



CITY OF MARSHALL

City Council Meeting

A g e n d a

Tuesday, December 19, 2023 at 5:30 PM  
City Hall, 344 West Main Street

**OPENING ITEMS**

**APPROVAL OF AGENDA**

**APPROVAL OF MINUTES**

- [1.](#) Consider Approval of the Minutes from the Regular Meeting on December 12th

**PUBLIC HEARING**

- [2.](#) Consider Tax Abatement Application by Rebound Partners for Proposed Hotel Project

**AWARD OF BIDS**

**CONSENT AGENDA**

- [3.](#) Consider Authorization to Declare Vehicles as Surplus Property
- [4.](#) Consider Approval of the Marshall Area Senior Citizens Rental Agreement and Lutheran Social Services Lease Agreement
- [5.](#) Acceptance of a Donation Made to the Adult Community Center for FY 2023
- [6.](#) Consider Resolution Calling Public Hearings on Street Reconstruction Plan, Tax Abatements, and Issuance of GO Bonds
- [7.](#) Consider Approval of the Bills/Project Payments

**APPROVAL OF ITEMS PULLED FROM CONSENT**

**NEW BUSINESS**

- [8.](#) Acceptance of Donations Made to the Marshall Parks and Recreation Department for FY 2023
- [9.](#) Project SWM-002: Legion Field Stormwater Improvements Project-Phase II - Consider Change Order No. 3 (Final) and Acknowledgement of Final Pay Request (No. 3)
- [10.](#) Adoption of Ordinances Regarding Public Use of Cannabinoid Products and Prohibition on Smoking of Cannabinoid and Tobacco Products in City Parks and City Recreational Facilities
- [11.](#) Introduction of Amendments to Interim Cannabis Prohibition Ordinance
- [12.](#) Consider Appointments to Various Boards, Commission, Bureaus, and Authorities.

**COUNCIL REPORTS**

- [13.](#) Commission/Board Liaison Reports
- [14.](#) Councilmember Individual Items

**STAFF REPORTS**

- [15.](#) City Administrator
- [16.](#) Director of Public Works/City Engineer
- [17.](#) City Attorney

**INFORMATION ONLY**

- [18.](#) Cash and Investments
- [19.](#) Building Permits

**ADJOURN TO CLOSED SESSION**

- [20.](#) Under Minnesota Statute Section 13D.05 Subdivision 3(b) City Council May Move to Go into a Closed Session to Have an Attorney-Client Protected Discussion with the City Attorney Regarding Litigation Strategy and Options for the City and Marshall Municipal Utilities Pursuant to AFF Multidistrict Litigation No. 2873 (MDL NO.2873)

**MEETINGS**

- [21.](#) Upcoming Meetings

**ADJOURN**

**Disclaimer: These agendas have been prepared to provide information regarding an upcoming meeting of the Common Council of the City of Marshall. This document does not claim to be complete and is subject to change.**



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Presenter:</b>	Mayor Byrnes
<b>Meeting Date:</b>	Tuesday, December 19, 2023
<b>Category:</b>	APPROVAL OF MINUTES
<b>Type:</b>	ACTION
<b>Subject:</b>	Consider Approval of the Minutes from the Regular Meeting on December 12th
<b>Background Information:</b>	Enclosed are the minutes from the previous meetings.
<b>Fiscal Impact:</b>	
<b>Alternative/ Variations:</b>	Staff encourages City Council Members to provide any suggested corrections to the minutes in writing to City Clerk, Steven Anderson, prior to the meeting.
<b>Recommendations:</b>	That the minutes from the meetings held on November 28th be approved as filed with each member and that the reading of the same be waived.

**CITY OF MARSHALL  
CITY COUNCIL MEETING  
M I N U T E S  
Tuesday, December 12, 2023**

The regular meeting of the Common Council of the City of Marshall was held December 12, 2023, 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, Amanda Schroeder, John Alcorn, See Moua-Leske, James Lozinski and Steve Meister. 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; Scott Truedson, Wastewater Supervisor; Katie Brusven, Adult Community Center Coordinator; Jasmine DeSmet, Community Education Coordinator; Preston Stensrud, Park and Rec Supervisor; Ilya Gutman, Plans Examiner; Karla Drown, Finance Director; Sheila Dubs, Human Resource Manager; Quentin Brunsvold, Fire Chief; and Steven Anderson, City Clerk.

**Consider Approval of the Minutes from the Regular Meeting and Work Session on November 28th and the TNT Meeting from December 5<sup>th</sup>**

There were no amendments to the minutes.

Motion made by Councilmember Schafer, Seconded by Councilmember Meister to approve the minutes as presented. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

**Approval of the Consent Agenda**

No items were requested to be removed from the consent agenda for additional discussion.

Motion made by Councilmember Meister, Seconded by Councilmember Schafer 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 of the Red Baron Arena & Expo and Bremer Bank Sponsorship Agreement
- Consider Approval for the Renewal of an On-Sale Liquor License for The Gym and a 3.2% Off-Sale License for Kwik Trip
- Consider Approval of a Tobacco License for Kwik Trip
- Consider Approval of Taxicab License Renewal
- Consider Resolution for Signage – 1) ADA Parking-Post Office; 2) ADA Parking-Holy Redeemer; 3) No Parking-W Saratoga Street (near S 6<sup>th</sup> Street)
- Consider Approval of the 2024 Wage Schedule for Temporary and Seasonal Employees
- Consider Approval of an Amendment to the Employee Recognition Policy and Service Award Schedule
- Consider Approval of an Amendment to the Holiday Policy
- Consider Approval of a Resolution Declaring the Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds or Other Obligations to be Issued for the Aquatic Center
- Consider Lease Agreement between Vishay Hirel Systems LLC and the City of Marshall
- Consider Resolution Authorizing Transfer of Funds from Fund 609 to Funds 101 and 481
- Consider Resolution Approving the Changes for the 2024 Fee Schedule
- Consider Approval of an Agreement to Contract with Hearing Officers for the Administrative Citation Process
- Acceptance of Donations Made to the Adult Community Center for FY 2023
- Acceptance of Donations Made to the Marshall Fire Department for FY 2023
- Acceptance of Donations Made to the Administration Department for FY 2023
- Consider Approval of Employee Retirement Resolutions

Consider Approval of the Bills/Project Payments

**Jump In, Make A Splash Committee**

Sharon Hanson introduced Marc Klaith and Amanda Schwarz from the Jump In, Make a Splash Committee. Following the successful referendum held on November 7, 2023, that would provide \$18.3 million in funds through the extension of the sales tax in Marshall. The Jump In, Make A Splash Committee, which was a community-based organization, was formed in partnership with the Marshall Community Foundation, and City of Marshall, with the intention of offering residents and local businesses sponsorship and special recognition opportunities. Additional funds will help support additional amenities such as a body slide flume, lily pad water walk, climbing wall and more shade structures. All donations are being made to the Marshall Community Foundation, who is also managing the aquatic center fund. The Marshall Community Foundation had already pledged \$75,000 towards additional amenities for the Aquatic Center project.

**Annual Convention and Visitors Bureau Update and Contract Renewal**

Cassi Weiss, Convention and Visitors Bureau Director, presented her annual update for the CVB and the Red Baron Arena and Expo. Highlights of the presentation included a summary of the marketing campaigns done in 2023, a commercial spot that was produced and aired on KELO Land, major events such as the Made in Minnesota Beer and Wine Festival; Prairie Jam; Sounds of Summer and the Fairbanks Ice Dogs games. The CVB donated approximately \$99,000 in grants, cash, and in-kind marketing during 2023. The CVB hopes to increase the number of tournaments and events that are hosted in Marshall and also to continue to build partnerships with local businesses and local outdoor associations.

Motion made by Councilmember Moua-Leske, Seconded by Councilmember Schafer to approve the contract renewal between the Convention and Visitors Bureau and the City of Marshall as well as the lease agreement between the Convention and Visitors Bureau and the Red Baron Arena and Expo. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

**Project ST-015 / SP 4204-40): 2025 MnDOT College Drive Improvement Project - Consider Resolution for Municipal Consent and Layout Approval**

MnDOT Project Manager, Jesse Vlaminc presented the MnDOT plans to complete State Project 4204-40, Reconstruction of Hwy 19 from 700' west of Marlene Street through Bruce Street. In accordance with Minnesota Statute 161.164, MnDOT had submitted for City approval the project's Final Layout Flap, identified as Layout Flap No. 2A, S.P. 4204-40. The City's approval was required for the project because it altered access (Many accesses will be closed and /or altered to right in right out) and required acquisition of permanent rights of way (permanent right of way would be obtained to bring city alleys to city access standards). Mayor Byrnes explained that part of this extension was at the behest of the city. The city to help reduce cost would have liked to have the utility work done at the same time as the reconstruction instead of having to create a new project and generate additional expenses. The RAISE grant would also cover a number of the expenses for both the City of Marshall and MnDOT. Councilmember Schafer asked for clarification on how far down that 700 feet would actually cover. Vlaminc indicated the 700 feet would terminate roughly at the entrance to Buffalo Ridge Concrete. The reconstruction would also be adding paint for shared bike lanes out to the Camden Regional Trail at the Lyon County Fairgrounds.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to approve Resolution 23-xxx for the consent and layout approval for MnDOT 2025 College Drive Improvement Project. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. Voting Nay: Councilmember Meister. The motion **Carried. 6-1.**

**Consider Approval of Amendments to the Personnel Policy Manual Relating to Sick Leave Policies**

Sheila Dubs explained to the City Council that Minnesota had recently passed new legislation that provided for earned sick and safe time leave to employees effective 01/01/2024. The City of Marshall's current policy on sick leave required



amendments to comply with the new law. Additionally, a new sick leave policy applicable to part-time, paid-on-call, temporary, and seasonal staff was also required to comply with the new law. The Personnel Committee reviewed the policy on December 5 and recommended approval. Dubs detailed that the approval of the policy, with an effective date of 01/01/2024, would bring the City into compliance with the new law. The policy revision would not provide employees with additional sick leave accruals; full-time employees would continue to accrue at the same rates. Rather, the policy would cross-designate the first 48 hours of sick leave used per calendar year as earned sick and safe time leave. Only those first 48 hours of sick leave used per year will be subject to the requirements of the new law. The remaining sick leave accruals used by an employee will be subject to our existing requirements. Part-time, paid-on-call, temporary, and seasonal staff that worked 80 hours in a calendar year will earn one hour of sick leave for every 30 hours worked, up to a maximum of 48 hours per year. Employees may carry-over a maximum of 80 hours of sick leave from one calendar year to the next. The policy would be administered in accordance with state law. Dubs also introduced an amendment to the current employee policy to include sick leave to be used following the death of an employee's spouse/domestic partner, child, or stepchild, up to a maximum of 40 hours. The sick leave, if used must be used consecutively with funeral leave and must be pre-approved by the supervisor.

Motion made by Councilmember Schroeder, Seconded by Councilmember Lozinski to approve the amendments to the Personnel Policy Manual relating to sick leave policies. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

**Public Use of Cannabinoid Products and Prohibition on Smoking of Cannabinoid and Tobacco Products in City Parks and City Recreational Facilities -Introduction of Ordinance**

Pamela Whitmore provided background information on the three ordinances being introduced. At the October Legislative & Ordinance Committee meeting ("L&O"), the Committee discussed the use of Cannabinoid Products in public spaces in the City of Marshall. The L&O Committee received an update from the City Attorney and City Administrator regarding the Community Services Advisory Board's recommendation related to use in public spaces. The L&O committee also reviewed the County ordinance prohibiting public use of cannabinoid products in the County. The L&O Committee directed staff to update city ordinances to mirror the county ordinance for a prohibition on use of cannabinoid products in city parks and at recreational facilities and amend current ordinances to prohibit tobacco smoking and vaping in parks and recreational facilities as well. Section 46-29 was the ordinance created to address the direction from city council to prohibit all smoking and vaping in city parks and recreational facilities. Chapter 42 was amended to prohibit use of cannabinoid products on public streets but still does allow smoking on public streets. Councilmember Meister asked about the use of lobelia in the definition of "electronic delivery device". Whitmore retorted that the definition used was what the State of Minnesota uses, and legislation decided to include lobelia as part of it. Councilmember Lozinski commented that the L&O Committee opted to ban all smoking in parks to reduce the questions from the Police Department about what was being smoked, if everything was banned it didn't matter what the product was. The matter of enforcing a county ordinance would also be cleared up by the city having its own ordinance in place and not testing jurisdictional boundaries.

Motion made by Councilmember Meister, Seconded by Councilmember Lozinski to introduce the three ordinances amending Chapter 46, Chapter 42 and Chapter 10 of the City Code. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

**SP 5105-30 TH 59 Detour Agreement – Consider Resolution Authorizing Execution of MnDOT Agreement No. 1055122**

Jason Anderson said the proposed detour agreement between MnDOT and the City of Marshall provided payment by the State to the City for road life consumed on the portion of S. Saratoga Street that was proposed to be used as a Temporary Trunk Highway detour. The project was outlined as follows:

1. The State was going to perform concrete pavement rehabilitation and diamond grinding construction upon, along, and adjacent to Trunk Highway No. 59 from 201<sup>st</sup> Street to Trunk Highway No. 23 in 2024 under State Project No. 5105-30 (T.H. 59=17).
2. The State required a detour to carry T.H. 59 traffic on Saratoga Street during the construction.
3. The City was willing to maintain the T.H. 59 detour.
4. The State was willing to reimburse the City for the road life consumed by the detour and detour maintenance as hereinafter set forth.
5. Minnesota Statutes § 471.59, subdivision 10, § 161.25, and § 161.20, subdivision 2(b), authorize the parties to enter into this Agreement.

Per MnDOT, the dates of the detour route are July 8-August 9, 2024, but are subject to change. Councilmember Meister asked how MnDOT determined the reimbursement amount for road life consumed. Anderson stated that MnDOT had a formula that was used to determine road wear and tear during a detour. Hanson asked about traffic around the Walmart/Hitching Post intersection. Anderson said that MnDOT planned to work under traffic for that section of road, possibly by closing one or two lanes at a time.

Motion made by Councilmember Lozinski, Seconded by Councilmember Alcorn to approve Resolution 23-xxx authorizing the execution of MnDOT agreement number 1055122. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

**Project AP-003: Airport Snow Removal Equipment (SRE) Building - Project Update and Authorization to Advertise for Bids**

The City of Marshall Public Works desired to construct a new Snow Removal Equipment (SRE) and Maintenance Equipment Storage Building at the Southwest Minnesota Regional Airport. The existing building does not adequately accommodate all airport maintenance equipment storage needs. The new facility was planned to be constructed on the East Building Area of the airport along Madrid Circle. The Project has been identified on the Airport CIP since FFY2011. The following is the most recent timeline received from TKDA, the City's consultant:

- Advertise for Bids – December 15, 2023
- Bid Opening – January 16, 2023
- Contract Award – February 2024
- Material Order (Materials on hand) – March 2024 (City will need to carry costs until grant award which will likely be no sooner than 09/2024.)
- Grant Applications – March 2024
- Notice to Proceed – June 2024
- Construction Completion – July 2025

The Public Improvement/Transportation Committee met with the Airport Commission on 12/5/2023 to review the proposed SRE building plans with TKDA and City staff and also at separate, additional PI/T Committee meeting on 12/12/2023. TKDA removed a number of elements from the original bid that had failed and have worked extensively with the Airport Commission and city staff to ensure the designs still met the needs of the facility. Councilmember Meister mentioned that even with a re-bid the project was still very expensive and the hope would be to bring in additional airport

business.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to approve authorization to advertise for bids for Project AP-003: Airport Snow Removal Equipment Building. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. Voting Nay: Councilmember Meister. The motion **Carried 6-1**.

#### **Consider Approval of the 5 Year Capital Improvement Plan (CIP)**

E.J. Moberg presented the Capital Improvement Plan. The CIP was a fluid document and was updated on an annual basis. Nothing in the plan was set in stone. An example was given by Moberg for a motor grader that was re-allocated to be spread out over three years instead of all at once. The 5-year CIP served as a guide that lays out capital expenditures over the next 5 years by department as well as by the funding sources. The CIP was meant as a guide for Council and Management and does not give authorization for the projects until formally approved based on the City's Purchasing Policy.

Motion made by Councilmember Schafer, Seconded by Councilmember Alcorn to approve the five-year capital improvement plan. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0**.

#### **Resolution Adopting 2024 Budget**

Moberg gave a brief overview of the budget items, and that staff were recommending no change from the preliminary budget that was passed on September 12, 2023.

Motion made by Councilmember Schafer, Seconded by Councilmember Meister to approve Resolution 23-xxx adopting the budget for 2024. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0**.

#### **Consider Resolution Adopting Tax Levy for 2024**

At the August 29th Council work session, staff proposed a property tax levy increase of 13.63%. The main contributing factors for this increase were increased personnel and health insurance costs, an increase in debt related levies from 2023 to 2024 and increasing the levy for capital equipment after using grant dollars to lower that levy for 2023. Staff continued to work to reduce the increase for the preliminary levy that that was set on September 12th. The 2024 preliminary levy was set at \$8,988,670, which was an increase of 9.9% from the 2023 levy. Staff recommended no change to the final levy to be set at \$8,988,670, which is an increase of 9.9% from the 2023 levy.

Motion made by Councilmember Schafer, Seconded by Councilmember Moua-Leske to approve Resolution 23-xxx adopting the tax levy of 9.90% for 2024. 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 2024 Workers Compensation Insurance and Volunteer-Accident Plan**

The workers compensation insurance covers City employees, elected and appointed officials, volunteer firefighters, Library employees and Marshall Municipal Utilities employees. The Safety Committee continues to meet and discuss safety improvements and/or changes on a regular basis. Workers' compensation rates for 2024 had increased an average of 36.1% overall, because of increased payroll in 2024 and payout on claims. The volunteer-accident plan through CHUBB-Federal Insurance Company had remained constant at a \$2,793 premium from 2023 and 2024 coverage. Councilmember Schroeder asked about the service provided by BITCO. Dubs said that Laura Wing dealt with BITCO the most but when had to work with BITCO they were very responsive and good to work with.

Motion made by Councilmember Schroeder, Seconded by Councilmember Lozinski to approve the workers compensation insurance and volunteer-accident plan for 2024. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

**Consider Appointment to Boards, Commission, Bureaus, and Authorities**

The City Council conducted an interview with Sam Jens prior to the regular meeting. Mayor Byrnes made the recommendation to appoint Mr. Jens to the Diversity, Equity, and Inclusion Commission.

Motion made by Councilmember Moua-Leske, Seconded by Councilmember Alcorn to appoint Sam Jens to the Diversity, Equity and Inclusion Commission with a term ending May 31, 2026. 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**

Brynes	No report.
Schafer	No report.
Meister	No report.
Schroeder	No report.
Alcorn	No report.
Moua-Leske	DEI met to discuss Juneteenth and also talked about strategic visions for the future.
Lozinski	No report.

**Councilmember Individual Items**

Councilmember Meister entered the City of Marshall into a community-based initiative aimed at improving the post-storm pizza pick-up and delivery experience through road plowing partnerships with select communities through Dominoes Plowing for Pizza promotional campaign.

Councilmember Schroeder commented that the Red Baron Arena held a youth hockey tournament and many of the participants had positive reviews of the arena.

Mayor Byrnes mentioned that the Charter Commission had one opening and recommended that James Zmeskal be considered by the District Judge to be added to the commission. Byrnes also requested that parts of the ordinance limiting production, manufacturing and distribution of THC and cannabinoid products be amended to allow Brau Brother Brewery to manufacture THC seltzers.

**City Administrator**

Boards and Commissions in general need membership and discussions are underway to re-evaluate the need for certain commissions. Staff continue to meet with consultants regarding the upcoming tax abatement public hearing on December

**Director of Public Works/City Engineer**

The water softener rebate program was still in effect and has money that needs to be used. The program was opened up to DIY citizens and doesn't require professional installation. The MnDOT District 8 Active Transportation Partnership was hosted here in Marshall on December 8<sup>th</sup> and was well received.

**City Attorney**

No report.

**Administrative Brief**

There were no questions on the Administrative Brief.

**Information Only**

There were no questions on the Information Only items.

**Upcoming Meetings**

There were no questions on the Upcoming Meetings.

**Adjourn**

At 7:14 PM Motion made by Councilmember Schafer, Seconded by Councilmember Schroeder 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

**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Presenter:</b>	Lauren Deutz
<b>Meeting Date:</b>	Tuesday, December 19, 2023
<b>Category:</b>	PUBLIC HEARING
<b>Type:</b>	ACTION
<b>Subject:</b>	Consider Tax Abatement Application by Rebound Partners for Proposed Hotel Project
<b>Background Information:</b>	<p>The City of Marshall received a request for financial assistance through tax abatement to assist with financing a portion of the eligible costs related to the construction of an approximate 84-room Hampton Inn by Hilton hotel in the City. Total project costs are estimated at \$14,8850,164.</p> <p>Based on the Core Distinction Group Hotel Study, it was identified that 60-70 room, upper midscale hotel is needed in Marshall to accommodate the displaced lodging demand.</p> <p>In addition, past surveys of businesses, sports associations, visitors bureau have indicated that lack of rooms curtails business travel and prevents visitors from staying in the city.</p> <p>In a review of the scope and projected financial performance of the project, it was determined that the project meets public purpose and warrants public assistance to proceed as proposed.</p> <p>Based on financing assumptions and analysis, without financial assistance, the project would not be feasible due to the inability of the project to support total development costs with projected operating revenues and current market conditions.</p> <p>Rebound Partners is currently working to secure bank financing and equity for the project. The developer is requesting financial assistance to include in the sources of funds available for the project.</p> <p>A public hearing on this tax abatement application will be conducted prior to the recommended staff actions to further explain the project and provide considerations.</p> <p>In addition, if the Council would consider approval of the tax abatement, in the future, per MN Statutes: before granting a business subsidy that exceeds \$150,000 the city must provide public notice and conduct a business subsidy hearing on the subsidy.</p>
<b>Fiscal Impact:</b>	Proposed estimated market value of \$5.5 million based on projections. Up to \$211,000 tax abatement.
<b>Alternative/ Variations:</b>	See below recommendations:
<b>Recommendations:</b>	<p>1). Approve tax abatement application by Rebound Partners with any abatement paid only following construction, completion and payment of the full property taxes, certification of meeting business subsidy agreement provisions and further direct staff to finalize the tax abatement consistent with the city’s business subsidy policy and MN Statutes.</p> <p>OR</p>

2) Deny tax abatement application by Rebound Partners until further and additional financial commitments can be secured and that the City Council hereby would provide future support in a hotel development that increases the tax base, revitalizes the community, creates jobs and provides basic goods and services.

Further the city council directs staff to work with hotel development business subsidy applicant and any other applicant that may come forward with a proposed hotel development, and that any applicant must be justified by evidence that the project cannot proceed without the benefits of the subsidy.

The city recognizes that every proposal is unique. Nothing in these criteria shall be deemed to be an entitlement or shall establish a contractual right to a subsidy. The City reserves the right to modify these criteria from time to time and to evaluate each project as a whole. The following criteria recognize that the award of a business subsidy may serve a variety of public purposes of varying importance depending upon the specific project facilitated by the subsidy. The city may modify any criterion it determines to be unimportant in the case of a particular project, as permitted by the Act.

When considering projects, the city will consider all relevant factors and will base its decision on the merits of the project and its projected economic benefit to the community (i.e., the increased tax base and the jobs, which will result from the project). The city will also consider the contributions that the project makes to further the community's overall development plan and its impact on existing businesses.

That any public assistance related to hotel development would only be paid to developer following construction, completion, certification of meeting business subsidy agreement provisions and payment of the full property taxes.

Application Review and Approval Process shall be followed as specified in Tax Abatement Policy as specified herein.

**Property Information:**

Location: 1610 Commencement Blvd Access Road: Tiger/Commencement  
Section: 2 Township: 111 Range: 41 Property Identification Number: 27-865001-0  
Legal Description: TIGER PARK SIXTH ADDITION 12292014  
(attach if needed)  
Parcel Width: \_\_\_\_\_ (feet) Length: \_\_\_\_\_ (feet) Acres: 2.57

**Applicant Information:**

Applicant Name: Marshall Community RE Fund Phone: [REDACTED] (h) \_\_\_\_\_ (w)  
Mailing Address: 527 Professional Drive  
Applicant Signature: [Signature]

**Owner Information:**

Owner Name: Brett Reese Phone: [REDACTED]  
Mailing Address: 527 Professional Drive Northfield MN 55057  
Owner Signature: [Signature]  
Contractors or Contract for Deed Holders – owner must sign the application.

**Company Information:**

Owner Name: Rebound Partners Phone: [REDACTED] Fax: \_\_\_\_\_  
Location: 527 Professional Drive Northfield MN 55057  
Type of Company: RE Development Service Provided: RE Development

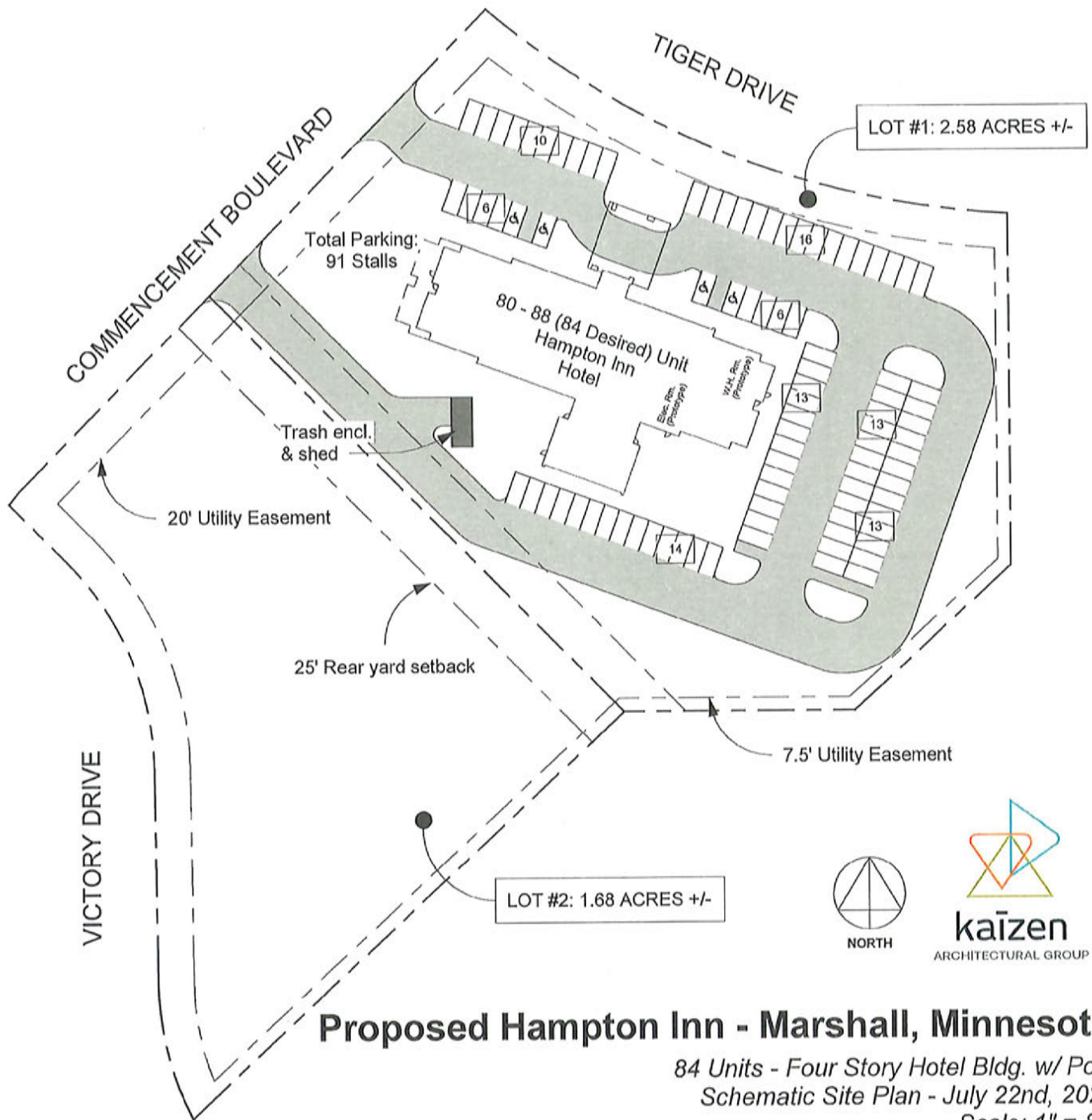
Please attach the following documentation:

- Map or site plan, prepared by an architect or engineer, showing the boundaries of the proposed development, the size and location of the building(s) and parking areas.
- Written narrative describing the project, the size and type of building(s), business type and use, traffic information (parking capacity, vehicle counts, traffic flow, pedestrian facilities), project timing, and estimated market value.
- A statement identifying the public benefits of the proposal, including estimated increase in property valuation, and other community benefits.
- ~~Statement showing the private investment and any public investment dollars for the project.~~
- ~~Financial information including past performance and pro forma future projections for the project.~~
- Application Fee (please see City of Marshall Fee Schedule for current fee amount). **\$750**
- Other information as requested.

**Return Completed Applications to:**

City Clerk  
City of Marshall  
344 West Main St.  
Marshall, MN 56258

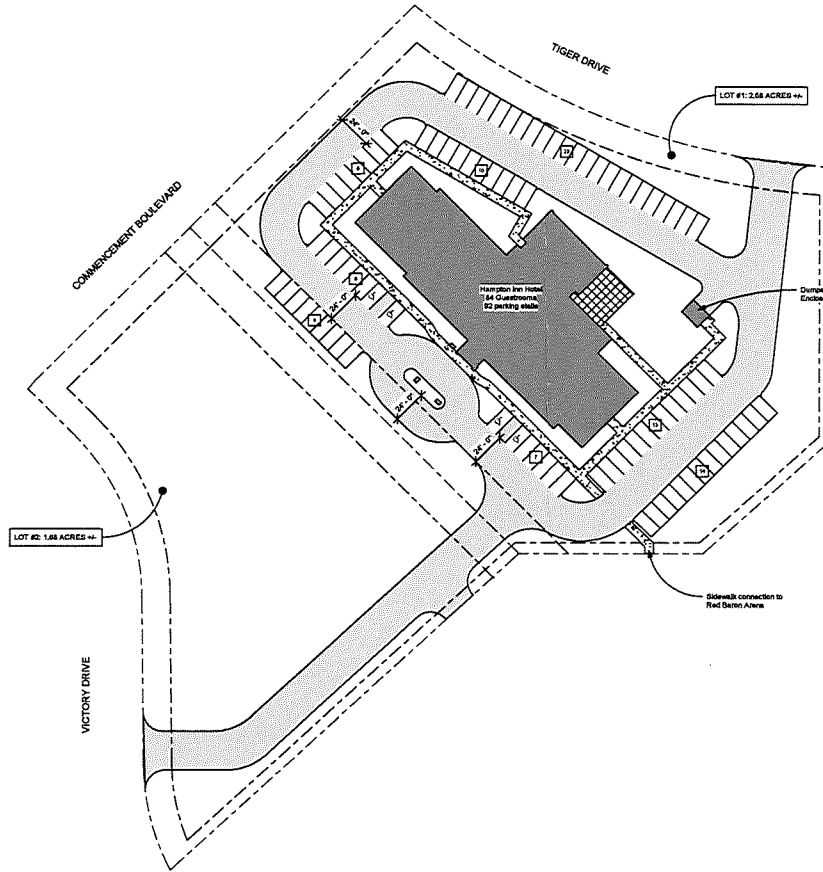




## Proposed Hampton Inn - Marshall, Minnesota

84 Units - Four Story Hotel Bldg. w/ Pool  
 Schematic Site Plan - July 22nd, 2023  
 Scale: 1" = 80'

Preliminary



**General Notes**

1. Refer to Civil Drawings for all grading, drainage, and retention area design.
2. Refer to and verify all Civil drawings for all site features and lot line dimensions.
3. Refer to Electrical drawings for site lighting, power/service & Electric Vehicle site design specifics.
4. Refer to Landscape planting plan for local landscape and planting percentage requirements.
5. Fire Department access & water supply requirements shall be in place prior to combustible materials being brought to the site.
6. See Civil and Plumbing plans for roof drain and stormwater connections.
7. Sign, Installation, area requirements & setbacks are to conform to applicable codes as determined by local jurisdiction.
8. Provide fire access and as req'd by applicable Codes as determined by local jurisdiction.
9. Provide appropriate number of curb cuts and driveway access widths to site as required by applicable Codes as determined by local jurisdiction.
10. Typical parking spaces shall be req'd by applicable Codes as determined by local jurisdiction, 9' x 18' min.
11. Coordinate lighting locations with landscape planting.
12. Refer to General Conditions for additional information and precise signage requirements.
13. Irrigate all landscaped areas with automatic underground sprinkler system, except those immediately adjacent to exterior wall of the hotel.
14. All areas not within planting beds to receive sod or other approved ground cover.
15. All equipment must be screened with landscaping or other means.
16. All site dimensions are minimum requirements.
17. Provide fence line around main building perimeter and at dumpster enclosure.
18. Provide an accessible means of travel to site property line that meets all accessibility requirements.
19. Catch basins are to be placed so as not to interfere with designated accessible routes, their clearances and max. slopes.
20. Parking lot stripes must be white, except where other colors are required for Fire Lanes and no parking zones.

1 Architectural Site Plan  
1" = 40'-0"



**Hampton Inn  
by Hilton**  
 Hotel - 84 Guestrooms  
 Marshall, MN 56204  
 Project Number: 25212  
 Issued for Permit: TBD

Architectural Site Plan  
**AS100**  
 11/12/2023 8:22:11 AM  
 Sheet Issue:

**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Meeting Date:</b>	Tuesday, December 19, 2023
<b>Category:</b>	CONSENT AGENDA
<b>Type:</b>	ACTION
<b>Subject:</b>	Consider Authorization to Declare Vehicles as Surplus Property
<b>Background Information:</b>	As part of our agreement with Enterprise replacement vehicles can be sold through auction through Enterprise Fleet Management with pick-up and delivery handled by their employees
<b>Fiscal Impact:</b>	<p>This vehicles is scheduled to be picked up by Enterprise Fleet Management.</p> <hr/> <p>Police Department      1C6RR7KT4DS698577                      2013   Dodge                      Ram 1500</p>
<b>Alternative/ Variations:</b>	
<b>Recommendations:</b>	That this vehicle be declared as surplus property by the City of Marshall.

<b>Presenter:</b>	Katie Brusven
<b>Meeting Date:</b>	Tuesday, December 19, 2023
<b>Category:</b>	CONSENT AGENDA
<b>Type:</b>	ACTION
<b>Subject:</b>	Consider Approval of the Marshall Area Senior Citizens Rental Agreement and Lutheran Social Services Lease Agreement
<b>Background Information:</b>	<p>The Adult Community Center is proposing renewal of updated contracts with the local senior citizen organization, the Marshall Area Senior Citizen’s, Inc, and the onsite Senior Dining organization, Lutheran Social Services. Both contracts went under review in 2023.</p> <p>The LSS contract has remained largely the same since early 2000’s. Input was received from LSS onsite staff, LSS regional manager, the LSS State Director of operations as well as the Senior Finance Manager, the Adult Community Center Commission, and Marshall’s City Attorney’s office regarding appropriate and necessary updates. The updated enclosed contract incorporates feedback from each group, with two main points of interest. The first includes protective legal updates based on recommendations from the City Attorney’s office. The second regards the payment format and is at the request of LSS. LSS has historically paid a monthly utility fee per meal prepared onsite. Payments have varied each month with rates in the past 24 months ranging from \$215-\$540, with the average over the last 24 months being \$440. LSS proposed a flat monthly rate of \$475, a format that allows for a consistent budget of expenses for both parties. All parties involved are supportive of this change. We are requesting approval for renewal of the lease for 2024, using the updated contract.</p> <p>The MASC, Inc contract has remained largely unchanged for 35 years. Input was received from the MASC, Inc Board of Directors, the ACC Commission, ACC affiliated City Staff, and Marshall’s City Attorney’s office regarding appropriate and necessary updates. The enclosed proposed contract includes updates based on feedback from each of these groups. There are two points of interest concerning these changes. The first is that the changes are largely based on feedback from the City Attorney’s office to incorporate necessary legal verbiage. The second is that this contract would not need to be renewed annually as historically has been and would only need to be updated if either the MASC, Inc Board or the City of Marshall requests. We are requesting approval for approval of the contract beginning January 1, 2024.</p>
<b>Fiscal Impact:</b>	
<b>Alternative/ Variations:</b>	
<b>Recommendations:</b>	To approve the rental agreement with MASC and the lease agreement with Lutheran Social Services

**The Marshall Area Senior Citizens, Inc.  
Adult Community Center Operations Agreement**

**THIS AGREEMENT** is made and entered into January 1, 2024, by and between the City of Marshall, Minnesota (the “City”), the Adult Community Center Commission of the City of Marshall, (the “Commission”), a body politic, and the Marshall Area Senior Citizens, Inc., (the “Corporation”).

**WHEREAS**, the City of Marshall owns an Adult Community Center located at 107 South 4<sup>th</sup> Street, Marshall, Minnesota, and

**WHEREAS**, the Marshall City Council established the Adult Community Center Commission (the “Commission”), to operate and maintain the City’s Adult Community Center; and

**WHEREAS**, Marshall City Code Article 2 -VI-11 authorizes the Commission to enter into contracts related to the management and operation of the Adult Community Center, after receiving approval of the contract by the City Council; and

**WHEREAS**, the Corporation is an organization of citizens from the Marshall area which promotes activities for older adults, as well as, provides some financial support to the Adult Community Center, and

**WHEREAS**, the Corporation and the Commission desire to maintain their long-standing relationship.

**NOW, THEREFORE**, in consideration of the mutual agreements set forth herein, the parties agree as follows:

The Commission and the Corporation shall have the following duties, responsibilities, and privileges:

Commission Duties

1. The Commission, either by or on behalf of the City shall schedule hours of operation for the Adult Community Center.
2. The Commission shall maintain the building and keep in good order, working with the City to make such repairs as are necessary. The Commission shall provide all janitorial services. The Corporation, as a facility user, agrees to use reasonable care in its use, including picking up after themselves or from their events, and agreeing not to deposit any trash, or garbage on any part of the premises other than in designated receptacles. Normal reasonable wear and tear is expected.
3. The Commission shall follow its normal practice for collection for revenues from non-Corporation related events, including receptions, family celebrations, and other events managed by, but not directly related to the Corporation. The Corporation will notify the Commission as soon as the Corporation books a non-corporation event and shall provide the Commission with the contact information for the coordinators of the non-corporation events.

Corporation Duties

1. The Corporation shall pay \$550.00 by the 10<sup>th</sup> day of each month. The Agreement shall become effective January 1, 2024, and continue until December 31, 2024 ( “initial term”). This Agreement shall be automatically extended for an unlimited number of one-year periods, unless, on or before December 31, 2024 (for the initial term), or thereafter on or before the December 31 of any subsequent term, either Party provides to the other written

notice of its desire not to automatically renew this Agreement. Either party may request a meet and confer with the other party by December 1 of any term to discuss any of the terms of this Agreement before the next automatic renewal period.

2. In addition to monthly rent, Corporation investment fund earnings paid to the Commission by the MASC, Inc. Foundation shall be designated for facility operations.
3. Special events sponsored or coordinated by the Corporation shall be scheduled with the Commission coordinator's approval.
4. The Corporation shall retain proceeds from Corporation-sponsored fundraising events.

#### Relationship

The Corporation is performing independent functions and responsibilities from the Commission. The Corporation and its personnel, if any, or volunteers, are independent contractors and not employees of the Commission. The Corporation has no authority to make any binding commitments or obligations on behalf of the Commission except to the extent expressly provided herein.

#### Indemnity and Duty to Defend

Each party shall be responsible for its own acts and omissions, and the acts and omissions of its own employees, agents, representative or volunteers, and the results thereof to the extent authorized by law. The Corporation agrees to defend, indemnify and hold the Commission, its officers, employees, and agents harmless from any and all liability, claims, causes of action, judgments, damages, losses, costs, or expenses, including reasonable attorney's fees, resulting directly or indirectly from the negligent acts or omissions of the Corporation or of its agents or contractors related to the performance of this Agreement. The Commission agrees to defend, indemnify and hold the Corporation, its officers, employees, and agents harmless from any and all liability, claims, causes of action, judgments, damages, losses, costs, or expenses, including reasonable attorney's fees, resulting directly or indirectly from the negligent acts or omissions of the Commission or of its agents or contractors related to the performance of this Agreement. The party seeking to be indemnified and defended shall provide timely notice to the other party when the claim is brought. The indemnifying party shall retain all rights and defenses available to the indemnified party. Nothing in this Agreement constitutes a waiver of any limits on liability, immunities, or exemptions from liability available to either party under Minnesota Statutes, chapter 466 or other law.

#### Termination

1. Mutual Termination. The parties, by mutual written agreement, may terminate this Agreement at any time.
2. Corporation Termination. The Corporation may terminate this Agreement in the event of a breach of the Agreement by the Commission upon providing thirty (30) days' written notice to the Commission, so long as the Commission is given the opportunity to cure the breach within the thirty (30) day period between the termination notice and the effective date of termination.
3. Commission Termination. The Commission may terminate this Agreement by providing thirty (30) days' written notice at any time for breach upon written notice to the Corporation, so long as the Corporation is given the opportunity to cure the breach within the thirty (30) day period between the termination notice and effective date of termination.

4. Either party may terminate this agreement for any reason, or no reason, upon three (3) months' written notice to the other.

Upon termination of this Agreement, all electronic and hard files and their content related to the Adult Community Center shall be provided to the Commission at no cost.

Notice

Any written notices, including written notice of termination, shall be provided to the parties at the following addresses:

Marshall Area Senior Citizens, Inc

107 South Fourth Street

Marshall, MN 56258

Adulty Community Center

Office of the Coordinator

107 South Fourth Street

Marshall, MN 56258

General Terms

1. The Adult Community Center shall be open to members and non-members of the Corporation.
2. Compliance with Laws. Corporation shall exercise due professional care to comply with applicable federal, state, and local laws, rules, ordinances, and regulations.
3. Choice of Law and Venue. This Agreement shall be governed by and construed in accordance with the laws of the state of Minnesota. Any disputes, controversies, or claims arising out of this Agreement shall be heard in the state or federal courts of Minnesota, and both parties waive any objection to the jurisdiction of these courts, whether based on convenience or otherwise.
4. Assignment. The Corporation may not assign any right, privilege or license conferred by this agreement.
5. Amendment. Notwithstanding any other provision hereof, the parties hereto may by mutual consent and in writing agree to modifications and additions hereto.
6. Data Practices Act Compliance. Any and all data provided to the Corporation, received from the Corporation, created, collected, received, stored, used, maintained, or disseminated by Corporation pursuant to this Agreement shall be administered in accordance with, and is subject to the requirements of the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, and specifically Section 13.495. This paragraph does not create a duty on the part of the Corporation to provide access to public data to the public if the public data are available from the Commission.
7. No Discrimination. The Corporation agrees not to discriminate in providing Services under this Agreement on the basis of race, color, sex, creed, national origin, disability, age, sexual orientation, status with regard to public assistance, or religion. Violation of any part of this provision may lead to termination of this Agreement.

8. Waiver. Any waiver by any party of a breach of any provisions of this Agreement shall not affect in any respect the validity of the remainder of this Agreement.
9. Survivability. All covenants, indemnities, guarantees, releases, representations, and warranties of either party or the parties and any undischarged obligations of the parties arising prior to the expiration or termination of this Agreement, shall survive such expiration or termination.
10. Severability. The invalidity or unenforceability of any provision of this Agreement shall not affect the validity or enforceability of any other provision. Any invalid or unenforceable provision shall be deemed severed from this Agreement to the extent of its invalidity or unenforceability, and this Agreement shall be construed and enforced as if the Agreement did not contain that particular provision to the extent of its invalidity or unenforceability.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date and in the year above written.

**Marshall Area Senior Citizens, INC.**

---

MASC, Inc President Printed Name	MASC, Inc President Signature	Date
----------------------------------	-------------------------------	------

**Adult Community Center Commission**

---

ACC Commission Chair Printed Name	ACC Commission Chair Signature	Date
-----------------------------------	--------------------------------	------

**City of Marshall**

---

Mayor Printed Name	Mayor Signature	Date
--------------------	-----------------	------

Attested to by:

---

City Clerk Printed Name	Clerk Signature	Date
-------------------------	-----------------	------



**CITY OF MARSHALL  
ADULT COMMUNITY CENTER  
LEASE AGREEMENT**

**THIS AGREEMENT** is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by and between the City of Marshall, Minnesota, (the “City”) and Lutheran Social Services, (“LSS”), together (the “Parties”).

RECITALS

**WHEREAS**, the City is the owner of the building located in the City of Marshall and referred to herein as the Adult Community Center;

**WHEREAS** LSS is organized and exists for the purpose of providing meals for qualifying individuals.

**WHEREAS** LSS agrees to lease and use a portion of the Adult Community Center for the purpose of installing equipment for the provision of meals and for the preparation and consumption of meals.

**NOW THEREFORE**, in consideration of the mutual obligations and agreements of the parties herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

GENERAL TERMS AND CONDITIONS

1. **Purpose.** City hereby leases to, and LSS hereby accepts, space within the Adult Community Center, as set forth in Paragraph 4 of this agreement for the following purposes:
  - a. To prepare food for the ongoing nutrition program, and to store and install equipment related to the provision of services for the food program;
  - b. To utilize the designated serving area and consumption area for the patrons of the nutrition program;
  - c. To utilize a designated preparation area to provide meals to be delivered off site; and
  - d. To utilize a designated area to conduct daily administrative tasks and store administrative supplies.
2. **Term.** This lease shall run from January 1 of 2024 and terminating on December 31 of 2024.
3. **Fees.** LSS will pay to the City as rent for said premises the sum of \$475 per month which sum shall include the cost to the City for utility services (gas, water, sewer, garbage, local phone service and electricity). Said amount shall be payable monthly on or before the last day of the month from January 1, 2024 to December 31, 2024. The rental amount provided for in this paragraph may be adjusted upwards by the City upon sixty days notice to LSS such adjustments to be based on increases in the use of utility services.
4. **Allowable Uses.** LSS shall be allowed the following uses of the premises:
  - a. Kitchen - located in the Adult Community Center from the hours of 7:00 a.m. to 1:00 p.m.
  - b. Dining Room - located in the Adult Community Center from the hours of 7:00 a.m. to 12:30 p.m., Monday through Friday. Any other hours of use of the Adult Community Center by LSS shall require prior approval of the Adult Community Center. Adult Community Center maintains their right to utilize the kitchen and dining area or permit use to others during the above-mentioned timeframes with advance communication to both the user and LSS.
  - c. Additional Use Space - LSS may utilize the area adjacent to the dining room and kitchen to store food, administrative supplies and equipment, among other items in support of the kitchen and meal service activities. This area will be shared with the ACC on an as needed basis.

5. **Building Access.** The City will issue keycards to LSS Staff for entry into the Adult Community Center. LSS staff shall be responsible for lost, unreturned, and/or damaged keycards. The replacement fee shall be \$10.00 dollars per card. Key cards assigned to LSS may only be used by the LSS assigned staff unless the City provides express permission for the transfer in writing. Unauthorized key card transfer is strictly prohibited and will be considered a material breach of this Agreement subject to any applicable remedies. LSS shall be responsible for any costs incurred due to an unauthorized key transfer, including but not limited to re-keying of the premises.
  
6. **Insurance and Indemnification.** LSS will provide general liability insurance for personal injury and property damage in at least the minimum amount of \$1,000,000 Per Claim, and \$3,000,000 Aggregate. LSS shall list City as “additional insured” on said Policy and shall provide the City with proof of such coverage. LSS shall provide any and all worker’s compensation insurance required by law for the coverage of its employees, agents, volunteers and servants. It is specifically understood by and between the parties that all times under this agreement and all employees, agents, volunteers and servants of LSS who participate in the meals program or in any other way authorized by this agreement shall be deemed to be employees of LSS and not of the City of Marshall, for the purpose of determining worker’s compensation liability. LSS shall defend, indemnify, and hold harmless the City, its officers, employees, contractors, and agents against any and all claims, demands, actions or causes of action of whatsoever kind arising or resulting either directly or indirectly from the use, occupancy, or licensing of the Center by LSS, its sublicensee, contractors, subcontractors, agents, officers, volunteers or employees.
  
7. **Equipment.** LSS will insure all equipment belonging to them in amounts and under terms sufficient so as to hold the City harmless from any liability loss to said equipment. A complete inventory of equipment provided and used by LSS at the Adult Community Center will be provided to the City at the beginning of the contract period, and any changes thereto will be promptly reported in writing to the City. **City and Third-Party Equipment Use.** LSS shall make its equipment available to the City for use by it or other such persons or organizations as it may designate upon reasonable notice and at such times and under such conditions as the parties may agree to and the circumstances may warrant.
  - a. **Equipment Maintenance and Repair.** Other than as provided in Section b., LSS shall at all times be responsible for the maintenance, repair and replacement of equipment belonging to LSS or belonging to the City and used by LSS., LSS shall keep LSS-owned and City-owned but LSS used equipment in a safe and sanitary condition and shall be responsible for custodial activity associated with and resulting from their meals program. The entire rental area that is used by LSS must be cleaned on a daily basis.
  - b. **City-Owned Equipment.** The following equipment is owned by the City of Marshall and is to be maintained and/or replaced as needed by the City of Marshall:
    - i. Hobart Dishwasher,
    - ii. McCall 2 section freezer 4045F,
    - iii. Convection oven, Stainless steel worktable,
    - iv. Hobart mixer A200,
    - v. Hot food table E-303-25P6,
    - vi. Refrigerator COR155d, and
    - vii. Vulcan 6 burner oven.
  - c. **Equipment Security.** In the event the City rents the Adult Community Center Kitchen to a party other than LSS, LSS shall secure their equipment in such a manner as to not be accessible by anyone other than LSS or City Staff. The City is not responsible for any lost, stolen, or damaged LSS equipment not secured prior to third-party rental and use of the kitchen.
  
8. **Custodial Responsibilities.** The City shall be responsible for and provide necessary and reasonable maintenance and custodial services in and around the Adult Community Center. Spaces used and rented by LSS must be cleaned on a daily basis and in compliance with any requirements under LSS’ certification from the Department of Health.

9. **Applicable Laws, Rules, and Regulations.** LSS leadership and staff shall adhere to all applicable local, state, and federal laws and regulations. LSS leadership and Staff shall adhere to all applicable food safety laws and regulations. LSS leadership and staff shall adhere to the LSS and City Codes of Conduct and Performance and Conduct Standards respectively. If there are conflicts between the LSS and City codes of conduct, LSS Code of Conduct shall control for LSS employees and volunteers.
10. **Assignment and Subletting Prohibited.** LSS may not assign any right, privilege or license conferred by this agreement; nor may it sublet or encumber any portion of the lease premises without first obtaining written consent of the City.
11. **Amendment.** Notwithstanding any other provision hereof, the parties hereto may by mutual consent and in writing agree to modifications and additions hereto.
12. **Termination.** This agreement may be terminated prior to expiration of the term hereof as follows:
  - a. By Mutual written agreement of the Parties; or
  - b. Upon a Material Breach of the Agreement by the other party (the Breaching Party). A material breach occurs when a breach is not cured to the Aggrieved Party's reasonable satisfaction within sixty (60) days after the aggrieved Party provides the Breaching Party with written notice of the breach. In the event either Party gives written notice of breach, the Aggrieved Party alleging the breach may be required by the Breaching Party to specify in writing the exact nature of the alleged breach, specific incidents that support the claim of the alleged breach, and the specific actions that the Aggrieved party alleging the breach deems reasonable and appropriate to cure the alleged breach; or
  - c. By at Least 180 Days Written Notice. Either party shall provide a minimum of at least 180 days written notice prior to the effective date of termination.
13. **Breach.** In the event of a material breach as outlined in Paragraph 12(c), the Parties may pursue any and all available remedies at law or in equity under the laws of State of Minnesota. All available remedies in this Agreement or by law shall be cumulative, and the exercise of one right or remedy by the applicable party shall not impair its right to exercise any other right or remedy.
14. **Surrender.** In the event the Parties terminate this Agreement with no intent to renew, LSS shall peaceably surrender the leased space and remove all debris and personal property from the leased space. LSS shall not remove any of the improvements, City-owned appliances, equipment, or fixtures. LSS shall be conclusively deemed to have abandoned any personal property not removed prior to the effective date of the final termination of this Agreement or LSS' surrender of the leased space. The City may dispose of all abandoned debris and personal property. LSS shall be responsible for any disposal costs.
15. **Notice.** Address for any notifications required by this agreement shall be as follows, unless and until written notice of a new address is given by one party to the other:

For City:

Adult Community Center Coordinator  
 SCC  
 107 South 4<sup>th</sup> Street  
 Marshall, MN 56258  
 (507) 537-6120

For LSS

LSS  
 Attn: Carrie Clemens  
 3101 South Frontage Road Suite 100  
 Moorhead, MN 56560  
 (218) 233-7521

16. **Data.** Where applicable, LSS agrees to abide strictly by Chapter 13, Minnesota Government Data Practice Act (MGDPA), and in particular Minn. Stat. §§ 13.05, subd. 6 and 11; and 13.37, subd. 1 (b) and Minn. Stat §§ 138.17 and 15.17. All of the data created, collected, received, stored, used, maintained, or disseminated by the LSS in performing functions under this Agreement is subject to the requirements of the MGDPA and LSS must comply with those requirements as if it were a governmental entity. If any provision of this Agreement conflicts with the MGDPA or other Minnesota state laws, state law shall control. LSS duties and obligations within this section shall survive the expiration of this Agreement.
17. **Entire Agreement.** This Agreement supersedes any prior or contemporaneous representations or agreements, whether written or oral, between the Parties and contains the entire agreement.
18. **Governing Law.** This Agreement shall be governed by and interpreted in accordance with the laws of the State of Minnesota.
19. **Waiver.** The waiver by either party of any breach or failure to comply with any provision of this Agreement by the other party shall not be construed as or constitute a continuing waiver of such provision or a waiver of any other breach of or failure to comply with any other provision of this Agreement.
20. **Savings Clause.** If a court finds any portion of this Agreement to be contrary to law or invalid, the remainder of the Agreement will remain in full force and effect.

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and date first written above.

CITY OF MARSHALL, MINNESOTA

LUTHERAN SOCIAL SERVICES

Print: \_\_\_\_\_

Print: \_\_\_\_\_

By: \_\_\_\_\_  
*Mayor, City of Marshall*

By: \_\_\_\_\_  
*Authorized Representative*

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

ATTESTED TO:

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

Date: \_\_\_\_\_

ADULT COMMUNITY CENTER COMMISSION

Print: \_\_\_\_\_

By: \_\_\_\_\_  
*Adult Community Center Commission*

Date: \_\_\_\_\_

**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Presenter:</b>	Katie Brusven
<b>Meeting Date:</b>	Tuesday, December 19, 2023
<b>Category:</b>	CONSENT AGENDA
<b>Type:</b>	ACTION
<b>Subject:</b>	Acceptance of a Donation Made to the Adult Community Center for FY 2023
<b>Background Information:</b>	An additional donation was made to the Adult Community Center from Janet Vandendriessche in the amount of \$100 to be used for program supplies and facility needs.
<b>Fiscal Impact:</b>	None
<b>Alternative/ Variations:</b>	None
<b>Recommendations:</b>	Adopt the resolution formally accepting donations to the Marshall Adult Community Center received in 2023.

RESOLUTION NUMBER 23-078  
ACCEPTING A DONATION TO THE CITY FOR THE Adult Community Center DEPARTMENT

**WHEREAS**, the City of Marshall is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 et seq. for the benefit of its citizens and specifically authorized to accept gifts.

**WHEREAS**, the following persons and entities have offered to contribute cash amounts set forth below to the city:

<u>Name of Donor</u>	<u>Amount</u>
Janet Vandendriessche	\$100

**WHEREAS**, the terms or conditions of the donations, if any, are as follows:

These donations will be used towards general program supplies and facility needs.

**WHEREAS**, all such donations have been contributed to the city for the benefit of its citizens, as allowed by law; and

**WHEREAS**, the City Council finds that it is appropriate to accept the donations offered.

**NOW THEREFORE**, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARSHALL, MINNESOTA AS FOLLOWS:

1. The donations described above are accepted and shall be used to establish and/or operate services either alone or in cooperation with others, as allowed by law.

Passed by the Common Council of the City of Marshall, Minnesota this 19<sup>th</sup> day of December 2023.

\_\_\_\_\_  
Mayor

Attest:

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



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Presenter:</b>	E.J. Moberg
<b>Meeting Date:</b>	Tuesday, December 19, 2023
<b>Category:</b>	CONSENT AGENDA
<b>Type:</b>	ACTION
<b>Subject:</b>	Consider resolution calling public hearings on street reconstruction plan, tax abatements, and issuance of GO Bonds
<b>Background Information:</b>	<p>Calling for the public hearings officially begins the 2024 bonding process.</p> <p>Attached for consideration is a resolution calling public hearings on a street reconstruction plan and street reconstruction bonds and abatement (as well as the corresponding notices of public), in connection with the project designated by the City as the South Whitney Street Reconstruction Project (from East College Drive to Jean Avenue), and the various public improvements to be undertaken by the City, including parking lot improvements and other improvements to facilities within city parks, including Independence Park and Legion Field.</p> <p>In Exhibit B the parcel identification (PID) numbers will be added prior to publishing of the notice.</p> <p>Public hearings at the 1/09 Council meeting would keep us on our tentative schedule with planned sale and consideration of award of the bonds on 2/27 and settlement of the bonds and receipt of bond proceeds around 3/28.</p>
<b>Fiscal Impact:</b>	
<b>Alternative/ Variations:</b>	
<b>Recommendations:</b>	Approve resolution calling public hearings on street reconstruction plan, tax abatements and issuance of GO Bonds.

**CITY OF MARSHALL, MINNESOTA**

**RESOLUTION NO. 23-089**

**RESOLUTION CALLING PUBLIC HEARINGS ON STREET  
RECONSTRUCTION PLAN, TAX ABATEMENTS AND  
ISSUANCE OF GENERAL OBLIGATION BONDS**

BE IT RESOLVED By the City Council of the City of Marshall, Lyon County, Minnesota (the “City”) as follows:

Section 1.     Background.

1.01.   The City is authorized under Minnesota Statutes, Section 475.58, subdivision 3b, as amended (the “Street Reconstruction Act”), to prepare a plan for reconstruction or overlay of streets in the City over the next five years, which includes a description of the affected streets and estimated costs (the “Street Reconstruction Plan”), and to issue general obligation bonds to finance the cost of street reconstruction activities described in the Street Reconstruction Plan (the “Street Reconstruction Bonds”).

1.02.   Pursuant to the Street Reconstruction Act, the City Council is required to hold a public hearing regarding the Street Reconstruction Plan and issuance of Street Reconstruction Bonds.

1.03.   The City now finds that it is necessary to prepare a Street Reconstruction Plan setting forth proposed street reconstruction projects in the City for the years 2024 through 2028, and to provide for the issuance of Street Reconstruction Bonds thereunder in an aggregate principal amount not to exceed \$2,000,000, to finance certain costs of the Street Reconstruction Plan, and further finds and determines that it is in the best financial interests of the City that the City hold a public hearing on the Street Reconstruction Plan and the issuance of Street Reconstruction Bonds as provided in the Street Reconstruction Act.

1.04.   Under the proposed Street Reconstruction Plan, the City will issue Street Reconstruction Bonds to finance a portion of the costs described in the Street Reconstruction Plan, including the project designated by the City as the South Whitney Street Reconstruction Project (from East College Drive to Jean Avenue).

1.05.   The City hereby authorizes its staff and consultants to prepare the Street Reconstruction Plan for street reconstruction projects in the City over the five-year period of 2024 to 2028 in accordance with the Street Reconstruction Act, and to place a copy of the Street Reconstruction Plan on file with the City Administrator by no later than the date of publication of the hearing notice.

1.06.   The City is authorized by Minnesota Statutes, Sections 469.1812 through 469.1815 (the “Abatement Act”) to grant an abatement of all or a part of the taxes levied by the City on real property within its boundaries (the “Abatement”) and to issue general obligation bonds to finance public improvements (the “Abatement Bonds”).

1.07.   Pursuant to the Abatement Act, before approving a property tax abatement, the City Council is required to hold a public hearing regarding the Abatement.

1.08.   The City proposes to issue Abatement Bonds in a principal amount currently estimated not to exceed \$600,000 to finance various public improvements, including parking lot improvements and other improvements to facilities within city parks, including Independence Park and Legion Field.



Section 2. Hearings Scheduled.

2.01. The City Council will hold a public hearing regarding the approval of the Street Reconstruction Plan and issuance of the Street Reconstruction Bonds on Tuesday, January 9, 2024, at approximately 5:30 PM in the Council Chambers of City Hall. The City Clerk is authorized and directed to publish a notice substantially in the form attached hereto as EXHIBIT A, to be published in the official newspaper of the City at least 10 days but not more than 28 days before the date of the hearing.

2.02. The City Council will hold a public hearing regarding the approval of the Abatement and the issuance of the Abatement Bonds on Tuesday, January 9, 2024 at approximately 5:30 PM in the Council Chambers of City Hall. The City Clerk is authorized and directed to publish a notice substantially the form attached as EXHIBIT B, to be published in a newspaper of general circulation in the City more than 10 days but less than 30 days before the date of the hearing.

2.03. City staff and consultants are authorized to take all other actions needed with respect to the Street Reconstruction Plan and the proposed Abatement and the issuance of the Street Reconstruction Bonds and Abatement Bonds before the City Council.

Approved this December 19, 2023 by the City Council of the City of Marshall, Minnesota.

**CITY OF MARSHALL, MINNESOTA**

\_\_\_\_\_  
Mayor

Attest:

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

**EXHIBIT A**

**NOTICE OF PUBLIC HEARING**

**CITY OF MARSHALL, MINNESOTA  
NOTICE OF PUBLIC HEARING  
REGARDING THE ADOPTION OF A FIVE-YEAR STREET RECONSTRUCTION PLAN AND THE  
ISSUANCE OF GENERAL OBLIGATION BONDS THEREUNDER**

NOTICE IS HEREBY GIVEN that the City Council of the City of Marshall, Minnesota (the “City”), will meet on Tuesday, January 9, 2024 at approximately 5:30 PM in the Council Chambers of City Hall located at 344 West Main Street in Marshall, Minnesota, to hold a public hearing concerning: (1) the adoption of a five-year street reconstruction plan (the “Plan”); and (2) the proposed issuance of general obligation bonds (the “Bonds”) to finance certain street reconstruction projects described in the Plan, including the project designated by the City as the South Whitney Street Reconstruction Project (from East College Drive to Jean Avenue), all pursuant to Minnesota Statutes, Section 475.58, subdivision 3b. The maximum principal amount of the Bonds to be issued under the Plan is \$2,000,000. The City may accept an offer by a bidder to purchase the Bonds, and the City may sell the Bonds, at a price that results in the receipt by the City of an original issue premium (the portion of the price that exceeds the principal amount of the Bonds) in any amount.

If a petition requesting a vote on the issuance of the Bonds, signed by voters equal to five percent (5%) of the votes cast in the City in the last general election, is filed with the City Clerk within 30 days after the public hearing, the City may issue the Bonds only after obtaining approval of a majority of voters voting on the question at an election.

At the time and place fixed for the public hearing, the City Council will give all persons who appear at the hearing an opportunity to express their views with respect to the proposal. In addition, interested persons may direct any questions or file written comments respecting the proposal with the City Clerk, at or prior to said public hearing.

Published: December 26, 2023

BY ORDER OF THE CITY COUNCIL OF  
THE CITY OF MARSHALL, MINNESOTA

**EXHIBIT B**

**NOTICE OF PUBLIC HEARING**

CITY OF MARSHALL, MINNESOTA  
NOTICE OF PUBLIC HEARING  
REGARDING PROPOSED PROPERTY TAX ABATEMENTS AND THE ISSUANCE OF GENERAL  
OBLIGATION BONDS TO FINANCE CERTAIN PUBLIC IMPROVEMENTS

NOTICE IS HEREBY GIVEN that the City Council of the City of Marshall, Minnesota (the “City”), will meet on Tuesday, January 9, 2024 at approximately 5:30 PM in the Council Chambers of City Hall located at 344 West Main Street in Marshall, Minnesota, to hold a public hearing on the proposal that the City abate property taxes levied by the City on the property identified as tax parcel numbers (collectively, the “Property”):

[PID Nos.]

The total amount of the taxes proposed to be abated by the City on the Property is estimated to be not more than \$600,000. The City Council will consider the property tax abatement in connection with issuing general obligation bonds to finance various public improvements, including parking lot improvements and other improvements to facilities within city parks, including Independence Park and Legion Field.

At the time and place fixed for the public hearing, the City Council will give all persons who appear at the hearing an opportunity to express their views with respect to the proposal. In addition, interested persons may direct any questions or file written comments respecting the proposal with the City Clerk, at or prior to said public hearing.

Published: December 26, 2023

BY ORDER OF THE CITY COUNCIL OF  
THE CITY OF MARSHALL, MINNESOTA

**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Presenter:</b>	Karla Drown
<b>Meeting Date:</b>	Tuesday, December 19, 2023
<b>Category:</b>	CONSENT AGENDA
<b>Type:</b>	ACTION
<b>Subject:</b>	Consider approval of the bills/project payments
<b>Background Information:</b>	Staff encourage the City Council Members to contact staff in advance of the meeting regarding these items if there are questions. Construction contract questions are encouraged to be directed to Director of Public Works, Jason Anderson at 537-6051 or Finance Director, Karla Drown at 537-6764
<b>Fiscal Impact:</b>	
<b>Alternative/ Variations:</b>	
<b>Recommendations:</b>	The following bills and project payments be authorized for payment.



Marshall, MN

# Council Check Report

By Vendor Name

Date Range: 12/15/2023 - 12/19/2023

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
<b>Bank Code: AP-REG AP</b>						
6412	AG PLUS COOPERATIVE	12/15/2023	EFT	0.00	20.97	15081
0578	AMAZON CAPITAL SERVICES	12/15/2023	EFT	0.00	530.08	15082
6918	ANDERSON, DOUGLAS D OR PEGGY L	12/15/2023	Regular	0.00	1,848.00	123726
7483	ANDRIES, ANN	12/15/2023	Regular	0.00	10.00	123727
7395	AP DESIGN, INC./NICHOLAS J SCHWARZ OR JILL	12/15/2023	EFT	0.00	57.59	15083
6883	AT&T MOBILITY II LLC	12/15/2023	Regular	0.00	38.23	123728
0688	BELLBOY CORPORATION	12/15/2023	EFT	0.00	10,959.14	15084
0689	BEND RITE CUSTOM FABRICATION, INC.	12/15/2023	Regular	0.00	2,140.00	123729
7141	BERG, RUSSELL J OR DORRINE J	12/15/2023	Regular	0.00	1,462.00	123730
0699	BEVERAGE WHOLESALERS, INC.	12/15/2023	Regular	0.00	28,762.69	123731
6219	BLACKSTRAP, INC.	12/15/2023	EFT	0.00	2,280.36	15085
7482	BLANKERS, CRYSTAL	12/15/2023	Regular	0.00	8.00	123732
7436	BLOMME, LARRY & BETH	12/15/2023	Regular	0.00	1,141.79	123733
6943	BLOMME, ZACHARY OR JENESSA	12/15/2023	Regular	0.00	1,678.00	123734
7481	BLY, ERICA	12/15/2023	Regular	0.00	5.00	123735
0724	BOLTON & MENK INC	12/15/2023	EFT	0.00	2,387.50	15086
0018	BORDER STATES INDUSTRIES, INC.	12/15/2023	EFT	0.00	227.78	15087
7480	BOSTIC, ANNA	12/15/2023	Regular	0.00	10.00	123736
3829	BRAU BROTHERS	12/15/2023	EFT	0.00	286.50	15088
4457	BREAKTHRU BEVERAGE MINNESOTA WINE & SF	12/15/2023	Regular	0.00	2,870.64	123737
7432	BROCKBERG FAMILY REVOCABLE LIVING TRUST	12/15/2023	Regular	0.00	1,065.00	123739
7335	BULLARD, QUINN	12/15/2023	EFT	0.00	15.00	15089
7484	BURGESS, ELIZABETH	12/15/2023	Regular	0.00	20.00	123740
7431	BYRNES, ROBERT OR BRENDA	12/15/2023	Regular	0.00	2,197.00	123741
4236	C.E. SIGNS & DESIGNS	12/15/2023	EFT	0.00	122.62	15090
7433	CANOGA PARK CHILDCARE LLC	12/15/2023	Regular	0.00	1,215.00	123742
6791	CAPITAL ONE	12/15/2023	Regular	0.00	320.96	123743
0802	CARLSON & STEWART REFRIGERATION, INC.	12/15/2023	EFT	0.00	1,014.89	15091
6761	CARR, JAMES C	12/15/2023	Regular	0.00	3,340.00	123744
0836	CHARTER COMMUNICATIONS, LLC	12/15/2023	EFT	0.00	44.99	15092
0836	CHARTER COMMUNICATIONS, LLC	12/15/2023	EFT	0.00	104.20	15093
7479	CHRISTENSEN, CHELSEY	12/15/2023	Regular	0.00	100.00	123745
7478	COLVIN, SHELLY	12/15/2023	Regular	0.00	55.00	123746
6294	CREDIT BUREAU OF ALEXANDRIA	12/15/2023	EFT	0.00	35.00	15094
7102	DAHLHEIMER BEVERAGE	12/15/2023	EFT	0.00	2,507.55	15095
7477	DAVIS, CARRIE	12/15/2023	Regular	0.00	72.00	123747
0391	DEBATES, STEVE	12/15/2023	EFT	0.00	170.00	15096
7476	DEKKER, JANEL	12/15/2023	Regular	0.00	10.00	123748
7475	DIEBOLD, RENE	12/15/2023	Regular	0.00	50.00	123749
7474	DIEKEN, JENNY	12/15/2023	Regular	0.00	100.00	123750
4356	DIGI-KEY, INC	12/15/2023	EFT	0.00	13.58	15097
7473	DOELING, MICHELLE	12/15/2023	Regular	0.00	185.00	123751
5731	DOLL DISTRIBUTING LLC	12/15/2023	EFT	0.00	12,429.82	15098
7365	DOPHEIDE, STANLEY OR SANDRA	12/15/2023	Regular	0.00	1,614.00	123752
7472	DUNN, CHRIS	12/15/2023	Regular	0.00	10.00	123753
7324	DYCE, DARWIN	12/15/2023	Regular	0.00	250.00	123754
5796	E & J RENTALS, LLC	12/15/2023	Regular	0.00	3,140.00	123755
1029	EAGLE ENGRAVING	12/15/2023	EFT	0.00	494.95	15099
1035	ECOLAB PEST ELIMINATION SERVICES	12/15/2023	EFT	0.00	306.98	15100
7471	EDENS, DAVID	12/15/2023	Regular	0.00	10.00	123756
7470	ENGA, RON	12/15/2023	Regular	0.00	40.00	123757
7469	FALCONER, TAMMY	12/15/2023	Regular	0.00	10.00	123758
7073	FIXEN CHIROPRACTIC	12/15/2023	EFT	0.00	100.00	15101
1122	FLAHERTY & HOOD, P.A.	12/15/2023	EFT	0.00	1,070.00	15102

Council Check Report

Date Range: 12/15/2023 - 12/19/2023

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
7427	FRANSEN, MELISSA OR DARREN	12/15/2023	Regular	0.00	1,552.00	123759
7424	GALBRAITH, MIKE	12/15/2023	Regular	0.00	500.00	123760
1158	GALLS INC	12/15/2023	EFT	0.00	123.57	15103
1199	GRAHAM TIRE AND AUTOMOTIVE SERVICES	12/15/2023	EFT	0.00	15.00	15104
7468	GREENHOFF, JENNY	12/15/2023	Regular	0.00	20.00	123761
1230	HACH COMPANY	12/15/2023	EFT	0.00	10,786.00	15105
7467	HEIL, KRISTIN	12/15/2023	Regular	0.00	10.00	123762
1267	HEIMAN INC.	12/15/2023	EFT	0.00	48.00	15106
1271	HENLE PRINTING COMPANY	12/15/2023	EFT	0.00	415.72	15107
7466	HESS, LUCAS	12/15/2023	Regular	0.00	10.00	123763
7465	HEUER, KRISTINA	12/15/2023	Regular	0.00	60.00	123764
1288	HISKEN CONSTRUCTION INC	12/15/2023	Regular	0.00	2,800.00	123765
6497	HITCHING POST OF MARSHALL INC	12/15/2023	Regular	0.00	150.00	123766
7143	HORVATH PROPERTIES LLC	12/15/2023	Regular	0.00	6,485.00	123767
7464	HUBBARD, SARA	12/15/2023	Regular	0.00	24.00	123768
7463	HYBBERT, KARI	12/15/2023	Regular	0.00	10.00	123769
6238	HYDRO OPERATING LLC	12/15/2023	EFT	0.00	360.00	15108
1365	IRONBROOK PARTNERS	12/15/2023	Regular	0.00	2,975.00	123770
7430	JACKSON, SHARON OR NIKOLAUS	12/15/2023	Regular	0.00	1,487.00	123771
1399	JOHNSON BROTHERS LIQUOR COMPANY	12/15/2023	EFT	0.00	12,407.98	15109
2036	JOHNSON BROTHERS LIQUOR COMPANY	12/15/2023	EFT	0.00	19,139.37	15110
2605	JOHNSON BROTHERS LIQUOR COMPANY	12/15/2023	EFT	0.00	2,426.62	15111
5447	JOHNSON BROTHERS LIQUOR COMPANY	12/15/2023	EFT	0.00	1,841.45	15112
1417	KENNEDY & GRAVEN, CHARTERED	12/15/2023	EFT	0.00	150.00	15113
6686	KESTELOOT, KOREY OR MELISSA	12/15/2023	Regular	0.00	2,001.00	123772
7462	KLOOS, LORI	12/15/2023	Regular	0.00	7.00	123773
7461	KNUTSON, NANCY	12/15/2023	Regular	0.00	10.00	123774
7460	KRUGER, JASON	12/15/2023	Regular	0.00	25.00	123775
7459	KRUK, JESSICA	12/15/2023	Regular	0.00	5.00	123776
4140	KRUSE FORD-LINCOLN-MERCURY, INC	12/15/2023	EFT	0.00	1,930.12	15114
7458	KUBAT, SARAH	12/15/2023	Regular	0.00	50.00	123777
3653	LANGUAGE LINE SERVICES	12/15/2023	EFT	0.00	938.70	15115
7142	LARSON, DEANNA	12/15/2023	Regular	0.00	1,498.00	123778
7457	LENDT, THERESA	12/15/2023	Regular	0.00	10.00	123779
1508	LOCKWOOD MOTORS INC	12/15/2023	EFT	0.00	14.60	15116
7435	LONG, SHERRIE & CHRIS	12/15/2023	Regular	0.00	1,000.00	123780
3065	LUTHER, ERIC	12/15/2023	EFT	0.00	247.44	15117
1548	LYON COUNTY LANDFILL	12/15/2023	EFT	0.00	30.00	15118
1553	LYON COUNTY SHERIFF'S DEPT.	12/15/2023	Regular	0.00	10.00	123781
1555	LYON LINCOLN ELECTRIC COOPERATIVE INC	12/15/2023	Regular	0.00	23.84	123782
6292	MADDEN, GALANTER, HANSEN, LLP	12/15/2023	EFT	0.00	107.50	15119
7456	MAES, SHELLY	12/15/2023	Regular	0.00	10.00	123783
7455	MARRON, BARB	12/15/2023	Regular	0.00	8.34	123784
1618	MARSHALL DECORATING CENTER	12/15/2023	Regular	0.00	24.28	123785
5813	MARSHALL LUMBER CO	12/15/2023	EFT	0.00	284.03	15120
1633	MARSHALL MUNICIPAL UTILITIES	12/15/2023	EFT	0.00	7,519.67	15121
1635	MARSHALL NORTHWEST PIPE FITTINGS INC	12/15/2023	EFT	0.32	15.64	15122
3545	MARSHALL RADIO	12/15/2023	EFT	0.00	650.00	15123
7454	MARTY, JENNIFER	12/15/2023	Regular	0.00	35.00	123786
7428	MAUCH, SCOTT OR LISA	12/15/2023	Regular	0.00	2,230.00	123787
4980	MENARDS INC	12/15/2023	EFT	0.00	42.97	15124
7453	MILLER, JULIE	12/15/2023	Regular	0.00	35.00	123788
1766	MINNESOTA DEPARTMENT OF AGRICULTURE	12/15/2023	Regular	0.00	10.00	123789
1658	MINNESOTA RECREATION AND PARK ASSOCIAT	12/15/2023	Regular	0.00	310.00	123790
1864	MONTES ELECTRIC INC	12/15/2023	Regular	0.00	2,428.25	123791
7452	MOORE, HEATHER	12/15/2023	Regular	0.00	345.00	123792
7144	MYTTY PROPERTIES NORTH LLC	12/15/2023	Regular	0.00	9,096.00	123793
1945	NORM'S GTC	12/15/2023	Regular	0.00	78.66	123794
1986	NORTH CENTRAL INTERNATIONAL, INC	12/15/2023	EFT	0.00	18.10	15125
7230	NORTHERN STATES SUPPLY, INC	12/15/2023	EFT	0.00	52.57	15126
7451	ODEGAARD, DENISE	12/15/2023	Regular	0.00	15.00	123795

Council Check Report

Date Range: 12/15/2023 - 12/19/2023

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
7450	OLSON, HEIDI	12/15/2023	Regular	0.00	32.00	123796
5891	ONE OFFICE SOLUTION	12/15/2023	EFT	0.00	24.30	15127
6917	PANTERA LLP	12/15/2023	Regular	0.00	5,374.00	123797
1243	PATZERS INC	12/15/2023	EFT	0.00	3.96	15128
2026	PEPSI COLA BOTTLING OF PIPESTONE MN INC	12/15/2023	EFT	0.00	107.00	15129
7485	PLACENCIA, KAYLA	12/15/2023	Regular	0.00	60.00	123798
3557	POMP'S TIRE SERVICE, INC.	12/15/2023	EFT	0.00	799.40	15130
5451	PSI POWER WASHERS INC	12/15/2023	Regular	0.00	84.67	123799
2096	QUARNSTROM & DOERING, PA	12/15/2023	EFT	0.00	200.00	15131
5965	R&R SPECIALTIES INC	12/15/2023	EFT	0.00	1,741.75	15132
7429	RASMUSSEN, KEP OR CHRISTOPHER	12/15/2023	Regular	0.00	1,451.00	123800
0138	RICK SLAGEL CONSTRUCTION, INC.	12/15/2023	Regular	0.00	175.00	123801
4250	RILEGHS OUTDOOR, LLC	12/15/2023	Regular	0.00	150.90	123802
7448	ROSENBOOM, LISA	12/15/2023	Regular	0.00	10.00	123803
5867	ROUND LAKE VINEYARDS & WINERY	12/15/2023	EFT	0.00	100.00	15133
7447	RUNCHEY, SARA	12/15/2023	Regular	0.00	20.00	123804
2201	RUNNING SUPPLY, INC	12/15/2023	EFT	0.00	52.03	15134
3261	SCHULTZ, ROBERT	12/15/2023	Regular	0.00	5.00	123805
6881	SHI INTERNATIONAL CORP.	12/15/2023	EFT	0.00	59.05	15135
6251	SHRED RIGHT	12/15/2023	EFT	0.00	40.00	15136
3495	SMSU	12/15/2023	EFT	0.00	80.00	15137
4855	SOUTHERN GLAZER'S	12/15/2023	EFT	0.00	3,855.71	15138
7434	SPEIDEL, KATHLEEN	12/15/2023	Regular	0.00	500.00	123806
7445	SWANSON, BECKY	12/15/2023	Regular	0.00	40.00	123807
7099	TROPHIES PLUS, INC.	12/15/2023	Regular	0.00	448.05	123808
6997	UFKIN, ALISON	12/15/2023	Regular	0.00	10.00	123809
0853	ULTIMATE SAFETY CONCEPTS, INC.	12/15/2023	EFT	0.00	4,657.84	15139
7444	VANDER KOOI, JEFF	12/15/2023	Regular	0.00	10.00	123810
4489	VERIZON WIRELESS	12/15/2023	EFT	0.00	39.02	15140
7423	VERSAEVEL, DANIEL	12/15/2023	Regular	0.00	726.43	123811
2538	VIKING COCA COLA BOTTLING CO.	12/15/2023	EFT	0.00	194.30	15141
4594	VINOCOPIA INC	12/15/2023	EFT	0.00	1,703.46	15142
7443	VLAMINCK, SHAWN	12/15/2023	Regular	0.00	10.00	123812
2545	VOLUNTEER FIREFIGHTERS BENEFIT ASSOC	12/15/2023	Regular	0.00	440.00	123813
7442	WALERIUS, KRISTA	12/15/2023	Regular	0.00	25.00	123814
7441	WENDLAND, MARCY	12/15/2023	Regular	0.00	10.00	123815
7440	WING, ANDREA	12/15/2023	Regular	0.00	10.00	123816
7439	XIONG-YANG, SOUS	12/15/2023	Regular	0.00	40.00	123817
7438	ZEUG, GREGORY	12/15/2023	Regular	0.00	10.00	123818
2632	ZIEGLER INC	12/15/2023	EFT	0.00	21.96	15143
7437	ZIMMER, TRICIA	12/15/2023	Regular	0.00	10.00	123819

Bank Code AP Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	107	93	0.00	98,778.73
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	119	63	0.32	108,424.33
	<b>226</b>	<b>156</b>	<b>0.32</b>	<b>207,203.06</b>

### All Bank Codes Check Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	107	93	0.00	98,778.73
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	119	63	0.32	108,424.33
	<b>226</b>	<b>156</b>	<b>0.32</b>	<b>207,203.06</b>

### Fund Summary

Fund	Name	Period	Amount
999	POOLED CASH FUND	12/2023	207,203.06
			<b>207,203.06</b>



CITY OF MARSHALL, MINNESOTA  
 PRIOR AND CURRENT YEARS CONSTRUCTION CONTRACTS  
 12/19/2023

PROJECT #:	Coding	DATE	CONTRACTOR:	ORIGINAL CONTRACT AMOUNT:	CHANGE ORDERS	CURRENT CONTRACT AMOUNT	2020 Prior Payments	2021 Prior Payments	2022 Prior Payments	2023 Prior Payments	PYMTS THIS MEETING:	RETAINAGE	BALANCE:	PERCENT COMPLETE	
CH1	494-43300-55120	11/12/2019	City Hall Renovation	Brennan Companies	5,030,200.00	749,360.00	5,779,560.00								
ST-004	480-43300-55170	2/22/2022	Haibur Road Reconstruction	Duininck, Inc	1,142,009.72	(19,302.51)	1,122,707.21	3,039,722.04	2,661,221.96	66,794.00		11,822.00	-	100.00%	
ST-006 (Z79)	495-43300-55130	5/10/2022	School Pedestrian Crossing Improvements	Duininck, Inc	480,250.35	15,028.32	495,278.67			1,068,756.85	53,950.36	-	-	100.00%	
ST-001	101-43300-53425	2/28/2023	Chip Seals	Allied Blacktop Company	165,497.40	2,520.60	168,018.00			376,682.76	118,595.91	-	-	100.00%	
ST-002	495-43300-55170	3/14/2023	Bituminous Overlay on Various City Streets	Duininck, Inc	887,990.20	(252,845.61)	635,144.59				168,018.00	-	-	100.00%	
ST-008	401-43300-55170	3/14/2023	Channel Parkway Pavement Replacement	Duininck, Inc	1,374,151.96	23,942.42	1,398,094.38				635,144.59	-	-	100.00%	
ST-009	481-43300-55170	3/14/2023	W. Lyon Street/N. 3rd Street Reconstruction	R & G Construction Co.	3,845,497.31	39,670.13	3,885,167.44				1,398,094.38	-	-	100.00%	
SWM-002	630-49600-55170	3/14/2023	Legion Field Road Stormwater Study: Phase 2	Towne & Country Excavating LLC	703,749.60	10,774.88	714,524.48				3,504,518.66	35,399.18	345,249.60	91.11%	
PK-092	481-45200-55120	4/11/2023	Amateur Sports Center Shelter & Storage-Ball Field	Doom & Cuyper's Construction, Inc.	171,642.00	6,078.00	177,720.00				553,545.41	29,133.97	131,845.10	81.55%	
AP-007	480-43400-55170	2022	Crack Filling w/Sealcoat	City Staff - Street/Airport	75,000.00		75,000.00			51,540.63		8,416.60	9,428.00	94.70%	
ST-032	481-43300-53425	7/11/2023	L2,BLK1, Schwans Corp I Addition Prkng Lot Improv	D & G Excavating, Inc.	221,243.20	6,568.56	227,811.76				159,875.40	-	23,459.37	68.72%	
														100.00%	
							14,097,231.74	581,794.79	14,679,026.53	3,039,722.04	2,661,221.96	1,563,774.24	0.00	84,771.75	509,982.07

**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Presenter:</b>	Preston Stensrud
<b>Meeting Date:</b>	Tuesday, December 19, 2023
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	INFO/ACTION
<b>Subject:</b>	Acceptance of Donations Made to the Marshall Parks and Recreation Department for FY 2023
<b>Background Information:</b>	<p>The Parks and Recreation Department(s) are very honored to receive numerous generous donations each year to help improve our facilities and programming. This year over \$160,000 was received in donations with another \$145,000 for upcoming years. Additionally, our department was awarded nearly \$600,000 in grant funding.</p> <p>Staff is very appreciative of the community support we receive that allows us to continue to provide the amenities and facilities we do.</p>
<b>Fiscal Impact:</b>	None
<b>Alternative/ Variations:</b>	None recommended
<b>Recommendations:</b>	Adopt the resolution formally accepting donations to the Marshall Parks and Recreation Department received in 2023.

RESOLUTION NUMBER 23-090  
ACCEPTING DONATIONS TO THE CITY OF MARSHALL PARKS & RECREATION DEPARTMENT

**WHEREAS**, the City of Marshall is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 et seq. for the benefit of its citizens and specifically authorized to accept gifts.

**WHEREAS**, the following persons and entities have offered to contribute cash amounts set forth below to the city:

<u>Name of Donor</u>	<u>Amount</u>
Turkey Valley Farms	\$15,000.00
Minnwest Bank	\$500.00
US Bank	\$15,031.06
Lockwood Motors	\$5,000.00
Schnoor Family	\$6,769.00
First Interstate BancSystem Foundation	\$5,000.00
Noon Rotary of Marshall	\$6,000.00
Visit Marshall	\$3,000.00
Marshall Hy-Vee	\$5,000.00

**WHEREAS**, the terms or conditions of the donations, if any, are as follows:

These donations will be used towards “Cultivating the Best in Play” initiative to install inclusive playground components in our parks.

**WHEREAS**, the following persons and entities have offered to contribute cash amounts set forth below to the city:

<u>Name of Donor</u>	<u>Amount</u>
Marshall Area Youth Baseball Association	\$5,000.00

**WHEREAS**, the terms or conditions of the donations, if any, are as follows:

These donations will be used towards the concrete improvements for the baseball fields at Independence Park.

**WHEREAS**, the following persons and entities have offered to contribute cash amounts set forth below to the city:

<u>Name of Donor</u>	<u>Amount</u>
Marshall Baseball Association	\$26,000.00
Visit Marshall	\$40,000.00
Marshall Area Youth Baseball Association	\$2,500.00

**WHEREAS**, the terms or conditions of the donations, if any, are as follows:

These donations will be used towards the Legion Field improvements.

**WHEREAS**, the following persons and entities have offered to contribute cash amounts set forth below to the city:

<u>Name of Donor</u>	<u>Amount</u>
Visit Marshall	\$500.00
Kibble Equipment	\$500.00
Deutz Realty	\$500.00
Coleman Management	\$500.00
Ralco	\$500.00
R&G Construction Co.	\$500.00
Lyon County	\$500.00
Hitching Post	\$500.00
Lockwood Motors	\$500.00
The Gambler	\$500.00
Western Equipment Finance	\$500.00
D&G Excavating	\$500.00
Henle Printing	\$500.00
Marshall Festivals	\$500.00
Titan Machinery	\$500.00
Southwest Pro Painting	\$500.00
Poor Borch's	\$150.00

**WHEREAS**, the terms or conditions of the donations, if any, are as follows:

These donations will be used towards the purchase and installation of an 18-hole disc golf course at Independence Park in 2023-24.

**WHEREAS**, the following persons and entities have offered to contribute cash amounts set forth below to the city:

<u>Name of Donor</u>	<u>Amount</u>
Upper Sioux Baseball	\$2,000.00

**WHEREAS**, the terms or conditions of the donations, if any, are as follows:

These donations will be used towards baseball related improvements at our facilities.

**WHEREAS**, the following donations were contributed towards continued improvements at Memorial Park to the city:

<u>Name of Donor</u>	<u>Amount</u>
Various Donors	\$8,000.00

**WHEREAS**, the terms or conditions of the donations, if any, are as follows:

These donations will be used towards improvements at Memorial Park.

**WHEREAS**, the following persons and entities have offered to contribute cash amounts set forth below to the city:

<u>Name of Donor</u>	<u>Amount</u>
VFW Post #742	\$3,080.00
Andrew Suby State Farm	\$800.00
Kruse Motors	\$300.00
Channel Partners	\$500.00
Extra Innings	\$300.00
Christian Becker State Farm	\$250.00

**WHEREAS**, the terms or conditions of the donations, if any, are as follows:

These donations will be used towards the purchases of various equipment used for recreational programming.

**WHEREAS**, the following persons and entities have offered to contribute cash amounts set forth below to the city:

<u>Name of Donor</u>	<u>Amount</u>
Mahoney Real Estate LLC	\$400.00

**WHEREAS**, the terms or conditions of the donations, if any, are as follows:

These donations will be used for Pool Party at Aquatic Center.

**WHEREAS**, the following persons and entities have offered to contribute cash amounts set forth below to the city:

<u>Name of Donor</u>	<u>Amount</u>
US Bank	\$2,500.00
Marshall Girl's Varsity Hockey	\$1,000.00
Beernaert Family	\$700.00
Craig Deutz	\$200.00
Skogrand Family	\$300.00
Weiss Family	\$100.00
Holmgren Family	\$50.00
Penske Family	\$50.00

**WHEREAS**, the terms or conditions of the donations, if any, are as follows:

These donations will be used towards the purchase and installation of a bench and seating area at the Red Baron Arena & Expo in 2024.

**WHEREAS**, all such donations have been contributed to the city for the benefit of its citizens, as allowed by law; and

**WHEREAS**, the City Council finds that it is appropriate to accept the donations offered.

**NOW THEREFORE**, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARSHALL, MINNESOTA AS FOLLOWS:

1. The donations described above are accepted and shall be used to establish and/or operate services either alone or in cooperation with others, as allowed by law.

Passed by the Common Council of the City of Marshall, Minnesota this 19<sup>th</sup> day of December 2023.

Attest:

\_\_\_\_\_  
Mayor

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

<b>Presenter:</b>	Jason Anderson
<b>Meeting Date:</b>	Tuesday, December 19, 2023
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	ACTION
<b>Subject:</b>	Project SWM-002: Legion Field Stormwater Improvements Project-Phase II - Consider Change Order No. 3 (Final) and Acknowledgement of Final Pay Request (No. 3)
<b>Background Information:</b>	<p>Phase II improvements included a new pipe crossing of the railroad tracks and a ponding improvement north of the tracks and south of the Parkway Addition to manage the stormwater runoff from the developed land south of the BNSF railroad tracks. The developed industrial area south of the railroad tracks had been nearly completely covered by impervious surfacing for many years, and the development pre-dated current requirements for on-site stormwater management. This resulted in development that sheds stormwater quickly without managing the volume of stormwater runoff that is generated.</p> <p>The items on Change Order No. 3 (Final Reconciling Change Order) for the above project are the result of final measurements and changes in item quantities during construction.</p> <p>All work has been completed in accordance with the specifications. Attached is a copy of Final Pay Request (No. 3) in the amount of \$146,410.61.</p>
<b>Fiscal Impact:</b>	Change Order No. 3 (Final) results in a contract decrease in the amount of \$15,176.46. The final contract amount was \$699,956.02. The original contract amount was \$703,749.60. The final calculations result in a total contract net decrease of \$3,793.58 or -0.54%.
<b>Alternative/ Variations:</b>	No alternative recommended.
<b>Recommendations:</b>	that the Council approve Change Order No. 3 (Final), resulting in a contract decrease in the amount of \$15,176.46 and acknowledge Final Pay Request (No. 3) in the amount of \$146,410.61 for the above-referenced project to Towne & Country Excavating LLC of Garvin, Minnesota, contingent upon receipt of all final closeout documents from the contractor.



SP/SAP(s)		MN Project No.:	N/A	Change Order No.	3
Project Location	Parkway II Addition adjacent to Brussels Ct and Stockholm Ave				
Local Agency	City of Marshall Public Works	Local Project No.	SWM-002		
Contractor	Towne & Country Excavating LLC	Contract No.	SWM-002		
Address/City/State/Zip	1191 260th Ave / Garvin / MN / 56132				
<b>Total Change Order Amount \$</b>	<b>(\$15,176.46)</b>				

Final Reconciling Change Order #3

<b>Estimate Of Cost:</b> (Include any increases or decreases in contract items, any negotiated or force account items.)					
Item No.	Description	Unit	Unit Price	+ or - Quantity	+ or - Amount \$
2218.509	AGGREGATE SURFACING CL 1	TON	\$20.00	-25	(\$500.00)
2360.509	TYPE SP 9.5 WEARING COURSE MIXTURE(2,B)	TON	\$158.00	13	\$2,054.00
2502.503	8" TP PIPE DRAIN	LF	\$24.00	-21	(\$504.00)
2503.503	36" RC PIPE SEWER DESIGN 3006 CLASS V	LF	\$325.00	-12	(\$3,900.00)
2503.602	BOULDER REMOVAL	EACH	\$1,890.00	-4	(\$7,560.00)
2521.518	6" CONCRETE WALK	SF	\$14.50	-120	(\$1,740.00)
2521.518	4" CONCRETE WALK	SF	\$12.50	6	\$75.00
2531.503	CONCRETE CURB AND GUTTER DESIGN B618	LF	\$50.00	1	\$50.00
2531.618	TRUNCATED DOMES	SF	\$80.00	-2	(\$160.00)
2573.503	SILT FENCE, TYPE MS	LF	\$2.00	-36	(\$72.00)
2575.501	SEEDING	ACRE	\$500.00	1	\$500.00
2575.508	SEED MIXTURE 25-131	LB	\$4.00	572	\$2,288.00
2575.508	SEED MIXTURE 33-261	LB	\$21.35	-57.75	(\$1,232.96)
2575.508	HYDRAULIC REINFORCED FIBER MATRIX	LB	\$0.95	790	\$750.50
2575.523	RAPID STABILIZATION METHOD 3	MGAL	\$275.00	-19	(\$5,225.00)
<b>Net Change this Change Order</b>					<b>(\$15,176.46)</b>
<b>Due to this change, the contract time:</b> (check one)					
<input type="checkbox"/> Is NOT changed		<input type="checkbox"/> May be revised as provided in MnDOT Specification 1806			
Number of Working Days Affected by this Contract Change:			Number of Calendar Days Affected by this Contract Change:		

Approved by Project Engineer: *Eric Hanson* Date: *12/14/2023*  
 Print Name: *Eric Hanson* Phone: *507-537-6774*

Approved by Contractor: Towne & Country Excavating LLC Date: *12/14/23*  
 Signature: *[Handwritten Signature]* Printed Name: *JEFF Towne*



Contract Number: SWM-002  
 Pay Request Number: 3

Project Number	Project Description
SWM-002	Legion Field Stormwater Improvements - Phase II - Parkway Basin

<b>Contractor:</b> Towne & Country Excavating LLC 1191 260th Ave Garvin, MN 56132	<b>Vendor Number:</b> 01-6389  <b>Up To Date:</b> 12/14/2023
--	--

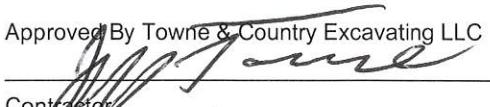
Contract Amount		Funds Encumbered	
Original Contract	\$703,749.60	Original	\$703,749.60
Contract Changes	(\$3,793.58)	Additional	(\$3,793.58)
Revised Contract	\$699,956.02	Total	\$699,956.02

Work Certified To Date	
Base Bid Items	\$688,573.14
Contract Changes	\$11,382.88
Material On Hand	\$0.00
Total	\$699,956.02

Work Certified This Request	Work Certified To Date	Less Amount Retained	Less Previous Payments	Amount Paid This Request	Total Amount Paid To Date
\$117,276.64	\$699,956.02	\$0.00	\$553,545.41	\$146,410.61	\$699,956.02
Percent: Retained: 0%			Percent Complete: 100%		

This is to certify that the items of work shown in this certificate of Pay Estimate have been actually furnished for the work comprising the above-mentioned projects in accordance with the plans and specifications heretofore approved.

Approved By  
*Eric Hanson*  
 County/City/Project Engineer  
 12/14/2023  
 Date

Approved By Towne & Country Excavating LLC  
  
 Contractor  
 12/14/23  
 Date

Payment Summary				
No.	Up To Date	Work Certified Per Request	Amount Retained Per Request	Amount Paid Per Request
1	2023-08-22	\$241,439.38	\$12,071.97	\$229,367.41
2	2023-09-19	\$341,240.00	\$17,062.00	\$324,178.00
3	2023-12-14	\$117,276.64	(\$29,133.97)	\$146,410.61

Funding Category Name	Funding Category Number	Work Certified to Date	Less Amount Retained	Less Previous Payments	Amount Paid this Request	Total Amount Paid to Date
Surface Water Management Utility		\$699,956.02	\$0.00	\$553,545.41	\$146,410.61	\$699,956.02

Accounting Number	Funding Source	Amount Paid this Request	Revised Contract Amount	Funds Encumbered to Date	Paid Contractor to Date
630	Local / Other[1]	\$146,410.61	\$699,956.02	\$699,956.02	\$699,956.02

Contract Item Status										
Base/Alt	Line	Item	Description	Units	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
Base Bid	1	2011.601	SETTLEMENT MONITORING	LS	\$1,500.00	1	0	\$0.00	1	\$1,500.00
Base Bid	2	2021.501	MOBILIZATION	LS	\$48,500.00	1	0.25	\$12,125.00	1	\$48,500.00
Base Bid	3	2101.524	CLEAR AND GRUB	TREE	\$750.00	9	0	\$0.00	9	\$6,750.00
Base Bid	4	2104.503	REMOVE CURB AND GUTTER	LF	\$8.00	66	0	\$0.00	66	\$528.00
Base Bid	5	2104.504	REMOVE BITUMINOUS PAVEMENT	SY	\$5.50	1373	0	\$0.00	1373	\$7,551.50
Base Bid	6	2104.518	REMOVE CONCRETE WALK	SF	\$2.50	350	50	\$125.00	350	\$875.00
Base Bid	7	2105.601	DEWATERING	LS	\$3,000.00	1	1	\$3,000.00	1	\$3,000.00
Base Bid	8	2106.507	COMMON EMBANKMENT (CV) (P)	CY	\$7.00	130	130	\$910.00	130	\$910.00
Base Bid	9	2106.507	COMMON EXCAVATION (P)	CY	\$8.25	24700	0	\$0.00	24700	\$203,775.00
Base Bid	10	2108.504	GEOTEXTILE FABRIC TYPE I	SY	\$1.75	733	733	\$1,282.75	733	\$1,282.75
Base Bid	11	2211.507	AGGREGATE BASE (CV) CLASS V	CY	\$26.00	220	220	\$5,720.00	220	\$5,720.00
Base Bid	12	2218.509	AGGREGATE SURFACING CL 1	TON	\$20.00	0	0	\$0.00	0	\$0.00
Base Bid	13	2360.509	TYPE SP 9.5 WEARING COURSE MIXTURE(2,B)	TON	\$158.00	220	220	\$34,760.00	220	\$34,760.00
Base Bid	14	2451.507	COARSE AGGREGATE BEDDING (CV) (P)	CY	\$28.00	137	0	\$0.00	137	\$3,836.00

Contract Item Status										
Base/Alt	Line	Item	Description	Units	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
Base Bid	15	2451.507	COARSE FILTER AGGREGATE (CV) (P)	CY	\$28.00	34	0	\$0.00	34	\$952.00
Base Bid	16	2451.507	FINE AGGREGATE BEDDING (CV) (P)	CY	\$26.00	92	0	\$0.00	92	\$2,392.00
Base Bid	17	2501.502	12" RC PIPE APRON WITH TRASH GUARD	EA	\$2,250.00	2	0	\$0.00	2	\$4,500.00
Base Bid	18	2501.502	36" RC PIPE APRON WITH TRASH GUARD	EA	\$7,000.00	1	0	\$0.00	1	\$7,000.00
Base Bid	19	2502.502	8" PRECAST CONCRETE HEADWALL	EA	\$700.00	2	0	\$0.00	2	\$1,400.00
Base Bid	20	2502.503	6" PERF TP PIPE DRAIN	LF	\$13.00	625	0	\$0.00	625	\$8,125.00
Base Bid	21	2502.503	6" TP PIPE DRAIN	LF	\$12.50	160	0	\$0.00	160	\$2,000.00
Base Bid	22	2502.503	8" PERF TP PIPE DRAIN	LF	\$22.00	250	0	\$0.00	250	\$5,500.00
Base Bid	23	2502.503	8" TP PIPE DRAIN	LF	\$24.00	173	0	\$0.00	173	\$4,152.00
Base Bid	24	2502.602	6" TP PIPE DRAIN CLEAN OUT	EA	\$300.00	7	0	\$0.00	7	\$2,100.00
Base Bid	25	2503.503	12" RC PIPE SEWER DESIGN 3006 CLASS V	LF	\$90.00	34	0	\$0.00	34	\$3,060.00
Base Bid	26	2503.503	36" RC PIPE SEWER DESIGN 3006 CLASS V	LF	\$325.00	274	0	\$0.00	274	\$89,050.00
Base Bid	27	2503.601	TRENCHLESS PITS	LS	\$45,000.00	1	0	\$0.00	1	\$45,000.00
Base Bid	28	2503.602	BOULDER REMOVAL	EACH	\$1,890.00	0	0	\$0.00	0	\$0.00
Base Bid	29	2503.603	42" RC PIPE SEWER DESIGN 3006 CL V - JACKED	LF	\$1,293.75	88	0	\$0.00	88	\$113,850.00
Base Bid	30	2506.602	CONSTRUCT DRAINAGE STRUCTURE DESIGN SPECIAL	EA	\$9,200.00	2	0	\$0.00	2	\$18,400.00
Base Bid	31	2511.504	GEOTEXTILE FILTER TYPE IV	SY	\$3.50	146	146	\$511.00	146	\$511.00
Base Bid	32	2511.507	RANDOM RIPRAP CLASS III	CY	\$110.00	50	40	\$4,400.00	50	\$5,500.00
Base Bid	33	2521.518	4" CONCRETE WALK	SF	\$12.50	350	350	\$4,375.00	350	\$4,375.00
Base Bid	34	2521.518	6" CONCRETE WALK	SF	\$14.50	400	400	\$5,800.00	400	\$5,800.00
Base Bid	35	2531.503	CONCRETE CURB AND GUTTER DESIGN B618	LF	\$50.00	67	67	\$3,350.00	67	\$3,350.00
Base Bid	36	2531.618	TRUNCATED DOMES	SF	\$80.00	38	38	\$3,040.00	38	\$3,040.00

Contract Item Status										
Base/Alt	Line	Item	Description	Units	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
Base Bid	37	2573.501	STABILIZE CONSTRUCTION EXIT	LS	\$2,500.00	1	1	\$2,500.00	1	\$2,500.00
Base Bid	38	2573.503	SILT FENCE, TYPE MS	LF	\$2.00	1129	0	\$0.00	1129	\$2,258.00
Base Bid	39	2574.507	FILTER TOPSOIL BORROW	CY	\$12.00	137	137	\$1,644.00	137	\$1,644.00
Base Bid	40	2575.501	SEEDING	ACRE	\$500.00	4.2	4.2	\$2,100.00	4.2	\$2,100.00
Base Bid	41	2575.504	ROLLED EROSION PREVENTION CATEGORY 80A	SY	\$75.00	221	221	\$16,575.00	221	\$16,575.00
Base Bid	42	2575.508	SEED MIXTURE 25-131	LB	\$4.00	704	704	\$2,816.00	704	\$2,816.00
Base Bid	43	2575.508	SEED MIXTURE 33-261	LB	\$21.35	33.25	33.25	\$709.89	33.25	\$709.89
Base Bid	44	2575.508	HYDRAULIC REINFORCED FIBER MATRIX	LB	\$0.95	11500	11500	\$10,925.00	11500	\$10,925.00
Base Bid	45	2575.523	RAPID STABILIZATION METHOD 3	MGAL	\$275.00	0	0	\$0.00	0	\$0.00
<b>Base Bid Totals:</b>								<b>\$116,668.64</b>		<b>\$688,573.14</b>

Project Category Totals			
Project	Category	Amount This Request	Amount To Date
SWM-002		\$116,668.64	\$688,573.14

Contract Change Item Status											
Project	CC	Line	Item	Unit Price	Contract Quantity	Contract Amount	New Item or Adj to Existing	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
SWM-002	CO1	46	2123.501/000102 LABOR (CREW) (HOUR)	\$1,346.86	8	\$10,774.88	ITM	\$0.00	\$0.00	8	\$10,774.88
SWM-002	CO2	47	2573.502 STORM DRAIN INLET PROTECTION (EACH)	\$90.00	4	\$360.00	ITM	\$4.00	\$360.00	4	\$360.00
SWM-002	CO2	48	2573.540 FILTER LOG TYPE STRAW BIOROLL (LIN FT)	\$3.10	80	\$248.00	ITM	\$80.00	\$248.00	80	\$248.00
SWM-002	CO3	12	2218.509 AGGREGATE SURFACING CL 1 (TON)	\$20.00	-25	(\$500.00)	ADJ				
SWM-002	CO3	13	2360.509 TYPE SP 9.5 WEARING COURSE MIXTURE(2,B) (TON)	\$158.00	13	\$2,054.00	ADJ				
SWM-002	CO3	23	2502.503 8" TP PIPE DRAIN (LF)	\$24.00	-21	(\$504.00)	ADJ				
SWM-002	CO3	26	2503.503 36" RC PIPE SEWER DESIGN 3006 CLASS V (LF)	\$325.00	-12	(\$3,900.00)	ADJ				

Contract Change Item Status											
Project	CC	Line	Item	Unit Price	Contract Quantity	Contract Amount	New Item or Adj to Existing	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
SWM-002	CO3	28	2503.602 BOULDER REMOVAL (EACH)	\$1,890.00	-4	(\$7,560.00)	ADJ				
SWM-002	CO3	33	2521.518 4" CONCRETE WALK (SF)	\$12.50	6	\$75.00	ADJ				
SWM-002	CO3	34	2521.518 6" CONCRETE WALK (SF)	\$14.50	-120	(\$1,740.00)	ADJ				
SWM-002	CO3	35	2531.503 CONCRETE CURB AND GUTTER DESIGN B618 (LF)	\$50.00	1	\$50.00	ADJ				
SWM-002	CO3	36	2531.618 TRUNCATED DOMES (SF)	\$80.00	-2	(\$160.00)	ADJ				
SWM-002	CO3	38	2573.503 SILT FENCE, TYPE MS (LF)	\$2.00	-36	(\$72.00)	ADJ				
SWM-002	CO3	40	2575.501 SEEDING (ACRE)	\$500.00	1	\$500.00	ADJ				
SWM-002	CO3	42	2575.508 SEED MIXTURE 25-131 (LB)	\$4.00	572	\$2,288.00	ADJ				
SWM-002	CO3	43	2575.508 SEED MIXTURE 33-261 (LB)	\$21.35	-57.75	(\$1,232.96)	ADJ				
SWM-002	CO3	44	2575.508 HYDRAULIC REINFORCED FIBER MATRIX (LB)	\$0.95	790	\$750.50	ADJ				
SWM-002	CO3	45	2575.523 RAPID STABILIZATION METHOD 3 (MGAL)	\$275.00	-19	(\$5,225.00)	ADJ				
<b>Contract Change Totals:</b>									<b>\$608.00</b>		<b>\$11,382.88</b>

Contract Change Totals			
Number	Description	Effective Date	Amount
1	<p>While setting up the jacking pit for the storm sewer railroad crossing, it was found that the rail to top of pipe cover was only 7.5ft instead of the 8.2ft shown on the plan and permit. Per the permit and railroad requirement, this is not allowed. In order to expedite the project and move forward, it was decided to lower the grade of the storm sewer crossing the railroad tracks and obtain the 8.2ft of cover as detailed in the permit and shown on the plan.</p> <p>This required the existing equipment in the jacking pit to be removed, the grade of the pit lowered, and the equipment set back in the pit.</p> <p>This change order covers all costs (Crew Labor and Equipment) for completing this work.</p>	08/15/2023	\$10,774.88
2	<p>Change Order #2</p> <p>This change order will cover the extra erosion control that was used on the project. The items covered by this change order include:</p> <ul style="list-style-type: none"> <li>- 2573.501 – Storm Drain Inlet Protection with a unit price of \$90.00 Each</li> <li>- 2573.503 – Sediment Control Log with a unit price of \$3.10 / Lineal Foot</li> </ul>	10/30/2023	\$608.00
3	Final Reconciling Change Order #3	12/14/2023	(\$15,176.46)

Material On Hand Additions					
Line	Item	Description	Date	Added	Comments



--	--	--	--	--	--

Material On Hand Balance						
Line	Item	Description	Date	Added	Used	Remaining

<b>Contract Total</b>					<b>\$699,956.02</b>
-----------------------	--	--	--	--	---------------------

# CITY OF MARSHALL

## CONSTRUCTION PLANS FOR

# LEGION FIELD ROAD STORMWATER IMPROVEMENTS PHASE II

POND GRADING, BITUMINOUS TRAIL, STORM SEWER

DECEMBER 2022

**RESOURCE LIST**

CITY OF MARSHALL  
CITY HALL  
344 W MAIN ST  
MARSHALL, MN 56258  
507-537-6760

CITY ADMINISTRATOR:  
SHARON HANSON

DIRECTOR OF PUBLIC WORKS/CITY ENGINEER  
JASON ANDERSON  
507-537-6051

WASTEWATER SUPERINTENDENT  
SCOTT TRUEDSON

WATER OPERATIONS MANAGER  
JEFF LARSON

ELECTRICAL OPERATIONS MANAGER  
TONY MEAD

PUBLIC WORKS SUPERINTENDENT:  
DEAN COUDRON



SHEET NUMBER	SHEET TITLE
1	TITLE SHEET
2 - 3	LEGEND, GENERAL NOTES & STATEMENT OF ESTIMATED QUANTITIES
4-11	CONSTRUCTION DETAILS
12	EXISTING CONDITIONS & REMOVALS PLAN
13	GRADING PLAN
14	PROPOSED TRAIL PLAN & PROFILE
15	STORM SEWER PLAN & PROFILE
16 - 17	STORMWATER POLLUTION PREVENTION PLAN
18	TEMPORARY EROSION CONTROL & TURF ESTABLISHMENT PLAN
19 - 20	DITCH CROSS-SECTIONS

THIS PLAN SET CONTAINS 20 SHEETS.

**SPECIFICATION REFERENCE**

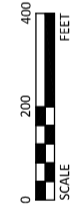
THE 2020 EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR CONSTRUCTION" AND THE "SUPPLEMENTAL SPECIFICATIONS" DATED SEPTEMBER 2022 SHALL GOVERN.

ALL TRAFFIC CONTROL DEVICES SHALL CONFORM TO THE LATEST EDITION OF THE MINNESOTA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, INCLUDING THE LATEST FIELD MANUAL FOR TEMPORARY TRAFFIC CONTROL ZONE LAYOUTS.

THE CITY OF MARSHALL STANDARD SPECIFICATIONS AND SPECIAL PROVISIONS.

THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL D UNLESS OTHERWISE NOTED. THIS UTILITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF C/ASCE 38-02, ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA."

MAP LEGEND  
PROJECT LIMITS



MAP OF THE  
CITY OF MARSHALL  
LYON COUNTY, MN



ENGINEERING DEPARTMENT  
344 WEST MAIN STREET  
MARSHALL, MINNESOTA  
56258

VERIFIED TRUE TO THE ORIGINAL SURFACE DATA. SURFACE DATA OBTAINED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER IN THE STATE OF MINNESOTA.  
JOSHUA G. STIER  
LIC. NO. 54171 DATE 12/05/2022



1960 PREMIER DRIVE  
MANKATO, MINNESOTA 56001  
Phone: (507) 625-4171  
Email: Mankato@bolton-menk.com  
www.bolton-menk.com

REVISION	NO.	REVISION FOR	DATE
DRAWN	MDS		
CHECKED	CMM		
CLIENT PROJ. NO.	JGS		
	OW1126277		

REVIEWED & APPROVED

CITY ENGINEER

DATE:

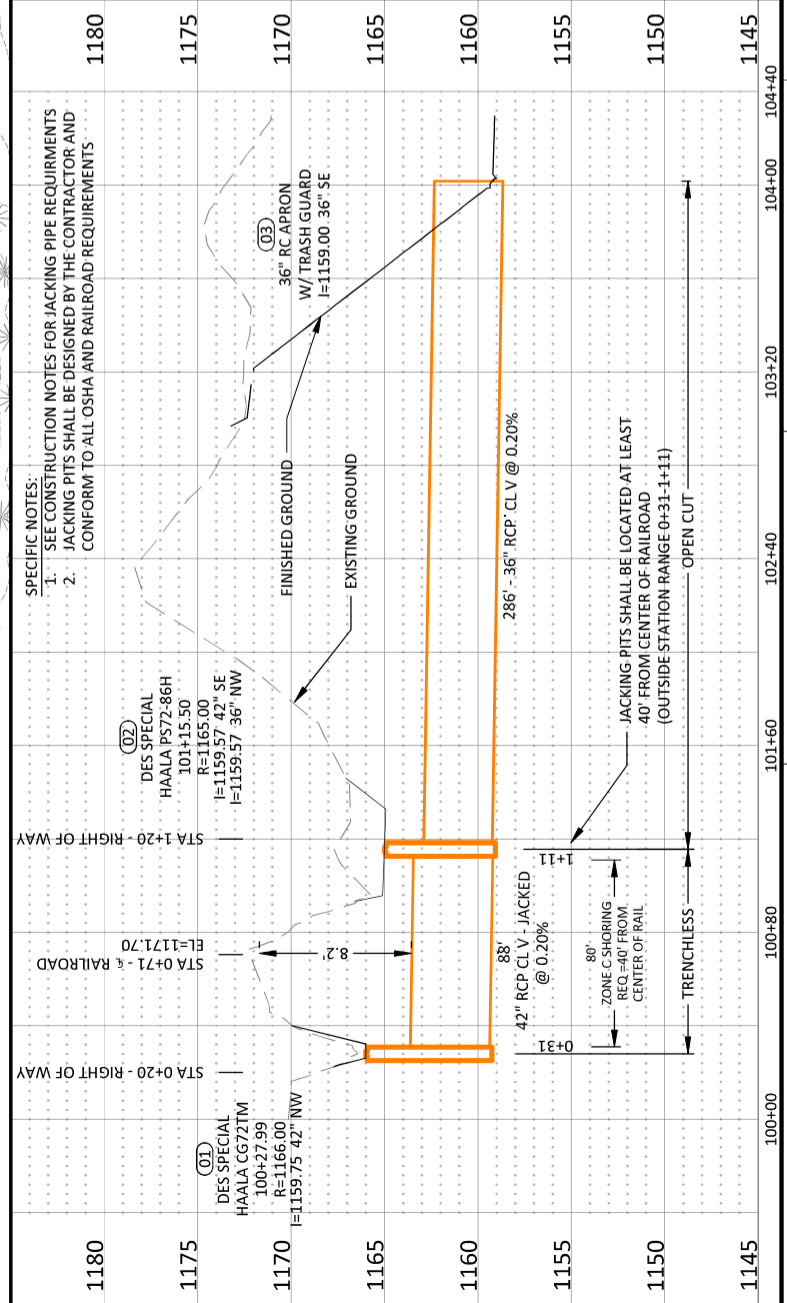
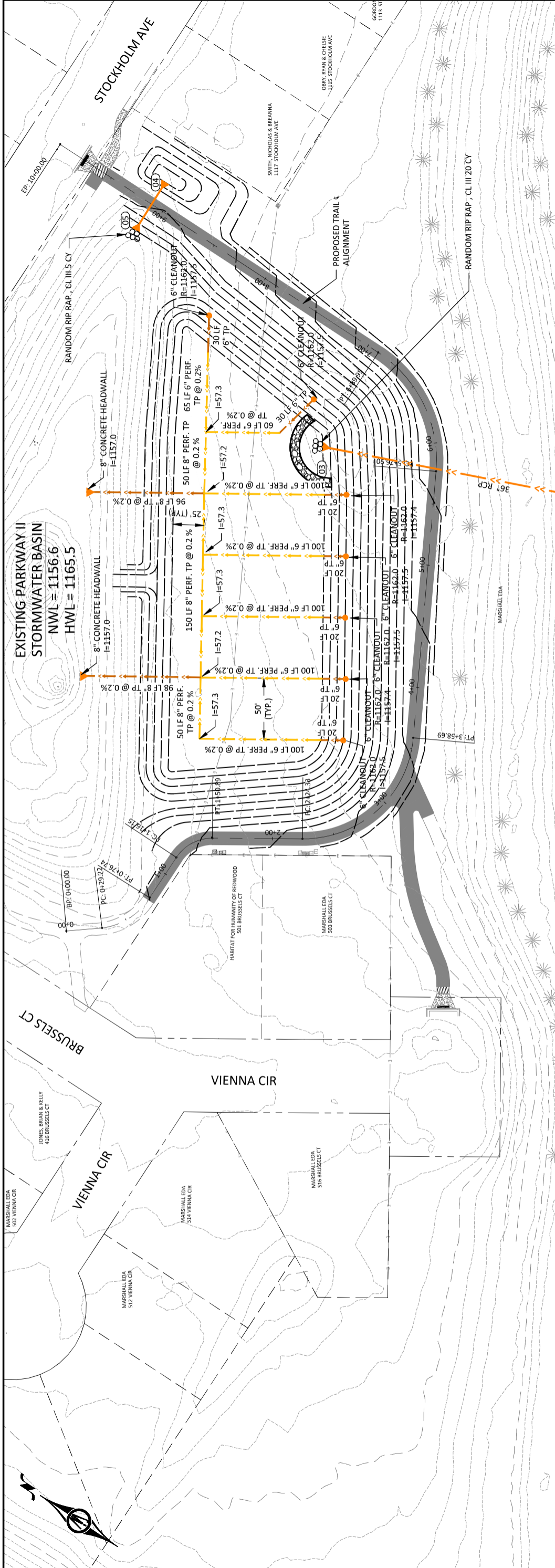
PROJECT DATUM: LYON COUNTY  
HORIZONTAL: NAD 83  
VERTICAL: NAVD 88

RECORD DRAWING INFORMATION  
OBSERVER:  
CONTINUATOR:

CITY OF MARSHALL, MINNESOTA  
LEGION FIELD ROAD STORMWATER IMPROVEMENTS PHASE II  
TITLE SHEET

SHEET  
1





ELEVATION	DESCRIPTION
1170	12" RC APRON I=1165.00 12" W 12" RC APRON
1165	FINISHED GROUND
1165	EXISTING GROUND

**CITY OF MARSHALL, MINNESOTA**

LEGION FIELD ROAD STORMWATER IMPROVEMENTS PHASE II

STORM SEWER PLAN & PROFILE

DATE: 12/05/2022

PROJECT NO: 2022-001

CLIENT PROJ. NO: OW1126277

1960 PREMIER DRIVE  
MANKATO, MINNESOTA 56001  
Phone: (507) 625-4171  
Email: Mankato@bolton-menk.com  
www.bolton-menk.com

**BOLTON & MENK**

ENGINEERING DEPARTMENT  
344 WEST MAIN STREET  
MARSHALL, MINNESOTA 56208

1180

1175

1170

1165

1160

1155

1150

1145

103+20

104+00

104+40

1180

1175

1170

1165

1160

1155

1150

1145



<b>Presenter:</b>	Pamela Whitmore
<b>Meeting Date:</b>	Tuesday, December 19, 2023
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	ACTION
<b>Subject:</b>	Adoption of Ordinances Regarding Public Use of Cannabinoid Products and Prohibition on Smoking of Cannabinoid and Tobacco Products in City Parks and City Recreational Facilities
<b>Background Information:</b>	<p>At the October Legislative &amp; Ordinance Committee meeting (“L&amp;O”), the Committee discussed the use of Cannabinoid Products in public spaces in the City of Marshall. The L&amp;O Committee received an update from the City Attorney and City Administrator regarding the Community Services Advisory Board’s recommendation related to use in public spaces. The L&amp;O committee also reviewed the County ordinance prohibiting public use of cannabinoid products in the County.</p> <p>The L&amp;O Committee directed staff to update city ordinances to mirror the county ordinance for a prohibition on use of cannabinoid products in city parks and at recreational facilities and amend current ordinances to prohibit tobacco smoking and vaping in parks and recreational facilities as well.</p> <p>Attached is:</p> <ol style="list-style-type: none"> <li>1. An ordinance amending the City Code of Ordinances, Chapter 46, Parks and Recreation, Article 4-II Public Conduct, to add a new section 46-29 related to the smoking of tobacco products and cannabinoid products and the use of all cannabinoid products.</li> <li>2. An amendment to existing Section 10-22, Requirements For Owner, Operator Or Manager Of Public Dancing Place, to accommodate for cannabinoid products.</li> <li>3. An amendment to existing Section 42-112, Consumption Of Beer Or Liquor On Streets And Public Property to include Cannabinoid.</li> </ol>
<b>Fiscal Impact:</b>	
<b>Alternative/ Variations:</b>	
<b>Recommendations:</b>	<ol style="list-style-type: none"> <li>1) To adopt Ordinance 23-029 amending Chapter 42, Section 42-112 Consumption of Beer, Liquor or Cannabinoid Products On Streets and Public Property and authorize it’s summary publication pursuant to MN Statute 412.191.</li> <li>2) To adopt Ordinance 23-030 amending Chapter 46 Park and Recreation to add Section 46-29 Smoking of Cannabinoid or Tobacco Products in City Parks and Recreational Facilities Prohibited; Use of All Forms of Cannabinoid Products Prohibited in City Parks and Recreational Facilities and authorize its summary publication pursuant to MN Statute 412.191.</li> <li>3) To adopt Ordinance 23-031 amending Chapter 10, Section 10-22 Requirements for Owner, Operator or Manager of Public Dancing Place and authorize its summary publication pursuant to MN Statute 412.191.</li> </ol>

**CITY OF MARSHALL  
ORDINANCE 23-029**

**AN ORDINANCE AMENDING CHAPTER 42, OFFENSES AND MISCELLANEOUS  
PROVISIONS, ARTICLE 42-V, OFFENSES INVOLVING PUBLIC MORALS,  
SECTION 42-112 CONSUMPTION OF BEER OR LIQUOR ON STREETS AND  
PUBLIC PROPERTY**

The Common Council of the City of Marshall do ordain:

**SECTION 1:**        AMENDMENT “Section 42-112 Consumption Of Beer Or  
Liquor On Streets And Public Property” of the Marshall Municipal Code is hereby *amended*  
as follows:

AMENDMENT

Section 42-112 Consumption Of Beer ~~Or Liquor~~, Liquor or Cannabinoid Products On Streets  
And Public Property

(a) Definitions.

- (1) For purposes of this section, the term “cannabinoid products” shall have the definitions given to them in Minnesota Statutes, section 342.01, as it may be amended from time to time.
- (2) For purposes of this section, public property is defined as property, real and personal, that is owned, managed or controlled by the City, including, but not limited to: City buildings and all the land thereon, parking lots, parks, pathways and trails, and city rights-of-way consisting of both the traveled portion and the abutting boulevard, sidewalks and trails, and any City personal property, such as motor vehicles, city equipment, and the like.
- (3) For purposes of this section, the term "smoking" means inhaling, exhaling, burning, vaping or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, cannabis plant, hemp plant, cannabinoid product or other plant, whether natural or synthetic, that is intended for inhalation. Smoking includes carrying or using an activated electronic delivery device.

(b) Prohibition.

- (1) It is unlawful for any person to consume or possess in an unsealed container, beer or liquor on any street or other public property except city parks when and where permission has been specifically granted by a permit issued by the community services department.
- (2) Except for when otherwise allowed under Minnesota Statutes Section 342.09, it is unlawful for any person to consume or smoke any Cannabinoid Product on any street or other public property except at a city sponsored or private

permitted event in a city park when and where permission has been specifically granted by a permit issued by the community services department and the event is a licensed event by the Office of Cannabis Management.

(Code 1976, § 10.04)

**Cross reference(s)**—Alcoholic beverages, ch. 6.

**State law reference(s)**—Open bottles in motor vehicles, Minn. Stat. § 169.122.

PASSED AND ADOPTED BY THE CITY OF MARSHALL COMMON COUNCIL

\_\_\_\_\_.

Presiding Officer

Attest

\_\_\_\_\_  
Robert Byrnes, Mayor, City of  
Marshall

\_\_\_\_\_  
Steven Anderson, City Clerk, City of  
Marshall

**SUMMARY ORDINANCE NO. 23-029**

**AN ORDINANCE AMENDING CHAPTER 42, SECTION 42-112  
CONSUMPTION OF BEER OR LIQUOR OR CANNABINOID PRODCUTS ON STREETS AND PUBLIC  
PROPERTY**

The Common Council of the City of Marshall do ordain as follows:

Section 1: City Code of Ordinances, Chapter 42, Section 42-112 is hereby amended in summary as follows:

The amendment prohibits consumption or smoking of any Cannabinoid Products on any street or other public property except by permit where permission has been granted.

Section 2: It is hereby determined that publication of this Title and Summary Ordinance will clearly inform the public of the intent and effect of Ordinance No. 23-029.

It is hereby directed that only the above Title and Summary of Ordinance No. 23-029 be published conforming to Minnesota Statutes §331A.01 with the following:

**NOTICE**

Persons interested in reviewing a complete copy of the Ordinance may do so at the office of the City Clerk, City Offices, 344 West Main Street, Marshall, Minnesota 56258.

Section 3: This Ordinance shall take effect after its passage and summary publication.

Passed and adopted by the Common Council this 19<sup>th</sup> day of December 2023.

THE COMMON COUNCIL  
Robert Byrnes  
Mayor of the City of Marshall, MN

ATTEST:  
Steven Anderson  
City Clerk

**CITY OF MARSHALL  
ORDINANCE 23-030**

**AN ORDINANCE PROHIBITING THE SMOKING OR VAPING OF TOBACCO OR  
CANNABINOID PRODUCTS IN CITY PARKS AND IN RECREATIONAL  
FACILITIES AND PROHIBITING USE OF OTHER FORMS OF CANNABINOID  
PRODUCTS IN CITY PARKS OR RECREATIONAL FACILITIES**

The Common Council of the City of Marshall do ordain:

**SECTION 1:**        **ADOPTION** “Section 46-29 Smoking of Cannabinoid or Tobacco Products in City Parks and Recreational Facilities Prohibited; Use of All Forms of Cannabinoid Products Prohibited in City Parks and Recreational Facilities” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 46-29 Smoking of Cannabinoid or Tobacco Products in City Parks and Recreational Facilities Prohibited; Use of All Forms of Cannabinoid Products Prohibited in City Parks and Recreational Facilities(*Added*)

(a) Definitions.

- (1) For purposes of this section, the term “cannabinoid products” shall have the definition given in Minnesota Statutes, section 342.01, as it may be amended from time to time.
- (2) For purposes of this section “City Parks” means all City Parks, including trails and sidewalks in and through the City Park, and parking lots adjacent to City Parks and inside all motor vehicles located or parked in a City Park or parking lot adjacent to a City Park.
- (3) For purposes of this section, “electronic delivery device” means a product containing or delivering nicotine, lobelia or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. Electronic delivery device includes, but is not limited to, devices manufactured, marketed or sold as e-cigarettes, e-cigars, e-pipes, vape pens, mods, tank systems, or under any other product name or descriptor.
- (4) For purposes of this section, “recreational facility” means major structures such as aquatic centers, swimming pools, arenas, athletic fields and shelters located within lands under the ownership or control of the City of Marshall.
- (5) For purposes of this section, the term "smoking" means inhaling, exhaling, burning, vaping or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, cannabis plant, hemp plant, cannabinoid product or other

plant, whether natural or synthetic, that is intended for inhalation. Smoking includes carrying or using an activated electronic delivery device.

(6) For purposes of this section, the term "tobacco products" means any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product, including, but not limited to cigarettes; cigars; cheroots; stogies; perique's; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds and forms of tobacco. Tobacco products includes nicotine solution products.

(b) Prohibition.

(1) No person shall smoke or vape cannabinoid products or tobacco products in a city park or at a Recreational Facility.

(2) Unless allowed by permit under Section (C) below, no person shall use any form of a cannabinoid product in a city park or at a Recreational Facility.

(c) Permitted private event. In addition to all other rules, procedures, and conditions for use of the facilities or parks, use of cannabinoid products at a private event, other than smoking which is prohibited in its entirety, may occur at a city park or recreational facility if the applicant:

(1) Completes an application for the rental of the city recreational facility or park and discloses on the rental application that cannabinoid products may be used during the private event.

(2) The application for rental of a city-owned facility or park for a private event shall be made by the sponsoring individual or organization and shall include the following:

a. The name, address, and nature of the sponsoring individual or organization.

b. A description of the event, including probable number of people in attendance, dates and hours of the event, and such other information as may be required.

c. An attestation that the applicant is familiar with all the terms and provisions of this section and will comply with the same.

d. An attestation that no smoking of any cannabinoid or tobacco products will occur, unless otherwise allowed by state law.

(3) Applications shall be accompanied by a fee as determined by ordinance or resolution of the city council.

(4) Prohibitions. Provision of cannabinoid products shall not be allowed:

a. To any person who is not attending the event (no uninvited guests at "private events").

b. To any minor person as defined by Minnesota Statutes.

c. To any person attending or participating in a youth amateur athletic event held on the premises, in which any participant is 18 years of age or younger.

d. To any person attending, participating in or in any way being a part of a Minnesota State High School League (MSHSL) related or sponsored function, which includes students of any age, such as athletic or other activities, banquets or celebrations.

(5) Additional requirements. The city council may impose additional requirements or conditions on renting the recreational facility or city park for a private event as it deems reasonable and appropriate.

(d) Exceptions to Prohibitions.

(1) The prohibitions herein do not apply to (i) a private event held in a City Park or Recreational Facility where the City approved use of cannabinoid products in the rental application as set forth in (c) above or (ii) events licensed by the Office of Cannabis Management to permit on-site consumption of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products and which otherwise comply with city ordinances and regulations, including obtaining relevant permits or completing required rental applications.

(2) This Ordinance does not prohibit smoking by a Native American as part of a traditional Native American spiritual or cultural ceremony. For purposes of this section, a Native American is a person who is a member of an Indian tribe as defined in section 260.755, subdivision 12 of the Minnesota Statutes.

(e) Additional Regulations. In order to protect public health, safety and welfare, and to preserve the property of the City, the City Administrator or their designee is authorized and directed to establish additional written regulation which shall define, in precise detail, the procedures to be followed in the use of the parks and in the recreational facilities.

(f) A violation of this section shall be a petty misdemeanor and is punishable in accordance with Section 1-8 of Chapter 1 of this Code, including, but not limited to a fine in the amount set forth in the City's fee schedule.

PASSED AND ADOPTED BY THE CITY OF MARSHALL COMMON COUNCIL

Presiding Officer

Attest

\_\_\_\_\_  
Robert Byrnes, Mayor, City of  
Marshall

\_\_\_\_\_  
Steven Anderson, City Clerk, City of  
Marshall

**SUMMARY ORDINANCE NO. 23-030**

**AN ORDINANCE AMENDING CHAPTER 46 OF CITY CODE RELATING TO PARKS AND RECREATION**

The Common Council of the City of Marshall do ordain as follows:

Section 1: City Code of Ordinances, Chapter 46, Section 46-29 Smoking of Cannabinoid or Tobacco Products in City Parks and Recreational Facilities Prohibited; Use of All Forms of Cannabinoid Products Prohibited in City Parks and Recreational Facilities is hereby added in summary as follows:

The addition of Section 46-29 prohibits smoking of any kind in City Parks and Recreation Facilities unless allowed by a permitted event.

Section 2: It is hereby determined that publication of this Title and Summary Ordinance will clearly inform the public of the intent and effect of Ordinance No. 23-030.

It is hereby directed that only the above Title and Summary of Ordinance No. 23-030 be published conforming to Minnesota Statutes §331A.01 with the following:

**NOTICE**

Persons interested in reviewing a complete copy of the Ordinance may do so at the office of the City Clerk, City Offices, 344 West Main Street, Marshall, Minnesota 56258.

Section 3: This Ordinance shall take effect after its passage and summary publication.

Passed and adopted by the Common Council this 19th day of December 2023.

THE COMMON COUNCIL  
Robert Byrnes  
Mayor of the City of Marshall, MN

ATTEST:  
Steven Anderson  
City Clerk



**CITY OF MARSHALL  
ORDINANCE 23-031**

**AN ORDINANCE AMENDING CHAPTER 10, AMUSEMENT AND  
ENTERTAINMENT, ARTICLE 10-II, PUBLIC DANCES, SECTION 10-22  
REQUIREMENTS FOR OWNER, OPERATOR, OR MANAGER OF PUBLIC  
DANCE PLACE**

The Common Council of the City of Marshall do ordain:

**SECTION 1:**        **AMENDMENT** “Section 10-22 Requirements For Owner, Operator Or Manager Of Public Dancing Place” of the Marshall Municipal Code is hereby *amended* as follows:

**AMENDMENT**

Section 10-22 Requirements For Owner, Operator Or Manager Of Public Dancing Place

- (a) When a public dance is taking place at a public dancing place, the owner, operator and manager of a public dancing place shall:
  - (1) Have employed a security person that has been approved by the city police department.
  - (2) Maintain the public dancing place free of fighting and other tumultuous conduct.
  - (3) Take positive steps to prohibit persons from entering the premises that are unauthorized to enter the premises by state statutes if intoxicating liquor or cannabinoid products are ~~is~~ sold on such premises.
- (b) The police department shall have the authority to immediately stop all public dancing at a public dancing place that does not meet the requirements of subsection (a) of this section.

(Code 1976, § 10.28(2), (3))

PASSED AND ADOPTED BY THE CITY OF MARSHALL COMMON COUNCIL

Presiding Officer

Attest

\_\_\_\_\_  
Robert Byrnes, Mayor, City of  
Marshall

\_\_\_\_\_  
Steven Anderson, City Clerk, City of  
Marshall

**SUMMARY ORDINANCE NO. 23-031**

**AN ORDINANCE AMENDING CHAPTER 10, SECTION 10-22 OF THE CITY CODE RELATING TO AMUSEMENTS AND ENTERTAINMENTS**

The Common Council of the City of Marshall do ordain as follows:

Section 1: City Code of Ordinances, Chapter 10, Section 10-22 is hereby amended in summary as follows:

Event organizers are to take steps to prohibit persons from entering a premise if intoxicating liquor or cannabinoid products are sold that are unauthorized by state statutes.

Section 2: It is hereby determined that publication of this Title and Summary Ordinance will clearly inform the public of the intent and effect of Ordinance No. 23-031.

It is hereby directed that only the above Title and Summary of Ordinance No. 23-031 be published conforming to Minnesota Statutes §331A.01 with the following:

**NOTICE**

Persons interested in reviewing a complete copy of the Ordinance may do so at the office of the City Clerk, City Offices, 344 West Main Street, Marshall, Minnesota 56258.

Section 3: This Ordinance shall take effect after its passage and summary publication.

Passed and adopted by the Common Council this 19<sup>th</sup> day of December 2023.

THE COMMON COUNCIL  
Robert Byrnes  
Mayor of the City of Marshall, MN

ATTEST:  
Steven Anderson  
City Clerk

**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Presenter:</b>	Pamela Whitmore
<b>Meeting Date:</b>	Tuesday, December 19, 2023
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	ACTION
<b>Subject:</b>	Introduction of Amendments to Interim Cannabis Prohibition Ordinance
<b>Background Information:</b>	The City enacted an interim ordinance to allow the City Council time to study and consider adoption or amendment of reasonable restrictions on the operation or location of commercial businesses related to cannabinoid products, including retail stores in the City of Marshall offering Cannabis products, and Lower-Potency Hemp products, for the purpose of protecting the planning process and the health, safety, and welfare of the public. Commercial businesses involved in limited manufacturing, and the transporting, or delivery and distribution of infusion based lower potency hemp edibles and hemp-derived consumer products do not pose a risk to the health, safety and welfare of the public since the operation of those businesses do not result in an introduction or increase in availability of THC related intoxicating products for use within the jurisdictional limits of the City and would not result in increased exposure or availability of these intoxicating products to youth in the community. The City Council has determined that opportunities exist for commercial businesses in the city to provide services involving the testing, manufacturing, transporting, or delivery and distribution of lower potency hemp edibles and hemp-derived consumer products, which will benefit commerce in the city.
<b>Fiscal Impact:</b>	
<b>Alternative/ Variations:</b>	
<b>Recommendations:</b>	To introduce the ordinance amending the Interim Cannabis Prohibition Ordinance adopted June 27, 2023.

**ORDINANCE NO. \_\_\_\_\_**

**CITY OF MARSHALL  
STATE OF MINNESOTA**

**AN ORDINANCE AMENDING INTERIM ORDINANCE PROHIBITING THE  
COMMERCIAL SALE, TESTING, MANUFACTURING, COMMERCIAL  
CULTIVATING, COMMERCIAL GROWING, TRANSPORTING, DELIVERY, AND  
DISTRIBUTION OF CANNABINOID PRODUCTS, WHICH INCLUDES CANNABIS  
PRODUCTS, LOWER-POTENCY HEMP EDIBLES, AND HEMP-DERIVED  
CONSUMER PRODUCTS IN THE CITY OF MARSHALL**

**WHEREAS**, pursuant to the City of Marshall’s City Charter, Section 1.02, and Minnesota Statutes, Section 412.221, subd. 32, the Council “shall have power to provide for the government and good order of the city, . . . the protection of public and private property, the benefit of residence, trade, and commerce, and the promotion of health, safety, order, convenience, and the general welfare by . . . ordinances”; and

**WHEREAS**, the City enacted an interim ordinance to allow the City Council time to study and consider adoption or amendment of reasonable restrictions on the operation or location of commercial businesses related to cannabinoid products, including retail stores in the City of Marshall offering Cannabis products, and Lower-Potency Hemp products, for the purpose of protecting the planning process and the health, safety, and welfare of the public; and

**WHEREAS**, although certain nuisance factors, including noise and odor, exist from manufacturing from seed to product, the Council has learned that with the Lower-Potency Hemp beverages, the manufacturing is not typically produced from seed to product, but instead, the manufacturers, such as breweries, purchase the THC in a liquid form and mix it with various seltzers to produce the THC-infused beverages. This type of manufacturing is less of a nuisance concern and allowing these Lower-Potency Hemp beverages to be manufactured at facilities that already produce intoxicating beverages represents a reasonable extension of their business and product lines, as long as it is not produced from the plant; and

**WHEREAS**, the City Council has determined that commercial businesses involved in limited manufacturing, and the transporting, or delivery and distribution of that infusion based lower potency hemp edibles and hemp-derived consumer products do not pose a risk to the health, safety and welfare of the public since the operation of those businesses do not result in an introduction or increase in availability of THC related intoxicating products for use within the jurisdictional limits of the City; and

**WHEREAS**, the City Council has determined that commercial businesses involved in testing, manufacturing, transporting, or delivery and distribution of lower potency hemp edibles and hemp-derived consumer products would not result in increased exposure or availability of these intoxicating products to youth in the community; and

**WHEREAS**, the City Council has determined that opportunities exist for commercial businesses in the City to provide services involving the testing, manufacturing, transporting, or delivery and distribution of lower potency hemp edibles and hemp-derived consumer products, which will benefit commerce in the City.

**NOW, THEREFORE**, The Common Council of the City of Marshall do ordain:

**SECTION 1.** City Code of Ordinances, Interim Cannabis Prohibition, adopted by Ord. 23-015 on June 27, 2023, is hereby amended to read as follows:

....

**SECTION 3. MORATORIUM.**

A. A moratorium is hereby imposed to:

- i. Other than as allowed in subparagraphs a and b herein, prohibit any business, person, or entity from offering for retail sale, wholesale, testing, commercial growing, commercial cultivating, manufacturing, transporting, delivering or commercial distribution of ~~Cannabinoid Products, including Cannabis Products, f, or~~ Hemp-Derived Consumer Products, including the establishment or operation as a ~~Cannabis Business or~~ Lower Potency Hemp Business within the jurisdictional boundaries of the City of the City of Marshall.
  - a. Manufacturing of Lower-Potency Hemp beverages is allowed as an accessory use only at breweries and distilleries, as long as the manufacturing process for the beverages does not involve the cannabis plant. The transporting or distribution of Lower-Potency Hemp beverages manufactured as an accessory use at a brewery or distillery to locations outside of the City also is allowed as part of the accessory use.
  - b. The sale of Lower-Potency Hemp beverages that comply with Section. 3(A)(i)(a) is allowed at exclusive liquor stores. No off-sale of Lower-Potency Hemp beverage growlers is allowed by breweries or distilleries. No on-site consumption is allowed at breweries and distilleries.
  - c. Breweries or distilleries manufacturing Lower-Potency Hemp beverages as an accessory use must be registered with the State and will be subject to any future applicable licensing or registration requirements by the state or the City of Marshall.
- ii. Prohibit any business, person, or entity from offering for retail sale, wholesale, testing, commercial growing, commercial cultivating, manufacturing, transporting, delivering or commercial distribution of Cannabis Products within the jurisdictional boundaries of the City of the City of Marshall.
- iii. The City shall not process, or act on any application, site plan, building permit, or other zoning approval for a business, person, or entity ~~proposing to engage in the sale of any Cannabinoid Products, including Cannabis Products, Lower-~~

~~Potency Hemp Edibles, or Hemp Derived Consumer Products.~~ covered herein, other than those related to the breweries and distilleries allowed under Section 3(A)(i)(a) and (b).

- iv. This moratorium does not relate to the retail sale of Hemp Derived Topical Products, or Hemp Derived Fiber Products. The moratorium also does not relate to the sale of edible cannabinoid products as that term is defined in current statute, 151.72, subd. 1, in exclusive liquor stores.

....

**SECTION 2. EFFECTIVE DATE.** The amendments to this ordinance shall become effective on the first day of publication after adoption.

PASSED AND ADOPTED BY THE CITY OF MARSHALL COMMON COUNCIL this \_\_\_\_ day of January 2024.

Presiding Officer

Attest

\_\_\_\_\_  
Robert Byrnes, Mayor, City of Marshall

\_\_\_\_\_  
Steven Anderson, City Clerk,

**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Presenter:</b>	Mayor Byrnes
<b>Meeting Date:</b>	Tuesday, December 19, 2023
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	INFO/ACTION
<b>Subject:</b>	Consider Appointments to Various Boards, Commission, Bureaus, and Authorities.
<b>Background Information:</b>	<p>Under Chapter 2, Article VI, Section 143 the City Charter states: "Appointments to all boards, commissions, bureaus and authorities shall be by the mayor and shall be confirmed by the council with the exception of the housing and redevelopment authority."</p> <p>Interviews were held prior to the regular city council meeting.</p> <p>One vacant position for the Library Board with a term expiring 12/31/26. One re-appointment to the CVB with a term expiring 12/31/26</p>
<b>Fiscal Impact:</b>	
<b>Alternative/ Variations:</b>	
<b>Recommendations:</b>	To approve and appoint to the various Boards, Commissions, Bureaus, and Authorities.



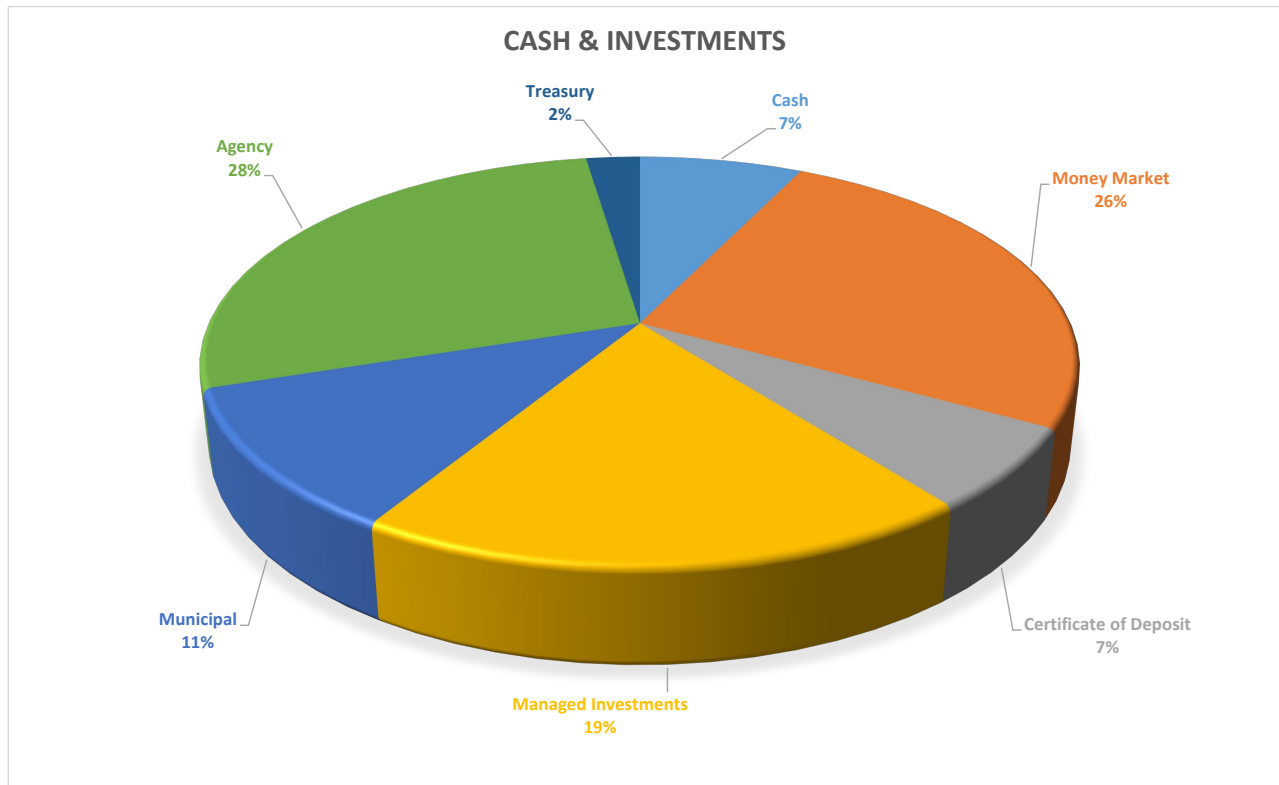
**City of Marshall  
Boards and Commissions  
12/14/2023**

<b>Adult Community Center Commission</b>	Incumbent	New Applications
2 Vacant - Term Expires 5/31/26		
<b>Airport Commission</b>	Incumbent	New Applications
1 Vacant - Term Expires 5/31/26		
<b>Cable Commission</b>	Incumbent	New Applications
2 Vacant - Term Expire 5/31/25		
2 Vacant - Term Expire 5/31/26		
1 Vacant - Term Expires 5/31/24		
<b>Charter Commission</b>	Incumbent	New Applications
No Openings		
<b>Community Services Advisory Board</b>	Incumbent	New Applications
2 Upcoming Vacancies in Feb - Term Expire 2/28/27		
<b>Convention &amp; Visitors Bureau</b>	Incumbent	New Applications
1 Vacant - Term Expires 12/31/26		Keith Petermeier
<b>Diversity, Equity, and Inclusion Commission</b>	Incumbent	New Applications
3 Vacant - Term Expires 5/31/26		
<b>Economic Development Authority</b>	Incumbent	New Applications
No Openings		
<b>Library Board</b>	Incumbent	New Applications
1 Vacant - Term Expires 12/31/26		Michael Fenske
<b>MMU Commission</b>	Incumbent	New Applications
No Openings		
<b>MERIT Center Commission</b>	Incumbent	New Applications
2 Vacant - Term Expiring 12/31/25		
<b>Planning Commission</b>	Incumbent	New Applications
No Openings		
<b>Police Advisory Board</b>	Incumbent	New Applications
No Openings		
<b>Public Housing Commission</b>	Incumbent	New Applications
No Openings		

<b>Presenter:</b>	Mayor Byrnes
<b>Meeting Date:</b>	Tuesday, December 19, 2023
<b>Category:</b>	COUNCIL REPORTS
<b>Type:</b>	INFO
<b>Subject:</b>	Commission/Board Liaison Reports
<b>Background Information:</b>	<p><b>Byrnes</b> - Fire Relief Association and Regional Development Commission</p> <p><b>Schafer</b> – Airport Commission, Joint LEC Management Committee, MERIT Center Commission, SW Amateur Sports Commission</p> <p><b>Meister</b> – Adult Community Center, Cable Commission, Economic Development Authority</p> <p><b>Schroeder</b> – Economic Development Authority, Planning Commission, Public Housing Commission</p> <p><b>Alcorn</b> – Community Services Advisory Board, MMU Commission</p> <p><b>Moua-Leske</b> – Convention &amp; Visitors Bureau; Diversity, Equity &amp; Inclusion Commission; Library Board</p> <p><b>Lozinski</b> – Marshall Area Transit Committee, Joint LEC Management Committee, Police Advisory Board</p>
<b>Fiscal Impact:</b>	
<b>Alternative/Variations:</b>	
<b>Recommendations:</b>	

**City of Marshall, Minnesota**  
**Cash & Investments**  
**11/30/2023**

	<u>Par Value</u>	<u>YTM Rate</u>
CASH & INVESTMENTS:		
Checking -Bremer	3,028,812.57	0.00%
Money Market - US Bank	4,026,522.83	5.28%
Money Market - Wells Fargo	111,187.08	5.28%
Money Market - 4M	6,761,249.30	5.32%
Agency - 4M	3,355,000.00	4.33%
Certificate of Deposit - Wells Fargo	1,470,000.00	4.36% Average
Investment Portfolio - General Fund	2,659,110.65	
Investment Portfolio - WW/SW Capital Reserve	3,529,601.81	
Investment Portfolio - Endowment Fund	1,941,284.65	
Municipal - US Bank	4,715,000.00	3.82% Average
Certificate of Deposit - US Bank	1,225,000.00	2.22% Average
Agency - US Bank	8,295,000.00	3.09% Average
Treasury - US Bank	1,000,000.00	2.35%
<b>TOTAL CASH &amp; INVESTMENTS</b>	<u><u>42,117,768.89</u></u>	<u><u>3.61% Average YTM</u></u>





# MARSHALL

## Permit List - Build/Plumb/HVAC/Sign - For Council

Applicant Name	Location	Description of Work	Valuation	Approved Date
Clover Signs	1109 COLLEGE DR E	Face Replacement , Monumental (ground) Sign , Wall Mounted Sign	8360.00	12/08/2023
Dustin Westover	1103 WASHINGTON AVE	Plumbing - Water heater	750.00	12/11/2023
HANSEN/TANNER D	225 ATHENS AVE	Windows	13000.00	12/13/2023
Indigo Signs	801 FAIRVIEW ST W	Monumental (ground) Sign	13350.00	12/12/2023
JAMES LOZINSKI CONSTRUCTION INC	208 3RD ST N	Re-Roofing	6000.00	12/12/2023
kevin hart	1309 CUMBERLAND RD	HVAC - Air Conditioning, [condensing unit only]	3875.00	12/11/2023
Kevin V Goslar	403 WILLIAMS ST	Plumbing - Water heater	1250.00	12/07/2023
Kevin V Goslar	400 SOUTHVIEW DR E	HVAC - Furnace	4800.00	12/08/2023
Kevin V Goslar	905 WILLOW AVE	HVAC - Furnace	5500.00	12/07/2023
Sussner Construction	1111 COLLEGE DR E	Interior Remodeling - ANY Work Inside, Except Fireplace	60000.00	12/13/2023
Sussner Construction, Inc.	112 6TH ST S	Interior Remodeling - ANY Work Inside, Except Fireplace	156000.00	12/08/2023
TERFEHR/MATTHEW	705 PARKSIDE DR	Re-Siding	4500.00	12/13/2023

<b>Presenter:</b>	Mayor Byrnes
<b>Meeting Date:</b>	Tuesday, December 19, 2023
<b>Category:</b>	CLOSED SESSION
<b>Type:</b>	INFO
<b>Subject:</b>	Closed Session for Attorney-Client Protected Discussion
<b>Background Information:</b>	Under Minnesota Statute section 13D.05 subdivision 3(b) city council may move to go into a closed session to have an attorney-client protected discussion with the City Attorney regarding litigation strategy and options for the City and Marshall Municipal Utilities pursuant to AFF Multidistrict Litigation No. 2873 (MDL NO.2873).
<b>Fiscal Impact:</b>	
<b>Alternative/ Variations:</b>	
<b>Recommendations:</b>	To move to closed session for an attorney-client protected discussion.

# 2023 Regular Council Meeting Dates

2<sup>nd</sup> and 4<sup>th</sup> Tuesday of each month *(Unless otherwise noted)*

5:30 P.M.

City Hall, 344 West Main Street

---

## January

1. January 10, 2023
2. January 24, 2023

## February

1. February 14, 2023
2. February 28, 2023

## March

1. March 14, 2023
2. March 28, 2023

## April

1. April 11, 2023
2. April 25, 2023

## May

1. May 9, 2023
2. May 23, 2023

## June

1. June 13, 2023
2. June 27, 2023

## July

1. July 11, 2023
2. July 25, 2023

## August

1. August 08, 2023
2. August 22, 2023

## September

1. September 12, 2023
2. September 26, 2023

## October

1. October 10, 2023
2. October 24, 2023

## November

1. November 14, 2023
2. November 28, 2023

## December

1. December 12, 2023
2. December 26, 2023

---

## 2023 Uniform Election Dates

- February 14, 2023
- April 11, 2023
- May 9, 2023
- August 08, 2023
- November 07, 2023

### 204C.03 PUBLIC MEETINGS PROHIBITED ON ELECTION DAY.

Subdivision 1. School districts; counties; municipalities; special taxing districts. No special taxing district governing body, school board, county board of commissioners, city council, or town board of supervisors shall conduct a meeting between 6:00 p.m. and 8:00 p.m. on the day that an election is held within the boundaries of the special taxing district, school district, county, city, or town. As used in this subdivision, "special taxing district" has the meaning given in section 275.066.



City of Marshall Public Notice

Council Meeting

Tuesday, December 26<sup>th</sup>, 2023

**Canceled and will be held Tuesday, December 19<sup>th</sup>, 2023**

PLEASE TAKE NOTICE that due to the possibility of a lack of quorum and the Christmas Holiday, the Marshall City Council's regularly scheduled meeting on the Fourth Tuesday of the month, 12/26/2023 has been cancelled and has been moved to 12/19/2023.

The next regularly scheduled meeting will resume on January 9<sup>th</sup>, 2024.

Steven Anderson

City Clerk



## Upcoming Meetings

### December

- 12/19 Board & Commission Interview, 4:45 PM & 5:00 PM, City Hall
  - 12/19 Special Meeting, 5:30 PM, City Hall
  - 12/26 Regular Meeting, Canceled
- 

### January

- 01/09 Regular Meeting, 5:30 PM, City Hall
- 01/23 Regular Meeting, 5:30 PM, City Hall



# 2024 Regular Council Meeting Dates

2<sup>nd</sup> and 4<sup>th</sup> Tuesday of each month *(Unless otherwise noted)*

5:30 P.M.

City Hall, 344 West Main Street

---

## January

1. January 9, 2024
2. January 23, 2024

## February

1. February 13, 2024
2. February 27, 2024

## March

1. March 12, 2024
2. March 26, 2024

## April

1. April 9, 2024
2. April 23, 2024

## May

1. May 14, 2024
2. May 28, 2024

## June

1. June 11, 2024
2. June 25, 2024

## July

1. July 9, 2024
2. July 23, 2024

## August

1. Monday, August 12, 2024
2. August 27, 2024

## September

1. September 10, 2024
2. September 24, 2024

## October

1. October 8, 2024
2. October 22, 2024

## November

1. November 12, 2024
2. November 26, 2024

## December

1. December 10, 2024
2. December 24, 2024

---

## 2023 Uniform Election Dates

- February 13, 2024
- March 05, 2024
- April 09, 2024
- May 14, 2024
- August 13, 2024
- November 05, 2024

### 204C.03 PUBLIC MEETINGS PROHIBITED ON ELECTION DAY.

Subdivision 1. School districts; counties; municipalities; special taxing districts. No special taxing district governing body, school board, county board of commissioners, city council, or town board of supervisors shall conduct a meeting between 6:00 p.m. and 8:00 p.m. on the day that an election is held within the boundaries of the special taxing district, school district, county, city, or town. As used in this subdivision, "special taxing district" has the meaning given in section 275.066.