

## REGULAR MEETING – MAY 8, 2018

The regular meeting of the Common Council of the City of Marshall was held May 8, 2018 in the Professional Development Room at the Marshall Middle School, 401 South Saratoga 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, Steven Meister, Glenn Bayerkohler, John DeCramer, David Sturrock and James Lozinski. Absent: None. Staff present included: Sharon Hanson, City Administrator; Dennis Simpson, City Attorney; Jason Anderson, Assistant City Engineer/Zoning Administrator; Karla Drown, Finance Director; Ilya Gutman, Plan Examiner/Assistant Zoning Administrator and Kyle Box, City Clerk.

The Pledge of Allegiance was recited at this time.

### Approval of Agenda

There was a general consensus to operate under the current agenda.

### Consider approval of the minutes of the regular meeting held on April 24, 2018

Member **Craig Schafer** Moved, Member **James Lozinski** Seconded to approve the **ORIGINAL** motion 'that the minutes of the regular meeting held on April 24, 2018 be approved as filed with each member and that the reading of the same be waived'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

### Approval of Consent Agenda

City Attorney Simpson requested that item number 8, Introduction of the Planned Unit Development Agreement regarding Unique Addition plat, be removed for further discussion.

Council member Schafer requested that item number 7, Consider Requested of Street Closure for Reinhart Foodservice for Company Truck Rodeo Event on June 9, 2018 – Call for Public Hearing, be removed for further discussion.

Member **John DeCramer** Moved, Member **Steven Meister** Seconded to approve the **ORIGINAL** motion 'the following consent agenda items be approved as presented.'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

Approval of a LG220 Application for Exempt Permit for Lyon County Agricultural Society for August 10, 2018.

Call for Public Hearing on a new On-Sale Intoxicating Liquor License for AJ's Family Arcade, Inc.

Approval of the bills/project payments.

### Consider Request for Street Closure from Reinhart Foodservice for Company Truck Rodeo Event on June 9, 2018 – Call for Public Hearing

Reinhart Foodservice (Reinhart) is requesting street closure for a company truck rodeo event proposed from 7:00 a.m. to 12:00 noon on Saturday, June 9, 2018. The purpose of the closure is to enable Reinhart to provide an employee competition and fun event utilizing the private property and a portion of the street for a track for Reinhart's equipment rodeo. The street closure

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does not include Mn/DOT right-of-way. Alter Metal Recycling is not open for business on Saturday, including the date of this event. Reinhart is responsible for all traffic control as required by the Minnesota Manual of Uniform Traffic Control Devices (MMUTCD). Reinhart is also responsible for personally contacting adjacent businesses informing them of the closure.

Council member Schafer provided discussion from a previous conversation with Director of Public Safety Rob Yant, to have the applicant potentially use the MERIT Center Facility for their event. There was further discussion by Council.

Member **Craig Schafer** Moved, Member **John DeCramer** Seconded to approve the **ORIGINAL** motion 'that the Council call for a public hearing to be held on May 22, 2018 regarding the request of Reinhart Food Service for the closure of West Fairview Street from just east of Ace Hardware's north driveway to just west of the Burlington Northern Railroad tracks from 7:00 a.m. to 12:00 noon on Saturday, June 9, 2018.'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

**Introduction of the Planned Unit Development Agreement regarding Unique Addition Plat**

A planned unit development is a zoning mechanism authorized by Marshall City Ordinances Section 86-131 through 86-140. PUD ordinances provide a zoning provision for group housing, multiple dwelling units, commercial or industrial development or a combination thereof, or institutional projects within district of larger tracts of land. This planned use development shall be developed in accordance with an overall design and an integrated general development plan, must be consistent with the intent and purposes of the Marshall City Code of Ordinances, and shall not adversely affect the property adjacent to the property subject to the planned unit development. The proposed PUD is to accommodate three apartment buildings containing a total of 107 units. The PUD will occupy 8.26 acres of property that is presently used for agricultural purposes. The developer would propose to develop three apartment buildings over the next 4-5 years. In addition to the buildings, there will be two 20-unit garage facilities and parking lots. Additionally, there will be a private detention pond, playground and additional green spaces areas for dog park and potential garden areas. The preliminary PUD agreement was submitted to planning commission on April 25, 2018. Planning commission approved the preliminary PUD and forwarded the PUD to Council. As this PUD is an ordinance, there is a two-meeting requirement prior to approval. It is proposed that the PUD be introduced at the May 8 meeting and then subsequently approved at the May 22 meeting. A hearing on this matter was held before the planning commission on April 25. No public opposition was voiced at the public hearing. Notice of the public hearing were properly provided to adjacent property owners. The preliminary PUD submitted as an attachment hereto is a document subject to ongoing review throughout the negotiation process. There may be minor non-substantive changes suggested to this document prior to final approval. This preliminary document is under review by the Marshall zoning department as well as under review by developer's legal counsel.

City Attorney Dennis Simpson provided discussion on the item and explained that Council member Lozinski will abstain from all discussion and votes on the item as there is potential for conflict of interest.

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Council member Bayerkohler, commented that this company does not exist at this time. Member Bayerkohler questioned if this Planned Unit Development be transferred to another company if the current interested party does not follow through.

Member **Craig Schafer** Moved, Member **John DeCramer** Seconded to approve the **ORIGINAL** motion 'To introduce the PUD for approval at Council meeting on May 22, 2018, subject to non-substantive changes which may occur prior to May 22 meeting.'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **1** Abstain: **1**. The motion **Passed. 5 - 1 - 1** with Bayerkohler voting no and Lozinski abstaining.

**Review Contract for Services for North Memorial Ambulance Service Operations**

North Memorial Health Manager Dan DeSmet, presented the agreement and introduced Regional Supervisor Lewis Louwagie. The State of Minnesota licenses geographic areas known as the "Primary Service Area (PSA)" through the Medical Services Emergency Regulatory (MESRB) Board. The service area clarifies responsibilities of service to the entire State. The City of Marshall holds the license authority and has delegated through this contract to North Memorial. The City previously had leased property for the operation of the maintenance building. However, North Memorial now owns their own facility immediately adjacent to the Fire Station.

Dan DeSmet provided the background information on the item via power point. There was further discussion by Council.

City Attorney Dennis Simpson commented on the contract between the City of Marshall and North Memorial and recommend that Council approved the contract pending review from the City Attorney.

Member **James Lozinski** Moved, Member **Steven Meister** Seconded to approve the **ORIGINAL** motion 'To approve the contract for services for North Memorial Ambulance subject to City Attorney review.

Council member Bayerkohler discussed the contract.

Upon a voice vote being taken, the vote was Aye: **7** Nay: **0**. The motion **Carried. 7 - 0**

**Presentation of the Marshall-Lyon County Library Annual Report**

Michele Leininger, Marshall Lyon County Library Director will be present to review the annual report with the Council. This is an informational presentation. No action will be taken by the Council.

Council member Schafer introduced Michele Leininger, Marshall Lyon County Library Director, to present an annual report via power point.

**Discussion of Parkway II Covenants**

Tara Onken Economic Development Director for the Marshall Area Chamber of Commerce, presented the item to Council.

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Council member Meister provided discussion from the EDA meeting. Council member Lozinski commented on the language on neutral colors and the setbacks. Administrator Sharon Hanson confirmed with City Attorney Dennis Simpson that the Economic Development Authority can pass the item without Council approval.

### **Consider the Approval of the City of Marshall Comprehensive Plan Amendment**

The current City of Marshall Comprehensive Plan was created in 1994 and then amended in 2004. A previous Comprehensive Plan was done in 1981. A Comprehensive Plan is a document that describes community goals for future community development. It provides long-term guidance for future land use, among many other things, such as public policies, economic development, transportation, city ordinance, community facilities, etc. The City plans to develop a new Comprehensive Plan in the next several years to replace the current plan. The 1994 Comprehensive Plan showed Lots 9 and 10 of the Legion Field Road Second addition (the currently farmed area between Legion Field Road, the railroad tracks, and the development along S. 8th Street west of Hwy 59) as an industrial use. The 2004 Amendment changed proposed use to low density residential which resulted in rezoning that area to R-1 one family residence district in 2006. However, this land is located next to an industrial area making this use less desirable. Considering that the area across Legion Field Road is zoned one family residential, the most appropriate use for this area would be high density residential which would serve as a buffer between low density residential and industrial uses. The southern part of this area is proposed to be developed under a Planned Unit Development (PUD) concept to build several apartment buildings (PUD introduction is the next item on the agenda). The developer is also requesting tax increment financing for this project. Generally, PUD uses and TIF plans should align with the use category shown on the Comprehensive Plan. To expedite the process for PUD and TIF, it is necessary to revise the Comprehensive Plan for this area as soon as possible. At the special Planning Commission meeting on April 25, 2018, a public hearing for Comprehensive Plan amendment was held; after closing a public hearing, a motion was made by Edblom, seconded by Steen, to recommend approval to the City Council as recommended by staff. ALL VOTED IN FAVOR.

Assistant City Engineer/Zoning Administrator, Jason Anderson provided information on the item. There was further discussion by Council.

Member **Craig Schafer** Moved, Member **John DeCramer** Seconded to approve the **ORIGINAL** motion 'that the Council approve the Comprehensive Plan amendment as shown on attached map (Figure 1), per recommendation of the Planning Commission.'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0 Abstain: 1. The motion **Passed. 6 - 0 - 1** with Lozinski abstaining.

### **Project Z67: Michigan Road/Superior Road Reconstruction Project – Consider Resolution Approving Plans and Specifications and Ordering Advertisement for Bids**

This project consists of the following: Reconstruction and utility replacement on Michigan Road between Hahn Road and Superior Road and on Superior Road between Michigan Road and Ontario Road. All utilities will be replaced, including watermain, sanitary sewer, and storm sewer. The plans and specifications have been prepared by the City staff for the above referenced

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project. If the City Council decides to proceed with this project, a resolution has been prepared approving the plans and specifications and ordering advertisement for bids.

Council member DeCramer will abstain on future voting. Council member Lozinski discussed the special assessment status.

Member **David Sturrock** Moved, Member **Craig Schafer** Seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4505, SECOND SERIES, which is the "Resolution Approving Plans and Specifications and Ordering Advertisement for Bids" for Project Z67: Michigan Road/Superior Road Reconstruction Project.'. Upon a roll call vote being taken, the vote was: Aye: 4 Nay: 2 Abstain: 1. The motion **Passed. 4 - 2 - 1** with Meister and Lozinski voting no and DeCramer Abstaining.

**Preliminary Plat of Unique Addition - Introduction of Preliminary Plat and Call for Public Hearing**

As the property is being subdivided for the purpose of a Planned Unit Development, the property should be developed in its own subdivision prior to the sale of a portion of the property. The property is currently owned by the City of Marshall Housing & Redevelopment Authority and is intended to be sold to Unique Opportunities Marshall LLC of Fergus Falls, Minnesota, for the express purpose of developing a Planned Unit Development for multiple family housing.

Member **John DeCramer** Moved, Member **Craig Schafer** Seconded to approve the **ORIGINAL** motion 'that the Council call for public hearing on the Preliminary Plat of Unique Addition to be held at the May 22, 2018 City Council meeting, as per the recommendation of the Planning Commission.'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 1 Abstain: 1. The motion **Passed. 5 - 1 - 1** with Bayerkohler voting no and Lozinski abstaining.

**Commission/Board Liaison Reports**

Byrnes	<u>Regional Development Commission</u> will meet on Thursday, May 10, 2018.
Schafer	<u>Southwest Minnesota Amateur Sports Commission</u> met and discussed its future business plans such as acquiring a multiuse floor over the ice.
Meister	No Report
Bayerkohler	<u>Planning Commission</u> will meet on Wednesday, May 9, 2018. <u>Public Housing Commission</u> will meet on Monday, May 14, 2018.
DeCramer	<u>Economic Development Authority</u> will meet Wednesday, May 9, 2018.
Sturrock	<u>Airport Commission</u> met on Tuesday, May 1, 2018.
Lozinski	No Report

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**Councilmember Individual Items**

Council member Lozinski discussed the condition of East College Drive. Assistant City Engineer/Zoning Administrator contacted Mn/DOT about the condition of the road. Member Lozinski commented on the fire and evacuation in Superior Wisconsin two weeks ago and mentioned that Council should be familiar with the Emergency Manual.

Council member Sturrock commented that he was in St. Paul on April 25, 2018 in front of the Senate Bonding Committee to discuss the water and wastewater treatment programs. Member Sturrock welcomed the Big Sing competition and met with Senator Amy Klobuchar at the Chamber of Commerce. Council member Sturrock discussed the unhappiness across greater Minnesota in the Corridors of Commerce awards. Member Sturrock will be in St. Paul on May 9 representing the Coalition of Greater Minnesota Cities.

Council member DeCramer mentioned that the Governors Regional Housing task force will be in Sleepy Eye, MN on May 15, 2018.

Council member Schafer thanked the Public Works Department for their work after the winter snow.

Mayor Byrnes discussed the Minnesota Parks and Trails Council celebration. Mayor Byrnes also commented on the Southwest Minnesota State University graduation and its importance in the community.

**City Administrator**

City Administrator Sharon Hanson discussed the Lyon County Jail tour and a presentation from the Drug and Task Force Commander on May 22, 2018. Administrator Hanson mentioned the special meeting on May 29, 2018 to open bids for the Saratoga Project. City Administrator Hanson introduced Luke Da who will intern with the City Administration Department.

**Director of Public Works**

No Report

**City Attorney**

No Report

**Pending Items**

There were no questions on the pending items.

**Information Only**

There were no questions on the information items.

**Upcoming Meetings**

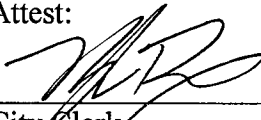
There were no questions on the upcoming meeting list

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At 6:53 P.M. Member **Craig Schafer** Moved, Member **David Sturrock** Seconded to approve the **ORIGINAL** motion 'Adjourn Meeting'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

Mayor   
\_\_\_\_\_

Attest:

  
\_\_\_\_\_  
City Clerk