

REGULAR MEETING – MAY 22, 2018

The regular meeting of the Common Council of the City of Marshall was held May 22, 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; Director of Public Safety, Rob Yant; Director of Community Services, Scott VanDerMillen; Preston Stensrud, Parks Superintendent; Ilya Gutman, Plan Examiner/Assistant Zoning Administrator; Executive Director MACC, Cal Brink; Economic Development Director MACC, Tara Onken 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 work session and regular meeting held on May 8, 2018.

Member **Steven Meister** Moved, Member **Craig Schafer** Seconded to approve the ORIGINAL motion 'that the minutes of the work session and regular meeting held on May 8, 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

Public Hearing on: (1) a project plan (the "Project Plan") for the proposed Project Area No. 5 (the "Project Area"); and (2) a tax increment financing plan (the "TIF Plan") for the proposed Tax Increment Financing (Housing) District No. 5-1 (the "TIF District"), a housing development district within the Project Area. Adopt Resolution Establishing TIF 5, 5-1.

City Administrator Sharon Hanson, discussed the agenda item and introduced Taka Onken, Economic Development Director Marshall Area Chamber of Commerce and Mikaela Huot, Vice President of Springsted, who will provide further information on the item.

Economic Development Director Tara Onken, introduced Samuel Herzog the developer of the project. Mr. Herzog introduced himself and his business partner, Troy Johnson and provided information on his company.

Economic Development Director Onken, discussed a comprehensive housing study on rentals from 2015 and provided an overview of the site and project. Director Onken, commented on that other communities are using Tax Increment Financing (TIF) to help with low income apartments.

Samuel Herzog commented that because of their location in Fergus Falls, local contractors in Marshall will be used to keep transportation cost down during the project. Mr. Herzog provided information on Tax Increment Financing requirements for this project.

Director Tara Onken, provided additional information on the building.

REGULAR MEETING – MAY 22, 2018

Springsted Vice President Mikaela Huot, provided a brief overview of Tax Increment Financing via power point.

Al Greig, Greig-Gregerson Management, LLC, commented that he would support new apartment construction but is not in favor of Tax Increment Financing (TIF) for this project. Mr. Greig claims that TIF will have the opposite effect when it comes to building other units. Mr. Greig asked how would any other building will compete without a subsidy. Mr. Greig asked that EDA to focus on bringing new companies who require market value housing instead of bringing in employees who require low income housing.

Carl Eich, a Contractor, who owns 28 apartments in Marshall, provided handouts to Council. Mr. Eich asked how the housing survey in 2015 was completed.

Doug Olsem, President, Global Supply Chain, The Schwan Food Company, was in attendance on behalf of The Schwan Food Company to support this proposal. Mr. Olsem stated that there are over 600 people who come to work in their manufacturing environment and that Schwan's is looking for addition housing options for their workers.

Steve Otto, a Contractor, who owns 30 units in Marshall, discussed the referenced survey taken in 2015 and that he was not contacted and commented that taxes are two high to make any money.

Mary Martins, Regional President and Chief Executive Officer with Avera Marshall, stated that Avera Marshall is in support of the TIF project. Ms. Martins commented that Avera employs over 600 people within the region and their employees are looking for additional housing and Avera seeks transitional housing while bringing on new staff.

Norm Gregerson, Greig-Gregerson Management, LLC, commented that he supports the new buildings but not by using Tax Increment Financing.

Mark Tanghe, a resident of Marshall, discussed the neighborhood in the area of the project and claimed that the project will bring down the value of his house. Mr. Tanghe stated that he is against the location of the project.

Larry Doom, a resident of Marshall, discussed survey done by Southwest Minnesota State University and that affordable housing is always high on its list. Mr. Doom commented that this project is important in order to bring more people to town.

Ty Brower, a resident of Marshall, commented that he is concerned with the location of the project. Mr. Brower discussed the appearances of the building and how will it look over time if it is not maintained. Mr. Brower commented that this project will lower property value. Mr. Brower asked how much of an increase will this be on the public safety departments. Mr. Brower discussed that there are already houses that require low income status in that area.

REGULAR MEETING – MAY 22, 2018

Rick Goodemann, Chief Executive Officer of Southwest Minnesota Housing Partnership, own and operate two rental projects in Marshall and 48 other developments across southern Minnesota. Mr. Goodemann commented that almost all of their developments are affordable housing, roughly 1,750 units. Mr. Goodemann commented that employers are looking for options to attract and retain housing for employees. Mr. Goodemann discussed the balance of rent within southwest Minnesota.

Greg Taylor, a developer in Marshall, commented that there is already an abundance of low income options in town that keep rents down. Mr. Taylor commented that his 132 units built since 1990 that were not included on the housing study. Mr. Taylor commented on the vacancies in the area. Mr. Taylor commented that business need to come into town to hire people to fill the vacancies.

Al Eggermont, Al's Enterprise of Marshall, discussed his business's in Marshall. Mr. Eggermont commented that there are four casinos within 70 miles of Marshall and that renters are gambling rather than paying their bills. Mr. Eggermont commented on his vacancies.

Cal Brink, Executive Director Marshall Area Chamber of Commerce, commented on what the Economic Development Authority does for the City and how it helps local businesses expand. Executive Director Brink, commented on others that have received incentives for similar projects in the past. Executive Director Brink discussed that the survey was completed by Maxfield Research. Mr. Brink commented that the population is growing in Marshall which is what determines housing needs. Executive Director Brink discussed the TIF requirements that this developer will have to meet.

Karen Wambeke, a resident of Marshall, commented on her traffic concerns in the area and that this project will increase traffic on an already busy road.

Leroy Affolter, a resident of Marshall, discussed what the parking needs would be for a project this size and if the proposed amount would be enough.

Jeff Gladis, Housing Director of United Community Action Partnership, provided discussion from other communities that there is not enough housing to bring employees in. Director Gladis commented on the cost to build and being able to make money without incentives. Director Gladis discussed that all types of housing in Marshall is needed and provided an update on five houses being built and the restrictions for those applying.

JoAnn Gilbertson, a resident of Marshall, addressed her safety concerns related to this project and the strong traffic already in the area.

Council member Bayerkohler discussed the rezoning of that area and the potential impact of increased traffic. Assistant City Engineer/Zoning Administrator Jason Anderson commented that the City's Comprehensive Plan was amended for this area to allow for high density housing. Member Bayerkohler commented on the potential renters of this project and the supply and demand for rentals. Member Bayerkohler commented that he is against Government handouts to

REGULAR MEETING – MAY 22, 2018

rich companies and rich individuals. There was further discussion on the Tax Increment Financing related to this project.

Council member Bayerkohler discussed the value of the land that was approved to be sold to the developer. Springsted Vice President Mikaela Huot, provided information on the land and its potential value.

Samuel Herzog commented that because of the increase of traffic the site was designed to be as contained as possible with added amenities such as a dog park, playground, sidewalks and greenspace.

Council member DeCramer added the potential of an additional bus stop with UCAP's assistant can help with some of the traffic concerns.

JoAnn Gilbertson, a resident of Marshall, added the existing traffic on Legion Field Road in the morning, with busses and US Bank employees is already not adequate. Ms. Gilbertson asked the developer his plan to keep children away from the close by railroad tracks.

Mr. Herzog commented that he is willing to do what it takes when it comes to safety.

Council member Schafer discussed the traffic on Legion Field Road.

Council member Sturrock suggested that the Public Improvement Transportation Committee work with the Engineering Department to monitor any changed traffic patterns.

Council member Bayerkohler discussed Tax Increment Financing.

Mikaela Huot, Springsted Vice President, discussed the statutory requirements for TIF.

Council member Meister asked if a local developer would qualify for Tax Increment Financing. Economic Development Director Tara Onken commented that if a local developer came forward with a similar project that met the requirements of TIF that an incentive would extended.

Council member Bayerkohler asked how the incentives would be distributed to the developer. Director Onken commented that the increment would be distributed 40% for the first phase, 30% for the second phase and 30% for the third phase.

Council member Meister asked how much taxes are currently being pulled from that area. City Administrator Hanson commented that because the City rents the land to be farmed – currently the City collects \$387, Lyon County collects \$253 and the School District collects \$194 yearly. Administrator Hanson added that if the land was not rented to be farmed the amount would be \$0.

Member **Craig Schafer** Moved, Member **David Sturrock** Seconded to approve the **ORIGINAL** motion 'Close public hearing'. 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.

Member **Craig Schafer** Moved, Member **John DeCramer** Seconded to approve the **NEW** motion 'Adopt RESOLUTION NO. 4507, SECOND SERIES approving establishment of project area No. 5 and a project plan therefor; approving establishment of tax increment financing (housing) District No. 5-1 and a tax increment financing plan therefor'.

There was further discussion by Council.

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 Bayerkohler voting no and Lozinski abstaining.

At 7:37 P.M, Mayor Byrnes called for a five-minute recess.

Unique Addition – 1. Public Hearing and Approval of Preliminary Plat; 2. Consider Resolution Adopting Final Plat.

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. Copies of the proposed subdivision have been sent to the local utility companies for their review and comments. At their meeting on April 25, 2018, the Planning Commission recommended approval of the preliminary plat of Unique Addition to the City Council, subject to utility companies review and recommendations. The preliminary plat was introduced at the May 8, 2018 City Council meeting and the hearing on the preliminary plat was scheduled for May 22, 2018. A copy of the Final Plat of Unique Addition has been provided to the City Attorney for his review.

Assistant City Engineer/Zoning Administrator Jason Anderson, provided the background information on the agenda item.

Member **John DeCramer** Moved, Member **David Sturrock** Seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing.'. 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.

Member **David Sturrock** Moved, Member **John DeCramer** Seconded to approve the **NEW** motion 'that the Council approve the Preliminary Plat of Unique Addition. '. 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.

Member **Craig Schafer** Moved, Member **John DeCramer** Seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NO. 4508, SECOND SERIES, which is the Resolution Approving the Final Plat of Unique Addition, subject to City Attorney and approval. '. 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

Conduct a public hearing for a new On-Sale Intoxicating Liquor License for AJ's Family Arcade, INC. of Marshall and to approve the Sunday Liquor License for AJ's Family Arcade, INC. of Marshall.

Staff recommends the Mayor call the public hearing to order. City Clerk Kyle Box, will present information related to the new application for an On-Sale Intoxicating Liquor and Sunday Licenses for AJ's Family Arcade INC., 900 Clarice Avenue, Marshall, MN.

City Clerk Kyle Box, provided the background information on the agenda item. Clerk Box, commented that the applicant has requested a prorated fee. Council member Sturrock suggested that the amount be prorated in the amount of 7/12 of the annual license fee. There was further discussion by Council.

Member **James Lozinski** Moved, Member **Craig Schafer** Seconded to approve the **ORIGINAL** motion 'to close the public hearing for the new On Sale Intoxicating Liquor License for AJ's Family Arcade INC.'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

Member **James Lozinski** Moved, Member **Craig Schafer** Seconded to approve the **NEW** motion 'the approval of a new On-Sale Intoxicating Liquor License for AJ's Family Arcade, INC., 900 Clarice Avenue, Marshall, MN May 23, 2018 through December 31, 2018 subject to all requirements being met and that the applicant reimbursed the prorated amount.'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

Member **Steven Meister** Moved, Member **Craig Schafer** Seconded to approve the **NEW** motion 'the approval of a Sunday Liquor License for AJ's Family Arcade, INC., 900 Clarice Avenue, Marshall, MN May 23, 2018 through December 31, 2018 subject to all requirements being met.'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

2018 Tax Abatement -- 1) Public Hearing on Tax Abatement; 2) Consider Resolution Approving the Tax Abatement.

The City is considering utilization of Tax Abatement bonds to finance the construction of a memorial at Memorial Park and a restroom at Justice Park in the City.

City Administrator Sharon Hanson, reviewed the item with Council and introduced Terri Heaton, Senior Vice President of Springsted to discuss the Tax Abatement bond projects that will finance the construction of a memorial at Memorial Park and a restroom at Justice Park.

Council member Bayerkohler discussed the amounts for each project. City Administrator Hanson discussed donations that will be used towards these projects.

There was further discussion by staff and Council.

Parks Superintendent Preston Stensrud, provided information on Phase 3 of Memorial Park.

REGULAR MEETING – MAY 22, 2018

Council member Meister commented that he is in favor of constructing bathrooms at Justice Park but not in favor of the project at Memorial Park at this time.

Member **Steven Meister** Moved, Member **John DeCramer** Seconded to approve the **Original** motion 'that City Council close the public hearing.'. Upon a Roll-Call Vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed. 6 - 1** with Meister voting no.

Member **James Lozinski** Moved, Member **Steven Meister** Seconded to approve the **SUBSTITUTE** motion 'to adopt RESOLUTION NUMBER 4509, SECOND SERIES, approving the tax abatement bond for the construction of the restroom at Justice Park in the City of Marshall.'.

There was further discussion by Council on completing the Memorial Park project.

Upon a roll call vote being taken, the vote was: Aye: 4 Nay: 3. The motion **Passed. 4 - 3** with Schafer, Byrnes and DeCramer voting no.

2018 Street Reconstruction Bonding -- 1) Public Hearing on Street Reconstruction Bonds; 2) Consider Resolution Adopting the Street Reconstruction Plan and Authorizing the Issuance of General Obligation Street Reconstruction Bonds.

The City is considering utilization of Street Reconstruction bonds to finance the costs of the Street Reconstruction, as described in the Street Reconstruction Plan. The Street Reconstruction Plan describes 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 five-year period of 2018 through 2022.

Terri Heaton Senior Vice President of Springsted, provided background information on the item.

Member **David Sturrock** Moved, Member **Craig Schafer** Seconded to approve the **ORIGINAL** motion 'that the City Council close the public hearing.'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

Member **David Sturrock** Moved, Member **John DeCramer** Seconded to approve the **NEW** motion 'that the City Council adopt RESOLUTION NUMBER 4510, SECOND SERIES approving the Street Reconstruction Plan and issuance of bonds.'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed. 6 - 1** with Meister voting no.

2018 Capital Improvement Bonding -- 1) Public Hearing on Capital Improvement Plan Bonds; 2) Consider Resolution Adopting the Capital Improvement Plan and Authorizing the Issuance of General Obligation Capital Improvement Plan Bonds.

The City is considering utilization of capital improvement bonds to finance the costs of the Fire Station parking lot mill and overlay and Street Department Parking lot reconstruction, as described in the Capital Improvement Plan.

Terri Heaton Senior Vice President of Springsted, provided background information on the agenda item via power point.

REGULAR MEETING – MAY 22, 2018

City Administrator Sharon Hanson, discussed reviewing the Fire Hall parking lot.

There was continued discussion by Council and Staff to remove the Fire Hall parking lot project and have the parking lot sealcoated instead of doing a mill and overlay.

Council member Lozinski commented the order of projects at the street shop. There was discussion by staff and Council on the condition of the parking lot.

Member **Steven Meister** Moved, Member **John DeCramer** Seconded to approve the **ORIGINAL** motion 'that the city close the public hearing'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

Member **Steven Meister** Moved, Member **John DeCramer** Seconded to approve the **NEW** motion 'that the City Council adopt the RESOLUTION NUMBER 4511, SECOND SERIES approving the Capital Improvement Plan and issuance of bonds.'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 2. The motion **Passed. 5 - 2** with Bayerkohler and Lozinski voting no.

Consider Adoption of the Resolution Providing for the Issuance of Series 2018A Bonding.

This item does not require a public hearing but has been added to the Public Hearing category in the Council agenda to align with other proposed actions. The City is considering the issuance of general obligation bonds to finance the following projects: -Saratoga Street Reconstruction - Various Street Mill and Overlays -Superior Road and Michigan Road -East Lyon Street (TH 23 East to City Limits) -Hahn Road Storm Sewer Reconstruction -2/20 Airport Runway Mill and Overlay -Memorial Park; Vets Memorial -Justice Park; Bathroom -Fire Station Parking Lot Mill and Overlay -Street Department Parking Lot Reconstruction.

Terri Heaton Senior Vice President of Springsted, provided background information on the item.

Member **Craig Schafer** Moved, Member **David Sturrock** Seconded to approve the **ORIGINAL** motion 'that the City Council adopt RESOLUTION NUMBER 4512, SECOND SERIES providing for the issuance of Series 2018A general obligation bonds.

There was further discussion by Council.

Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 2. The motion **Passed. 5 - 2** with Bayerkohler and Meister voting no.

Council member Sturrock excused himself at this time.

Approval of Consent Agenda.

Council member Schafer, requested that item number 19, Project Z68: West Redwood Street/West Marshall Street (500 Block) Alley Improvement Project - Consider Resolution Declaring Adequacy of Petition and Ordering Preparation of Report, be removed so he may abstain.

REGULAR MEETING – MAY 22, 2018

Council member Lozinski, requested that item number 18, Consider Request for Street Closure from Reinhart Foodservice for Company Truck Rodeo Event on Saturday-June 9, 2018, be removed for further discussion.

Council member DeCramer, requested that item number 17, Consider authorization to declare vehicles as surplus property for the Police Department, be removed for further discussion.

Council member Bayerkohler, requested that item number 21, Consider the Request of The Daily Grind for Private Use of Public Rights-of-Way at 316 West Main Street, be removed for further discussion.

Member **Craig Schafer** Moved, Member **James Lozinski** 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: **6** Nay: **0**. The motion **Carried. 6 - 0**

Approval of a Temporary On-Sale Intoxicating Liquor License for Marshall Area Chamber of Commerce for July 11, 2018.

Approval of a Temporary On-Sale Intoxicating Liquor License for Marshall Area Chamber of Commerce for August 15, 2018.

Approval of a Temporary 3.2 Percent Malt Liquor Licenses for the Marshall Baseball Association.

Approval of a LG220 Application for Exempt Permit for Pride in the Tiger Foundation for an event to be held on July 16, 2018.

Approval to declare bikes as surplus property for the Police Department

Consider the Request of the Lyon County Historical Society for the Installation of Historic Walking Tour Markers.

Call for Public Hearing for the MS4 Permit Program and Summary of 2017 Activities.

Approval of the bills/project payments

Consider authorization to declare vehicles as surplus property for the Police Department.

These vehicles have been abandoned or seized by the Marshall Police Department and have gone through the notification processes and required periods for disposal.

Council member DeCramer, asked that a vehicle deemed to be donated at a previous meeting be swapped with a surplus vehicle from this meeting.

Member **John DeCramer** Moved, Member **Steven Meister** Seconded to approve the **ORIGINAL** motion 'That the vehicles be declared as surplus property by the City of Marshall.'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried. 6 - 0**

Consider Request for Street Closure from Reinhart Foodservice for Company Truck Rodeo Event on Saturday-June 9, 2018.

A request from Reinhart Foodservice (Reinhart) for street closure for a company truck rodeo event proposed from 7:00 a.m. to 12:00 noon on Saturday, June 9, 2018. At the May 8, 2018, the request was presented and public hearing date set for the May 22, 2018 City Council meeting. City staff has determined a public hearing is not required on the request, but this item is being brought before the Council for Council approval of the request. 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 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 Lozinski, commented that he would like to see MERIT Center used for events like this instead of a street closure

Member **James Lozinski** Moved, Member **Craig Schafer** Seconded to approve the **SUBSTITUTE** motion 'that the Council approves 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.'.

There was further discussion by Council.

Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried. 6 - 0**

Project Z68: West Redwood Street/West Marshall Street (500 Block) Alley Improvement Project - Consider Resolution Declaring Adequacy of Petition and Ordering Preparation of Report.

Per Minn. Stat. 429.031, subd. 1(f), if the council chooses to proceed with an improvement based on a petition, said petition must have the signatures of the owners of at least 35 percent in frontage of the property bordering the proposed improvements. City staff has determined that the signatures on the attached petition are of at least 35 percent of the property owners.

Member **John DeCramer** Moved, Member **James Lozinski** Seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NO. 4513, SECOND SERIES, which is the "Resolution Declaring Adequacy of Petition and Ordering Preparation of Report" for Alley Improvements for the 500 Block of West Redwood Street / West Marshall Street.'.

There was further discussion by Council and Staff on the project.

Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 0 Abstain: 1. The motion **Passed. 5 - 0 - 1** with Schafer Abstaining.

Council member Sturrock rejoined at this time.

Consider the Request of The Daily Grind for Private Use of Public Rights-of-Way at 316 West Main Street.

Street. Per Sec. 62-6 of the City Code of Ordinances prior to any private use of public streets, public right of ways, or publicly owned parking lots, an application for such use shall be made to the office of the Director of Public Works/City Engineer. The Director of Public Works/City Engineer shall review the application and may refer the application with a recommendation to the City Council. Prior Council action at this location required the placement of the tables and chairs permit clear access 6 feet wide next to the building and 3 feet wide from the curb. In addition, the application was to be reviewed after one year and then at five-year intervals thereafter.

Council member Bayerkohler discussed the item. Assistant City Engineer/Zoning Administrator commented that the applicant will be required to maintain public access of the public right of way.

Member **Craig Schafer** Moved, Member **James Lozinski** Seconded to approve the **ORIGINAL** motion 'that the Council approve the request of The Daily Grind for private use of public right-of-way for the placement of tables and chairs on the sidewalk outside the establishment at 316 West Main Street and that the required placement of the tables and chairs permit clear access 6 feet wide next to the building and 3 feet wide from the curb.' Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

Consider and approve Planned Unit Development Agreement between the City of Marshall and Unique Opportunities, LLC regarding proposed apartment complexes.

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 held the required public hearing and approved the preliminary PUD and then forwarded the PUD to Council. The PUD was introduced at the May 8 meeting and the time for final approval is set for the May 22 Council meeting. The preliminary PUD as previously submitted is a document subject to ongoing review.

throughout the development planning process. There have been several non-substantive changes to this document after its prior introduction. Attached for review please find a red-lined document showing recent changes to the PUD agreement. Changes have resulted from City Zoning staff and Developer staff reviews. It is recommended that Council approve the PUD and authorize the publication of the summary PUD. The original PUD ordinance will be recorded in the Lyon County Courthouse. A copy of the PUD will also be available for review at City Hall. The publication of the summary ordinance is recommended.

City Attorney Dennis Simpson, provided information on the item.

Member **John DeCramer** Moved, Member **Craig Schafer** Seconded to approve the **ORIGINAL** motion 'approve the Planned Unit Development (PUD) agreement regarding proposed development of the Unique Addition property within the City of Marshall.'. 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.

Consider request of the Marshall YMCA for a Conditional Use Permit for a Community Garden at 200 South "A" Street.

This is a request by Marshall Area YMCA for a Conditional Use Permit to have a vegetable garden in a B-3 General Business District. The proposed garden will be located in front of the pool area at the south end of the building and will be about 1,100 SF. It will be used for the summer children's program. Section 86-247 requires a conditional use permit for gardens located in all zoning districts except agricultural. The conditional use permit regulations are found in Section 86-46 and the Standards for Hearing are found in Section 86-49. Aerial photo is also attached. At the Planning Commission meeting on May 9, 2018, after a public hearing, a motion was made by Fox, seconded by Archbold, to recommend approval as recommended by city staff to City Council with the added condition for size limitation and required maintenance. ALL VOTED IN FAVOR.

Assistant City Engineer/Zoning Administrator Jason Anderson, provided information on the item. Council member Bayerkohler, provided discussion from the Planning Commission.

Tom Bolin, Executive Director of the Marshall YMCA, discussed how the garden will be used for a children's after school program.

Member **Craig Schafer** Moved, Member **James Lozinski** Seconded to approve the **ORIGINAL** motion 'that the Council approve the request, as recommended by the Planning Commission, of the Marshall Area YMCA for a Conditional Use Permit to have a vegetable garden in a B-3 General Business District at 200 South A Street with the following conditions applied: 1. That the regulations, standards and requirements as set forth in the City Code and as pertains to the class of district in which such premises are located shall be conformed with. 2. That the City reserves the right to revoke the Conditional Use Permit in the event that any person has breached the conditions contained in this permit provided first, that the City serve the person with written notice specifying items of any default and allow the applicant a reasonable amount of time in which to repair such default. 3. That the property is maintained to conform to the Housing Code, Zoning Code, Building Code, and not cause or create negative impacts to adjacent existing or

REGULAR MEETING – MAY 22, 2018

future properties. 4. That the area of the garden will not exceed 1,200 SF. 5. That the garden will be maintained, weeded, and watered.'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

Consider the request of the Marshall Downtown Business Association for Crazy Days on Thursday-July 19, 2018.

The Marshall Downtown Business Association is requesting the closing of the following streets on Thursday, July 19, 2018 from 6:00 a.m. to 7:00 p.m. for the Annual Crazy Days activities: - Main Street from College Drive (intersection of T.H. 19 & T.H. 59) northwest to North 6th Street -North 3rd Street from Main Street to Lyon Street -4th Street from the alley south of Main Street (behind Bot Appliance) to the alley north of Main Street (behind Wells Fargo) -5th Street to the alleys south and north of Main Street. If request is approved by Council, the request will then be submitted to Mn/DOT for implementation of the detour route. This request has presented no significant public safety problems in the past, and it is not expected to be a problem this year either. The Street Department is responsible for the appropriate barricades and signage. If the request is approved, area public safety agencies will be advised of the event so that they are aware of the road blockage/detour. The route and location/date will be publicized in advance, both to advise the community of the event and advise local traffic of the street closure for the day.

Member **John DeCramer** Moved, Member **David Sturrock** Seconded to approve the **ORIGINAL** motion 'that the Council approve the request of the Marshall Downtown Business Association for street closure for Crazy Days on Thursday, July 19, 2018, contingent on Mn/DOT approval of the permit.'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

Commission/Board Liaison Reports

Byrnes	No Report
Schafer	No Report
Meister	No Report
Bayerkohler	No Report
DeCramer	<u>Economic Development Authority</u> met but was not able to obtain a quorum.
Sturrock	No Report
Lozinski	No Report

REGULAR MEETING – MAY 22, 2018

Councilmember Individual Items

Council member Sturrock commented on the Coalition of Greater Minnesota Cities event in St. Paul. Member Sturrock mentioned that Staff from Senator Tina Smiths office hosted a town hall style event at the Library.

Council member DeCramer mentioned the geese gathering around the Minnesota pond.

Mayor Byrnes discussed the tour of the County Jail and the Drug Task Force presentation.

City Administrator

No Report

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

Adjourn Meeting

At 9:12 P.M. Member **Craig Schafer** Moved, Member **James Lozinski** Seconded to approve the **ORIGINAL** motion 'Adjourn Meeting'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **1**. The motion **Passed. 6 - 1** with DeCramer voting no.



Mayor

Attest:



City Clerk