CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, April 28, 2026

The regular meeting of the Common Council of the City of Marshall was held April 28, 2026, 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: James Lozinski, John Alcorn, Craig Schafer, See Moua-Leske (remote due to being out of town), Amanda Schroeder and Amanda Schwartz. Absent: None. Staff present included: Sharon Hanson; City Administrator; Pamela Whitmore, City Attorney (remote); Jason Anderson, Director of Public Works/ City Engineer; E.J. Moberg, Director of Administrative Services; and Steven Anderson, City Clerk.

Consider Approval of the Minutes of the Meeting Held on April 14th
There were no requests to amend the minutes.

Motion made by Councilmember Schafer, Seconded by Councilmember Alcorn to approve the minutes from April 14, 2026. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Lozinski, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schroeder, Councilmember Schwartz. The motion **Carried. 7-0.**

Project ST-001-2026: Chip Sealing on Various City Streets - Consider Resolution Accepting Bid (Awarding Contract)
Bids were received on April 15, 2026, with the apparent low bid from Pearson Bros., Inc. of Hanover, Minnesota, in the amount of $132,459.35. The engineer's estimate for this project was $153,717. The goal of the chip seal program was to work to extend the life of city pavement, thereby deferring future capital improvements. Emphasis was given to newly reconstructed streets, State Aid routes, and re-seals of "newer" street sections. The 2026 Street Department budget included a $165,000 line item for the project. Staff proposed working with the contractor to add alternate streets to the project, while still ensuring that the project was completed on budget. Adding the alternates increased the project total to $140,585.60. Councilmembers Lozinski asked about a potential substitute product that was still being evaluated by MnDOT. Director Anderson said the product was still being tested and evaluated and until more definitive results were reported staff were hesitant to make a switch.

Motion made by Councilmember Schafer, Seconded by Councilmember Alcorn to adopt Resolution 26-030 Accepting Bid for Project ST-001-2026: Bituminous Chip Sealing on Various City Streets to Pearson Bros., Inc of Hanover in the amount of $132,459.35, with a maximum expenditure not to exceed the budgeted amount of $165,000.00. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schroeder, Councilmember Schwartz. Voting Nay: Councilmember Lozinski. The motion **Carried. 6-1.**

Project ST-002-2026: Bituminous Overlay on Various City Streets – Consider Resolution Accepting Bid (Awarding Contract)
The project was an annual street mill and overlay project that also includes ADA improvements at sidewalk ramp crossings.
The project estimate for mill and overlay was $626,943 for proposed street and ADA sidewalk ramp work. The 2026 Capital budget included $650,000 for the project. On April 21, 2026, bids were received with the low bid from Duininck, Inc. of Prinsburg, Minnesota, in the amount of $532,361.50. The low bid does not include costs to overlay alternate streets. Due to advantageous pricing, City staff recommended including alternate streets with the construction project. The goal was to resurface as many streets as possible within the available budget each year, and not completing additional streets with this year's budget would be deferring maintenance into future years. The 2026 Capital budget included $650,000 for the overlay project. Alternate streets would increase the project cost by $62,479.74 to a total of $594,841.24. Councilmember Lozinski did not agree with adding the alternate streets and advocated to save the additional costs. Councilmember Schafer asked for additional clarification on how alternate streets were selected. Mayor Byrnes commented on certain streets seeing more wear and tear and conditions that affected those streets.

Motion made by Councilmember Moua-Leske, Seconded by Councilmember Alcorn to adopt Resolution 26-031 Accepting Bid for Project ST-002-2026 Bituminous Overlay in the amount of $532,361.50 from Duininck Inc., of Prinsburg and authorizing city staff to resurface alternate streets with a maximum expenditure not to exceed the budgeted amount of $650,000.00. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schroeder, Councilmember Schwartz. Voting Nay: Councilmember Lozinski. The motion **Carried. 6-1.**

Project ST-002-2026SA: Bituminous Overlay on Various State Aid Streets – Consider Resolution Accepting Bid (Awarding Contract)

The project estimate for the Municipal State Aid Street mill and overlay project was $505,440. The project was identified on the city CIP at $400,000, but it did not include the intersection of Susan Drive near US Highway 59. When accounting for updated project quantities the cost estimate came to $505,440. The project would be funded with Municipal State Aid Street (MSAS) dollars. The current MSAS account balance is ($1,181,854). The city's low balance threshold is ($4,000,000). On April 21, 2026, bids were received with the low bid coming from Duininck, Inc. of Prinsburg, Minnesota, in the amount of $485,609.50. Councilmember Lozinski asked Director Anderson to better explain the negative MSAS account balance. Director Anderson explained that MnDOT allows cities to borrow against future payments. Councilmember Schafer added that MnDOT tries to spend all of the MSAS budget yearly and when communities are unable to have MSAS eligible projects they like to be able to rely on communities that have projects lined up, such as the City of Marshall, to ensure the funding is used.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to adopt Resolution 26-032 Accepting Bid for Project ST-002-2026SA Bituminous Overlay in the amount of $485,609.50 from Duininck Inc., of Prinsburg. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Lozinski, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schroeder, Councilmember Schwartz. The motion **Carried. 7-0.**

Approval of the Consent Agenda

There were no requests to remove any item from the consent agenda for additional discussion.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schwartz to approve the items on the consent agenda. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Lozinski, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schroeder, Councilmember Schwartz. The motion **Carried. 7-0.**

- Consider Approval to Declare Eats and Beats on Third Street a Community Festival
- Eats & Beats Event on 3rd Street - June 18, 25 / July 9, 16, 23 (Thursdays)
- Project ST-012-2025: S Hill Street / S Minnesota Street / Charles Avenue Reconstruction Project - 1) Resolution Declaring Cost to Be Assessed and Ordering Preparation of Proposed Assessment; 2) Resolution for Hearing on Proposed Assessment
- Project SWM-003: Legion Field Stormwater Improvements Project-Phase III – Consider Authorization to Advertise for Bids
- Small Concrete Quantities Quote
- Consider Approval of a Temporary Liquor License for the Marshall Area YMCA July 22, 2026
- Consider Approval of a Temporary Liquor License for the Marshall Area YMCA on October 24, 2026
- Consider Approval of a Temporary Liquor License for the Lyon County Ag Society
- Consider Approval of the Bills/Project Payments

Project SWM-003: Legion Field Stormwater Improvements Project-Phase III - Consider Authorization to Execute Agreements with BNSF Railway Company – 1) Temporary Occupancy Permit; 2) Pipeline License

In 2024, the Minnesota Pollution Control Agency(MPCA) solicited project proposals to distribute $35M to communities for projects to prepare local stormwater infrastructure for the impacts of climate change. The intent of the funding was specifically identified to address water quantity and prevent localized flooding. Per the MPCA, extreme storms

have pushed aging and undersized stormwater systems in communities across the state to the breaking point. Over the last 20 years, Minnesota had experienced 10 "mega-rain" events, when at least six inches of rain falls over an area of at least 1,000 square miles. At that time, City staff had identified the Legion Field Stormwater Improvement—Phase III project as an ideal candidate project for the funding. Phase III was to be the final project that was identified in the 2019 Legion Field Stormwater Study. Phase III will help remedy stormwater flooding in the areas of Kendall Street, Peltier Street, Glenn Street, and Simmons Street, as well as property east and north of the Nexus Apartments on Legion Field Road. The project included a clearing and grading of approximately 1,100 FT of BNSF railroad ditch that conveys city stormwater from Legion Field Road to the north and east, a new stormwater pipe crossing of the BNSF railroad near Glenn Street, and new large diameter stormwater pipe to convey this water to a new stormwater pond to be constructed on City-owned land north of the Nexus Apartments. The Phase III project was identified for 2026 in the city CIP and staff proposed to advertise the project for bids. Two permit agreements were received by BNSF.

Temporary Occupancy Permit: this permit allows for the city and its contractors to enter BNSF right of way with the purpose of tree removal/grubbing and completing grading work in their drainage ditch. The BNSF drainage ditch is an important drainageway for some City rights of way, and it is not functioning well today. The new grading plan will move the low point of the ditch to our new culvert crossing, but the resulting grade of the ditch will still be very flat. As a result of this flat ditch grade, City staff is proposing to install some drain tile beneath the ditch to assist with keeping the ditch bottom dry.

Pipeline License: this license allows for the city and its contractors to construct and maintain a 42" concrete pipe crossing of the BNSF railway, and associated drainage intakes and drain tile. This new pipe crossing of the BNSF railway will replace an existing 48" culvert that is located to the north and east of this new pipe crossing location. The existing 48" culvert is nearly 90% plugged shut, and the BNSF Railroad will not allow the city to clean the existing culvert; this necessitated the installation of a new crossing, along with some ditch grading to make the new crossing work properly.

The cost of the Temporary Occupancy Permit was $1,350. Additionally, the city would purchase insurance for the project through the railroad at a cost of $1,221. The cost of the Pipeline License was $5,265. The city would also purchase insurance for the project through the railroad at a cost of $1,899 for the pipeline license. The city would correspondingly be required to pay for spotting and flagging operations that are billed in accordance with BNSF's fee structure. The latest figure showed $1,500 per day plus a $450 mobilization charge.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to authorize execution of a Temporary Occupancy Permit with BNSF Railway Company. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Lozinski, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schroeder, Councilmember Schwartz. The motion **Carried. 7-0.**

Motion made by Councilmember Lozinski, Seconded by Councilmember Alcorn to authorize execution of a Pipeline License with BNSF Railway Company. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Lozinski, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schroeder, Councilmember Schwartz. The motion **Carried. 7-0.**

Consider Approval of a Special Law for Southwest Minnesota State University

Southwest Minnesota State University (SMSU) reached out to local legislators Rep. Swedzinski and Senator Dahms to allow SMSU to be able to sell strong beer and wine on campus during sporting events. Under Minnesota Statute §340A.404 thirteen types of establishments are allowed to possess an on-sale intoxicating liquor, wine or malt liquor license. In February, Senator Dahms and Rep. Swedzinski both introduced special legislation (SF3676 and HF3382) to allow SMSU to serve alcohol at the Schwan Regional Event Center and Recreation/Athletic Facility. The language was similar to language introduced in 2025 for Minnesota State University, Mankato to allow MSU Mankato to serve alcohol at the Taylor Center. On April 21, 2026, Governor Walz signed SF2511 into law which included the provisions to allow the City of Marshall to issue an on-sale wine and beer license to SMSU. As required under the approved law

the special license does not become effective until it is approved by a majority vote of the Marshall City Council, and a certificate is filed with the Minnesota Secretary of State. Once effective SMSU would still need to apply for and go through the liquor licensing process, which would include an application and fee, a public hearing, and physical site inspection from Minnesota Alcohol and Gambling Enforcement.

Motion made by Councilmember Schafer, Seconded by Councilmember Schwartz to approve Minnesota Laws, 2026, Chapter 48, Section 16 authorizing the City of Marshall to issue an on-sale wine and malt liquor license to Southwest Minnesota State University. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Lozinski, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schroeder, Councilmember Schwartz. The motion **Carried. 7-0.**

Commission/Board Liaison Reports

Byrnes	Fire Relief Association reviewed their retirement benefit funds and the fund was still healthy. SWRDC reviewed all of their program offering.
Alcorn	No report.
Lozinski	MMU Commission received a good audit report and the generator plant project was slated to be finished in the summer of 2026. The bandshell committee met for the first time as a meet and greet and figure out preliminary ideas.
Moua-Leske	DEI had a student with disabilities present on the difficulties of navigation throughout the city.
Schafer	No report.
Schroeder	EDA working with Mike Fox on a purchase agreement for lots in Parkway II Addition to build houses.
Schwartz	No report.

Councilmember Individual Items

Councilmember Moua-Leske reminded citizens to please blow or push fertilizers onto their lawn if it gets onto sidewalks or roadways. Councilmember Schafer also added that grass clippings should be on yards and not on streets.

City Administrator

No report.

Director of Public Works/City Engineer

Update was given on the Army Corp of Engineers repair project.

City Attorney

No report.

Information Only

There were no questions about the Information Only items.

Upcoming Meetings

There were no questions or comments about the Upcoming Meetings.

Adjournment

At 6:05PM Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to adjourn the meeting. Voting Yea: Mayor Byrnes, Councilmember Alcorn, Councilmember Lozinski, Councilmember Moua-Leske, Councilmember Schafer, Councilmember Schroeder, Councilmember Schwartz. The motion **Carried. 7-0.**

Attest:

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City Clerk Mayor