Schierholz & Associates of the intent to cease operation of Broadmoor Valley as a manufactured home park as of December 1, 2025. The notice received contained the mandatory language typed in the correct font as required under Minn. Stat. §327C.095 and addressed the topics required by Minn. Stat. § 327C.015. As such, the City had to presume sufficiency of the notice and scheduled a public hearing in accordance with Minn. State 327C on February 18, 2025. On January 8, 2025, the city received a copy of a letter sent from the Office of the Attorney General to Paul Schierholz and Schierholz & Associates, Inc., as well as to his attorneys, notifying Mr. Schierholz that the Attorney General deemed the notice insufficient. The Attorney General based its findings on the fact that the Notice contained the word “unknown” in reference to sites located within a specific distance and alternative parks listed in the notice would become available and at what cost. Schierholz and Associates attorney sent a letter to the City of Marshall in response to the Attorney General letter stating that the Attorney General was overreaching their authority in denying Schierholz and Associates their lawful right and the city could be held liable for canceling the required public hearing. Attorney Whitmore pointed out that Chapter 327 does not give the city authority to determine the lawfulness of closure notice, that authority was specifically given to the Attorney General. Since the Attorney General determined that the closure notice wasn’t sufficient staff would recommend canceling the public hearing. There may be a new closure notice coming and at that time council could set a new public hearing that adheres to the new timeline.

Motion made by Councilmember Schafer, Seconded by Councilmember Schroeder to cancel the public hearing that was scheduled for February 18, 2025, to address the November 18 notice of closure from Schierholz and Associates and to direct staff to inform Minnesota Public Housing of the cancelation. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schroeder, Councilmember Schwartz. The motion **Carried. 6-0.**

Consider Approval of Joint Powers Agreement Renewal with Marshall Public Schools

The Join Powers Agreement with the Marshall Public Schools was reviewed annually. During the review the city staff made a few changes, which included updating the Marshall Public Schools organizational chart and removing the by-laws which are now under a separate document. Hanson pointed out that the JPA is unique in Minnesota as only one other city has something similar in place. Marshall Public Schools had already reviewed the document and approved it during their December 16, 2024, board meeting.

Motion made by Councilmember Schroeder, Seconded by Councilmember Alcorn to approve the Joint Powers Agreement renewal with Marshall Public Schools relating to the establishment and operation of a jointly sponsored community education and recreation program and shared facilities use. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Schafer, Councilmember Schroeder, Councilmember Schwartz. Voting Abstaining: Councilmember Moua-Leske. The motion **Carried. 5-0-1.**

Consider Resolution for 2025 Municipal State Aid Street (MSAS) Funds Advance for Various Projects

The Municipal State Aid Street program provides funding to assist municipalities with the construction and maintenance of community-interest streets on their state aid systems. The program was administered by MnDOT’s State Aid for Local Transportation. The MSAS construction account balance as of December 30, 2024, was (\$1,048,755). Because we had “advanced” future years of funding to finance past projects, the city has a negative account balance. The total maximum MSAS advance, set by the Minnesota Commissioner of Transportation was the lesser of \$4,000,000 or five (5) times the City annual construction apportionment. The 2025 City of Marshall annual construction apportionment was estimated at \$918,072, which multiplied by five results in an amount of \$4,590,360. Therefore, the maximum amount of MSAS advance for the City is (\$4,000,000).

Staff recommended a total of \$865,000 in 2025 MSAS disbursements, resulting in total State Aid advance in an amount up to \$995,683 required to be repaid in accordance with the regulations established by MnDOT from future MSAS disbursements

Motion made by Councilmember Schafer, Seconded by Councilmember Alcorn to adopt Resolution 25-007 requesting an advance of Municipal State Aid System funding in the amount of up to \$995,683. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schroeder, Councilmember Schwartz. The motion **Carried. 6-0.**

Authorize to Advertise for Request for Qualifications (RFQ) for Airport Consultant Services for 5-Year CIP Items at Airport

Consultant selection for assistance in the completion of airport projects included in the Capital improvement Plan for the Airport must be performed every 5 years to satisfy Federal Air Administration requirements. The current TKDA Professional Services Agreement would expire on March 10, 2025. Any future Project Authorizations would be subject to going through the consultant selection process and executing a new Professional Services Agreement.

Motion made by Councilmember Schafer, Seconded by Councilmember Moua-Leske to authorize advertisements for airport consultant services per Federal Air Administration requirements. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schroeder, Councilmember Schwartz. The motion **Carried. 6-0.**

Project ST-012-2024: South Whitney Street Reconstruction Project (E College Dr to Jean Ave) - Consider Change Order No. 4 (Final) and Acknowledgement of Final Pay Request (No. 9)

The project consisted of reconstruction of sidewalks, roadways and utility replacement on South Whitney Street from East College Drive to Jean Avenue. All public utilities were replaced, including watermain, sanitary sewer, and storm sewer on South Whitney Street. Other items of work included in the project were pavement removal, aggregate base, bituminous surfacing, sidewalks, curb and gutter, and other minor work. All work had been completed in accordance with the specifications. Change Order No. 4 (Final) resulted in a contract decrease in the amount of (\$5,853.23). Final Pay request No. 9 in the amount of \$77,689.57 resulted in a total contract amount of \$1,607,751.37, a net increase of \$42,044.77 (+2.69%) from the original contract amount of \$1,565,706.60.

Motion made by Councilmember Schafer, Seconded by Councilmember Moua-Leske to approve Change Order No. 4 (Final) resulting in a contract decrease in the amount of (\$5,853.23) and acknowledge Final Pay Request No. 9 in the amount of \$77,689.57 for the project to D&G Excavating, Inc of Marshall. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schroeder, Councilmember Schwartz. The motion **Carried. 6-0.**

Commission/Board Liaison Reports

Byrnes	SWRD received their 2021/2022 audit. SWRD had to change auditors and are also working on the 2022/2023 and 2023/2024 audits.
Alcorn	No report.
Lozinski	Absent.
Moua-Leske	DEI Commission submitted a letter to the editor and was contemplating using Consensus Decision Making instead of Roberts Rule of Order. CVB began interviews for a summer intern.
Schafer	No report.

Schroeder No report.

Schwartz No report.

Councilmember Individual Items

Mayor Byrnes reviewed his projects and goals for the upcoming year: Aquatic Center Construction; Comprehensive Park Plan; Bandshell Replacement; Independence Park Pavilion; Highway 19 Reconstruction; Charles/Hill/Minnesota Reconstruction; Legion Field Stormwater Retention Phase 3; Fire Department Aerial Apparatus; MERIT Center Bonding; Industrial Development; Retail Development; Hotel Development; Broadmoor Valley Committee; Affordable Housing; and Home Buyer Assistance.

City Administrator

An update on the city’s strategic plan was included in the information only items of the packet.

Director of Public Works/City Engineer

No report.

City Attorney

No report.

Administrative Brief

There were no questions or comments about the Administrative Brief.

Information Only

There were no questions or comments about the Information Only items.

Upcoming Meetings

There were no questions or comments about the Upcoming Meetings.

Adjourn

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

Attest:

City Clerk

Mayor