



**CITY OF MARSHALL**  
**City Council Meeting**  
**Agenda**

**Tuesday, February 13, 2024 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 Held on January 23rd

**PUBLIC HEARING**

- [2.](#) Public Hearing and Consideration of Adoption of Article 18-VIII Residential Rental Code
- [3.](#) Public Hearing for an Ordinance Amending the City Charter
- [4.](#) Vacation of Alley and Utility Easement in Schwan's Corp I Addition - 1) Public Hearing on Resolution Granting Petition; 2) Consider Resolution Granting Petition for Vacation

**AWARD OF BIDS**

- [5.](#) Project AP-003: Airport Snow Removal Equipment (SRE) Building – Consider Award of Contract

**CONSENT AGENDA**

- [6.](#) Consider Approval of an Administrative Hearing Officer
- [7.](#) Consider Request of the Marshall Downtown Business Association for St. Patrick's Day Parade – March 16, 2024
- [8.](#) Redwood River One Watershed, One Plan (1W1P) – Designate Delegate and Alternate Delegate to Policy Committee
- [9.](#) Project ST-010: Lyon Circle Reconstruction Project - Consider Resolution Ordering Preparation of Report on Improvement
- [10.](#) Consider Approval of a Joint Powers Agreement with Minnesota Internet Crimes Against Children Task Force
- [11.](#) Consider Renewal of a Contract with Frontline Warning Systems (Outdoor Warning Sirens) and Replacement of Defective Equipment
- [12.](#) Consider Approval of a Tobacco License for Family Dollar
- [13.](#) Consider Approval to Allow Alcoholic Beverages at City-Owned Facilities and Parks
- [14.](#) Consider Approval of the Bills/Project Payments

**APPROVAL OF ITEMS PULLED FROM CONSENT**

**NEW BUSINESS**

- [15.](#) Project WW-005: Highway 23 Lift Station Improvements Project – 1) Phase III Pump Selection; 2) Consider Authorization to Advertise for Bids for Wastewater Highway 23 Lift Phase IV Wet Well Renovation
- [16.](#) Project AP-003: Airport Snow Removal Equipment (SRE) Building – TKDA Professional Services Agreement- Construction Phase
- [17.](#) Instrument Landing System (ILS) Replacement at the Airport - TKDA Professional Services Agreement
- [18.](#) Consider Adoption of an Ordinance Amending Interim Cannabis Prohibition

**COUNCIL REPORTS**

- [19.](#) Commission/Board Liaison Reports
- [20.](#) Councilmember Individual Items

**STAFF REPORTS**

- [21.](#) City Administrator
- [22.](#) Director of Public Works/City Engineer
- [23.](#) City Attorney

**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.**

**ADMINISTRATIVE REPORTS**

[24.](#) Administrative Brief

**INFORMATION ONLY**

[25.](#) Cash and Investments

[26.](#) Building Permits

**MEETINGS**

[27.](#) Upcoming Meetings

**ADJOURN**

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## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Presenter:</b>	Mayor Byrnes
<b>Meeting Date:</b>	Tuesday, February 13, 2024
<b>Category:</b>	APPROVAL OF MINUTES
<b>Type:</b>	ACTION
<b>Subject:</b>	Consider Approval of the Minutes from the Regular Meeting Held on January 23rd
<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 meeting held on January 23rd 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, January 23, 2024**

The regular meeting of the Common Council of the City of Marshall was held January 23, 2024, at City Hall, 344 West Main Street. The meeting was called to order at 5:30 P.M. by President Pro-Tem Craig Schafer. In addition to Schafer the following members were in attendance: Amanda Schroeder, John Alcorn, See Moua-Leske and Steve Meister. Absent: Mayor Robert Byrnes. 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; Jim Marshall, Director of Public Safety; Preston Stensrud, Park and Rec Supervisor; Scott Przybilla, Assistant Wastewater Superintendent; and Steven Anderson, City Clerk.

**Consider Approval of the Minutes from the Regular Meeting Held on January 9th**

There were no amendments to the minutes presented.

Motion made by Councilmember Meister, Seconded by Councilmember Schroeder to approve the minutes. Voting Yea: Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

**Approval of the Consent Agenda**

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

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

- Vacation of Alley and Utility Easement in Schwan's Corp I Addition - Receive Petition for Vacation and Call for Public Hearing
- Consider Approval of the Joint Powers Agreement for the Drug Task Force
- Consider Authorization to Declare Bicycles as Surplus Property for the Marshall Police Department.
- Consider Approval for SW MN Ducks Unlimited to Host a Bingo Fundraiser
- Consider Approval for a Temporary Liquor License for the Visit Marshall Beer and Wine Festival
- Consider a Resolution Regarding Write-In Vote Counting, Uniform Election Dates, and Authorization of Election Judge Appointments
- Consider Approval of the Bills/Project Payments

**Wastewater Treatment Plant Generator Woodward Controller Replacement**

Scott Przybilla explained that the main plant generator located at the wastewater facility was put into service in October 2003. The generator was used to provide critical emergency power to the plant during an outage. The generator was also used by MMU to load shed during peak energy demand events which helped to keep electrical rates low in Marshall. The generator utilized a seamless power transfer switchgear to switch between generator and utility power. This was accomplished by utilizing a Woodward EGCP-2 Sync and Load Control Module that monitors the power and Hz of both the generator and the utility power along with critical generator operating parameters. The EGCP-2 would connect the generator to the utility power, slowly transfer the electrical load to the generator, and once completed, would disconnect the wastewater facility from the utility power. The reverse happens when switching back to utility power. The existing Woodward EGCP-2 computer is over 21 years old and was identified as obsolete during routine maintenance by Ziegler Power Systems. There have been three separate failures in 2018, 2019, and 2020 in which, after removing and cycling power, the computer recovered. Because of its obsolescence, and part unavailability, replacement was recommended by Ziegler Power System. Two other components, the switchgear PLC and Generator Set Controller, were also identified as obsolete and would be budgeting to replace them in the near future. Councilmember Meister asked for clarification if the EasyGen



controller was comparable to the existing Woodward controller. Przybilla confirmed that the update would be the best fit and that other replacement parts were available but would require additional hardware and costs.

Motion made by Councilmember Meister, Seconded by Councilmember Lozinski to authorize the replacement of the existing EGCP-2 with an EasyGen controller. Voting Yea: Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

### **Highway 23/South Saratoga Street Manhole Refurbishing**

The Wastewater Department continued to have the worst sanitary manholes relined to stop hydrogen sulfide corrosion and the infiltration of ground water into the sanitary system. However, two manholes, MH9SW30 and MH9SW32 located near the intersection MN 23 and South Saratoga Street, had been identified as being structurally compromised and beyond relining. The manholes are 17' deep and are in an area with high groundwater. Wastewater staff received a quote from Hydro-Klean LLC for \$48,970 to install a High-Density Polyethylene (HDPE) liner with welded seams. Approximately 6" of high strength concrete would be poured between the HDPE liner and the existing manhole inside walls which will restore the structural integrity of the manhole. Unforeseen repairs due to groundwater infiltration could add additional time and material costs. President Pro-Tem Schafer asked questions on the refurbishing process. Councilmember Lozinski questioned the warranty differences between the two quotes received. Director Anderson provided insight into why the Wastewater and Engineering staff believed the HDPE liner was a superior product for the project.

Motion made by Councilmember Meister, Seconded by Councilmember Alcorn to accept the quote from Hydro-Klean for \$48,970 for Highway 23/South Saratoga Street Manhole Refurbishing. Voting Yea: Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske. Voting Nay: Councilmember Lozinski. The motion **Carried. 5-1.**

### **PK-013 RRFB and Trail Extension at County Road 7 – Proposed Plan and Design**

The Camden Trail realignment was a proposed project to install a 10' wide trail on the top of the existing levee along the Redwood River. The trail was proposed to start approximately 640' west of County Road 7, cross County Road 7 with a new Rectangular Rapid Flashing Beacon (RRFB) and end at a connection point approximately 100' east of County Road 7. The existing trail would be partially removed along the current alignments including removal of the pedestrian ramps. The City Council authorized staff to apply for an Active Transportation (AT) Grant during the December 27, 2022, City Council meeting. On July 27, 2023, city engineering staff was notified that the PK-013 project was selected for the AT Program funds. On October 10, 2023, the City Council awarded the Proposal for Professional Services to Bolton & Menk, Inc. of Mankato, Minnesota, for the development of construction plans, including preliminary and final design engineering services, to ready the improvement project for competitive bidding for the 2022 Active Transportation (AT) Infrastructure Project. The project was presented to the PI/T Committee at their meeting on December 12, 2023.

Property owners along the proposed realignment were notified to let them know that this project would be discussed at the December 12, 2023, Public Improvement/Transportation (PI/T) Committee meeting. Input was received from the two adjoining property owners. Concerns were brought forward by the adjacent residential property owner regarding extra pedestrian traffic next to the residential property, trespassing onto private property by both people and pets, proximity of the trail to the home, trail user safety crossing the highway, and drainage issues around the residential property. The proposed trail alignment occurs entirely on City flood control property. City staff had contacted the US Army Corps of Engineers and were also working with the Lyon County Engineering Department and did not foresee any permitting issues with the proposed alignment. Staff did preliminary survey work and verified that drainage on the residential property generally flowed south, away from the levee and the proposed trail. Staff intended to have the trail be pitched towards the river so any runoff would not drain onto the adjoining neighbor properties.

President Pro-Tem Schafer commented that citizens not picking up after their animal was a chronic problem throughout the entire trail system. The Parks Department spends a lot of time and money to provide bags and other amenities to ensure the trails are taken care of. Schafer also mentioned that future discussion would be upcoming with the adjoining neighbor about the abandonment of the south portion of the existing trail.

Motion made by Councilmember Moua-Leske, Seconded by Councilmember Lozinski to approve the layout, general design considerations and authorize staff to further design project PK-013. Voting Yea: Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

**Project ST-012-2024: South Whitney Street Reconstruction Project (E College Dr to Jean Ave) - Consider Resolution Approving Plans and Specifications and Ordering Advertisement for Bids**

Director Anderson detailed that the project consisted of reconstruction of the sidewalk, roadways and utility replacement on South Whitney Street from East College Drive to Jean Avenue. All public utilities would be replaced, including watermain, sanitary sewer, and storm sewer on South Whitney Street. Other items of work included in the project would be pavement removal, aggregate base, bituminous surfacing, sidewalks, curb and gutter, and other minor work. The engineer's estimate for the construction portion of the project was \$1,737,800. The total estimated project cost, including 10% allowance for contingencies and 16% for engineering and administrative costs was \$2,217,500.00. All improvements would be assessed according to the current Special Assessment Policy, including, but not limited to, participation from Marshall Municipal Utilities, Wastewater Department, Surface Water Management Utility Fund and Ad Valorem participation. Final approval of each project must include determination of funding sources.

Motion made by Councilmember Schroeder, Seconded by Councilmember Moua-Leske to adopt Resolution 24-014 Approving Plans and Specification and Ordering Advertisement for Bids for project ST-012-2024: South Whitney Street Reconstruction Project. Voting Yea: Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske. Voting Abstaining: Councilmember Lozinski. The motion **Carried. 5-0-1.**

**Consider Request from Enterprise Rent-a-Car to Install Signage on Airport Property**

City staff received a request from Enterprise Rent-a-Car to install a business sign on city airport property to better advertise their business. The request did not include an exact sign size, but the request was for a monument type of sign at the airport entrance off MN 19 that was near the size maximum allowed by the City. The request indicated something similar to the size of sign that currently exists at the Southwest MN Regional Airport entrance off MN 19. The purpose of the sign request was Enterprise's desire to establish a more concrete retail presence with greater visibility. At their January 2, 2024, meeting, the Airport Commission discussed the request from Enterprise for entrance signage. Much of the feedback from Commission members related to the precedent that would be set if Enterprise was allowed signage and how the sign would not match the general aesthetic at the airport. There was cohesive and intentional signage that followed a specific color regime and design characteristic, including some wayfinding signage, that directs customers around the airport. The Airport Commission voted unanimously against allowing the sign to be installed. President Pro Tem Schafer mentioned that the Airport Commission recommended that Enterprise ask MnDOT if signage could be installed along MN 19. Director Anderson updated the council that he had recently talked with MnDOT and MnDOT would not allow any signage along MN 19 for Enterprise as it did not meet their signage requirements. Administrator Hanson asked if any wayfinding signs were in place at the airport. Councilmember Lozinski commented that he would like the city to work with Enterprise because not a lot of cities of similar size to Marshall have a car rental business and it would be detrimental to the area to lose Enterprise.

Motion made by Councilmember Lozinski, Seconded by Councilmember Meister that staff work with Enterprise Rent-A-Car and the Airport Commission toward a mutually acceptable sign installation resolution at the Southwest

Minnesota Regional Airport. Voting Yea: Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

**Redwood River One Watershed, One Plan - Memorandum of Agreement**

The purpose of the One Watershed, One Plan (1W1P) program was to develop a comprehensive watershed management plan that aligns multiple local water planning efforts into one watershed-wide plan which crossed county boundaries. The goal was a systematic, watershed-wide, science-based approach to watershed management. The State of Minnesota is completing these 1W1P planning efforts watersheds throughout the State to transition away from county boundary-based water planning to watershed-based water planning. The Redwood-Cottonwood Rivers Control Area (RCRCA) had received a planning grant for the Redwood River watershed. The RCRCA reached out to city staff regarding our participation in the planning process because we are a Local Government Unit (LGU) within the planning area. City staff responded to the RCRCA request by indicating that the City of Marshall would like to participate in the planning efforts. To participate in the Redwood 1W1P, the City of Marshall must assign an elected official to serve as a delegate on the Redwood 1W1P Policy Committee and the City must sign the agreement that was included in the Council packet. The city may also assign an alternate delegate to serve in the absence of the delegated official. The meetings are expected to begin as monthly meetings for the first 4 months and then transition into approximately every other month. The planning process was expected to continue into mid-2026. City staff would also attend meetings and would serve as part of the “steering team” for the planning process. Administrator Hanson relayed in the mayor’s absence that Mayor Byrnes had indicated he would be willing to be a delegate for the 1W1P.

Motion made by Councilmember Meister, Seconded by Councilmember Moua-Leske to designate a delegate member and authorize execution of the memorandum of agreement for the Redwood River One Watershed, One Plan. Voting Yea: Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

**Introduction of an Ordinance Amending Interim Cannabis Prohibition**

Attorney Whitmore provided background on the ordinance introduction. Although certain nuisance factors, including noise and odor, existed from manufacturing from seed to product, the Council had learned that with Lower-Potency Hemp beverages, the manufacturing was not typically produced from seed to product, but instead, the manufacturers, such as breweries, purchased the THC in a liquid form and mixed it with various seltzers to produce the THC-infused beverages. This type of manufacturing was 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. Commercial businesses involved in limited manufacturing, and the transporting, or delivery and distribution of that infusion based lower potency hemp beverages did not pose a risk to the health, safety and welfare of the public since the operation of those businesses did not result in an introduction of THC related intoxicating products for off sale use by the public within the City of Marshall.

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. Opportunities existed for commercial businesses in the City to provide services involving the manufacturing, transporting, or delivery and distribution of lower potency hemp beverages; and that opportunities exist for commercial on-sale liquor licensed establishments to sell lower potency hemp beverages on their premises, all of which will benefit commerce in the City. Whitmore also asked the council to have the ordinance amended to remove “*proposing to engage in the sale of any Cannabinoid Products, including Cannabis Products, Lower-Potency Hemp Edibles, or Hemp-Derived Consumer Products*” under subsection 3(a)(3) as that was erroneously underlined instead of struck out. Administrator Hanson added that for

2024 no fee would be required for manufacturing at breweries/distilleries and the addition of on-site consumption for on-sale liquor license holders would also be exempt until 2025.

Motion made by Councilmember Moua-Leske, Seconded by Councilmember Lozinski to introduce Ordinance 24-002 to amend Interim Cannabis Prohibition ordinance to allow the manufacture of THC beverages by breweries and distilleries and to allow on-site consumption of THC beverages for holders of an on-sale intoxicating liquor license. Including the removal of language as indicated by City Attorney Whitmore. Voting Yea: Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

**Consider Approval of Joint Powers Agreement Renewal with Marshall Public Schools**

Administrator Hanson stated that the Joint Powers Agreement was typically renewed annually. The main intent of the agreement was to cover community education and shared facility use. As part of the agreement city recreation programs are not charged to use school facilities. Staff from the city and Marshall Public Schools meet once a month and the partnership has been beneficial to both the school and city. The agreement used to be renewed at the beginning of the school year but has been suggested to begin on January 1<sup>st</sup> each year. The Marshall School Board had already approved the agreement at the beginning of the school year. President Pro-Tem Schafer commented on the collaboration between the two entities and Hanson added that the new Career Technical Institute could be a valuable asset for new community education classes.

Motion made by Councilmember Schroeder, Seconded by Councilmember Alcorn to approve the Joint Powers Agreement Renewal with Marshall Public Schools. Voting Yea: Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Lozinski. Voting Abstaining: Councilmember Moua-Leske. The motion **Carried. 5-0-1.**

**Commission/Board Liaison Reports**

Brynes	Absent.
Schafer	No report.
Meister	No report.
Schroeder	EDA discussed Solugen and their plan to have a ceremonial ground-breaking event sometime in March or April. Tapestry who had applied for a Minnesota Housing Grant year and did not receive planned on applying again this year for the same grant for affordable and senior housing.
Alcorn	No report.
Moua-Leske	CVB discussed a new banking account and procedures as a check that had been sent to a entertainment group who helped with Prairie Jam had been stolen.
Lozinski	No report.

**Councilmember Individual Items**

Councilmember Moua-Leske mentioned that the It Begins with Us event was going to be held on February 12 and 13 at SMSU.

**City Administrator**

The Aquatic Center Committee would have a kick-off design meeting on January 26<sup>th</sup>.

**Director of Public Works/City Engineer**

Five bids were opened January 24<sup>th</sup> for the SRE Building with the apparent low bid coming from Sussner Construction at approximately \$2.8 million which was below the engineers estimate. On February 7<sup>th</sup> the FAA would be in Marshall for various meetings. MnDOT installed a permanent traffic counter at the intersection of Highway 19 and 23.

**City Attorney**

No updates were given.

**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.

**Adjournment**

At 6:14 PM Motion made by Councilmember Lozinski, Seconded by Councilmember Moua-Leske to adjourn the meeting. Voting Yea: Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

Attest:

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

\_\_\_\_\_  
Robert Byrnes, Mayor

<b>Presenter:</b>	Pamela Whitmore
<b>Meeting Date:</b>	Tuesday, February 13, 2024
<b>Category:</b>	PUBLIC HEARING
<b>Type:</b>	ACTION
<b>Subject:</b>	Public Hearing and Consideration of Adoption of Article 18-VIII Residential Rental Code
<b>Background Information:</b>	<p>Rental ordinances are common in cities. In fact, the rights and duties of property owners/landlord and tenants in Minnesota are spelled out not only in local ordinances, but also in federal law, state statutes, safety and housing codes, common law, contract law, and a number of court decisions. In January 2023, the city considered a proposed rental ordinance which met push back from the community. The Council decided to not act on the proposed ordinance in January 2023, and directed staff to start a process for creation of a Rental Committee. The City Attorney drafted a registration-based ordinance for review and feedback from the Rental Committee once formed.</p> <p><b><u>Rental Committee</u></b> The Rental Committee met five times to review the newly drafted ordinance – June 13, July 11, August 8, October 10, and October 31. The Rental Committee was made up of representatives of staff, fire, council, tenant advocates and landlords and was facilitated by John Decramer and Mark Klaith. The Committee participants included Zachary Gilman, James Carr, Brad Meulebroeck, Shawn Butler, Jessica Bentley, Angela Larson, Quentin Brunsvold, Steven Anderson, Jason Anderson, Sharon Hanson, Craig Schafer, and James Lozinski.</p> <p>The Rental Committee engaged in thoughtful and thorough discussion regarding the goals of the city, the interests of the community and the protections of the public. These discussions led to productive collaboration and revisions.</p> <p>On October 31, 2023, the Rental Committee approved, by unanimous vote, to recommend the attached ordinance. On December 4, 2023 the Ways and Means Committee met to discuss the fee for registration and four members of the Rental Committee were in attendance and shared their thoughts on fees. The unapproved minutes from the Ways and Means meeting are attached.</p> <p><b><u>The Rental Ordinance</u></b> The final draft of the Ordinance is attached. As the City will notice, this is a registration only ordinance as desired by staff, with inspections on a complaint basis. Registrations of renewals or new applications are on a biannual basis, with self-inspection of the properties requested on the off years.</p>
<b>Fiscal Impact:</b>	\$100 per residential rental building
<b>Alternative/ Variations:</b>	
<b>Recommendations:</b>	<ol style="list-style-type: none"> <li>1) To close the public hearing</li> <li>2) To adopt the ordinance amending Chapter 18 adding Article 18-VIII Residential Rental Code and authorize its summary publication pursuant to MN Statute 412.191.</li> <li>3) To adopt Resolution 24-016 adding fees related to the Residential Rental Code to the 2024 Fee Schedule.</li> </ol>

**CITY OF MARSHALL  
ORDINANCE 24-003**

**AN ORDINANCE AMENDING CHAPTER 18 BUILDINGS AND BUILDING  
REGULATIONS OF THE CITY CODE TO ADD ARTICLE VIII RESIDENTIAL  
RENTAL CODE**

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

**SECTION 1:**            **ADOPTION** “ARTICLE 18-VIII RESIDENTIAL RENTAL CODE” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

ARTICLE 18-VIII RESIDENTIAL RENTAL CODE(*Added*)

**SECTION 2:**            **ADOPTION** “Section 18-137 Findings and Purpose” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 18-137 Findings and Purpose(*Added*)

- (a) Legislative finding. It is hereby found that there exist and may in the future exist, within the City, residential rental premises, rooming units, or parts thereof, and renter-occupied mobile homes or rented premises on which the mobile home sits, which, by deficiencies in the structure, equipment, sanitation, maintenance, use or occupancy, affect or are likely to affect adversely the public health, including the physical, mental and social well-being of people, their safety, and general welfare. To correct and prevent the existence of such adverse conditions, to achieve and maintain such levels of residential environmental quality that will protect and promote public health, safety and general welfare, preserve property values and prevent blight, it is further found that the establishment and enforcement of minimum rental housing standards are required. It is further found that a municipal registration program is appropriate to effectively enforce residential rental unit maintenance standards and correct or prevent law violations, nuisances and other disturbances and disorders involving residential rental units within the City.
- (b) Purpose. The purpose of this chapter is to establish a program for identifying rental housing units within the City of Marshall. This chapter is adopted to protect the public health, safety and general welfare of the citizens of the City of Marshall by:
  - (1) Promoting safety from fires and accidents;

- (2) Providing a means for the fair administration and enforcement of this Code for all residential rental housing units;
- (3) Providing minimum standards for basic equipment and facilities;
- (4) Reducing environmental hazards to health; and
- (5) Assisting in controlling criminal activities in rental housing

**SECTION 3:           ADOPTION** “Section 18-138 Scope” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 18-138 Scope(*Added*)

This chapter applies to rental housing units described herein that are rented or leased in whole or in part, including apartment buildings, town homes, single family and multifamily housing, guest and caretaker houses, manufactured homes and condominiums. It also includes any accessory structures of the rental housing units, such as garages and storage buildings, and appurtenances such as sidewalks, driveways, and retaining walls, which are on the property of the rental housing unit. This chapter does not apply to public housing commission units , on-campus college or university housing units; Minnesota Department of Health licensed rest homes; convalescent care facilities; licensed group homes; nursing 2 homes; hotels; motels; or owner-occupied units, other than mobile or manufactured home sitting on rented premises, or to a house, townhouse or condominium which is being “rented back” to its immediate prior owner.

**SECTION 4:           ADOPTION** “Section 18-139 Definitions” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 18-139 Definitions(*Added*)

For purposes of this Ordinance, the following definitions shall apply:

“Bed and Breakfast” means a place of lodging that: (1) provides not more than eight rooms for rent to no more than 20 guests at a time; (2) is located on the same property as the owner's personal residence; (3) provides no meals, other than breakfast served to persons who rent rooms; and (4) was originally built and occupied as, or was converted to, a single-family residence prior to being used as a place of lodging.

"Calendar Year" means the period of time starting on January 1 and ending on December 31.



“City” means the City of Marshall, its Council, and staff.

“Dwelling” means any building or other permanent or temporary structure, including a manufactured or mobile home which is wholly or partly used, or intended to be used, for living or sleeping by human occupants.

“Local Property Manager” means a natural person residing within 50 miles of the City of Marshall who is authorized by the rental unit owner to make decisions for the owner about rental, occupancy and maintenance of the rental unit, or a licensed, or bonded, and/or insured company engaged primarily in providing such services for hire.

“Occupant” means any person residing in a rental unit on a permanent or short-term basis.

“Permanent Basis” means any consecutive term of 30 days or more or inconsecutive terms adding up to more than 30 days in a calendar year.

“Premises” means a dwelling unit and the grounds on which the structure containing the dwelling unit is located, or in the case of a multiple dwelling unit structure, the dwelling units and any common areas including those both inside and outside of the building and the grounds on which the dwelling units and/or common areas are located.

“Private/vacation home rental” – Any home, cabin, condominium, bedroom(s) or similar building that is advertised as or held out to be a place where sleeping accommodations are furnished to the public on a nightly, weekly, or for less than a 30-day time period, and is not a bed and breakfast, hotel or motel.

“Registration holder” means a person or entity to whom registration for a rental unit is issued under this ordinance.

“Rent”, “Lease”, “Let” or “Sublet” means the leasing or a rental unit to a non-owner for a fixed or nonfixed period of time and shall include other similar arrangements whereby nonpayment of a periodic payment means the occupants may be evicted without the necessity of either a statutory mortgage foreclosure procedure, a statutory termination of contract for deed procedure, or a statutory repossession procedure.

“Rental Unit” or “Residential Rental Unit” means any house, apartment, condominium, townhouse, room or group of rooms, constituting or located within, a dwelling and forming a single habitable unit which is leased or rented for occupancy for a period of not less than thirty (30) days. A room offered for rent or lease to a roomer or boarder is considered a rental unit.

Renter occupied mobile home includes (1) those mobile or manufactured homes which are leased or rented for occupancy for a period of not less than thirty (30) days or (2) those owner-occupied mobile or manufactured homes that sit on a lot or premises where the lot or premises is rented or leased for a period of not less than thirty (30) days.

“Short term rental” means a dwelling, or portion of a dwelling unit, that is offered or provided to a guest by a short-term rental owner or operator for a fee for fewer than thirty (30) consecutive nights. Shortterm rental units may be whole house rentals, apartments, condominiums, or individual rooms in homes. For the purpose of administration and enforcement of this title, the terms overnight rental, nightly rental, and vacation rental are interchangeable with short-term rentals. Additionally, for purposes of administration and enforcement of this title, general references to “rental unit” includes short term rentals unless specifically exempted. Subleasing or subletting of units for short- term rental is prohibited if the underlying zone prohibits such use. Short term rental does not apply to on-campus college or university housing units; Minnesota Department of Health licensed rest homes; licensed convalescent care facilities; licensed group homes; licensed nursing homes; hotels; motels; or owner-occupied units, other than mobile or manufactured home on rented premises or lots, or to a house, townhouse or condominium which is being “rented back” to its immediate prior owner.

Other applicable terms in this Ordinance, not otherwise defined, are as defined in the State Building Code, State Fire code and the City Zoning Ordinances.

**SECTION 5:            ADOPTION** “Section 18-140 Registration Requirements” of the Marshall Municipal Code is hereby *added* as follows:

#### ADOPTION

Section 18-140 Registration Requirements(*Added*)

- (a) It shall be unlawful for any owner to rent or cause to be rented, leased or let within the City, any Rental Unit, including short-term rental occupancy), unless that Rental Unit is registered for occupancy pursuant to a valid and current rental registration issued by the City of Marshall.
- (b) Each rental unit must have an owner, or Local Property Manager designated by the owner, who resides within 50 miles of the City of Marshall.
- (c) Any person or entity desiring to rent, let, lease or sublet any rental unit shall apply for registration by using forms furnished by the City for that purpose. The application must provide the following information:
  - (1) Name, address, telephone number, and email address of the property owner.
  - (2) Name, address, telephone number, and email address of the Local Property Manager.
  - (3) The street address of the rental property.
  - (4) The number of units within the rental property.
  - (5) The name, telephone number, physical and mailing address, and email address of the person authorized to make repairs or services for the property if in violation of City or State codes, if the person is different from the owner or Local Property Manager.

- (6) For dwellings containing multiple rental units, a sketch of the property identifying all rental units by assigned number, and a sketch of the parking lot, unless all required parking is provided within enclosed attached garages or unless off-street parking is not required by Ordinance.
- (7) For dwellings containing common entry/space, the information of the fire sprinkler system, fire panel, and fire extinguishers' most recent testing and inspection dates, when applicable.
- (8) An acknowledgment that the applicant has received and reviewed the provisions of this Article, intends to abide by its provisions, and will include reference to this Article in any written agreement used in renting the property.
- (9) The self-inspection list on the form provided by the city.
- (d) Exemptions. This Ordinance does not apply to on-campus college or university housing units; Minnesota Department of Health licensed rest homes; licensed convalescent care facilities; licensed group homes; licensed nursing homes; hotels; motels; or owner-occupied units, other than mobile or manufactured owner-occupied homes sitting on rented premises or lots, or to a house, townhouse or condominium which is being “rented back” to its immediate prior owner.

**SECTION 6:            ADOPTION** “Section 18-141 Manner of Registration Renewal” of the Marshall Municipal Code is hereby *added* as follows:

**ADOPTION**

Section 18-141 Manner of Registration Renewal(*Added*)

- (a) Initial registration of any new rental properties and renewals of existing properties shall be issued in the calendar year in which the City received the registration. For purposes of this ordinance, the term “calendar year” means the period of time starting on January 1 and ending on December 31. Renewals for all registration occur on an even-numbered biennial renewal basis which means renewal occurs every even-numbered calendar year. If an initial registration occurs in an odd numbered calendar year, the renewal of that specific registration shall be due by the 15th day of December in the next even numbered calendar year immediately following the initial registration. For rental properties in existence at the time of the effective date of this Ordinance, any rental property owner who registers their corresponding rental properties within the first six months of the effective date of this Ordinance will not owe a registration fee for their initial registration of those respective properties.
- (b) The City will bi-annually remind rental unit owners (or their designated Local Property Managers) of any rental unit of this requirement. Registration renewal forms, which includes a selfinspection checklist, must be delivered to the City no later than the 15th day of December each year due and must contain the same information as required for new registration in Section 18-140 herein. Failure of the City to issue reminder notice and/or failure of an owner (or Local Property Manager) to receive a

- reminder notice, does not excuse or waive the registration required by this Ordinance.
- (c) Upon receipt of a completed registration application and payment of the applicable registration fee, City will issue a Registration Certificate for the applicable property unless otherwise prohibited under this Article or other applicable provisions of the Code.
- (d) At the beginning of each calendar year in which rental unit owners (or their designated Local Property Managers) do not need to renew, rental unit owners (or their designated Local Property Managers) will complete a self-inspection checklist for each rental unit, whether long term or short-term rental, and keep those self-inspection checklists on file and will make available to the City upon request.

**SECTION 7:**            **ADOPTION** “Section 18-142 Transfer Of Property” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 18-142 Transfer Of Property(*Added*)

Every new owner of a rental unit, whether fee owner or contract purchaser, shall furnish to the City the new owner’s name, physical and mailing address, telephone number, email address and fax number, if one (and the name, address, telephone number, email and fax number, if one, of the new owner’s designated Local Property Manager) before taking possession of the rental property upon closing the transaction. No new registration fee is required of the new owner during the year in which such possession takes place, provided that the previous owner has paid all registration fees and has complied with all requirements of this Ordinance and any violations of health, zoning, fire or safety codes of the City. If any change in the type of occupancy as originally registered is contemplated by the new owner, a new registration application will be required.

**SECTION 8:**            **ADOPTION** “Section 18-143 Posting Of Registration” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 18-143 Posting Of Registration(*Added*)

Each rental unit registration holder must provide an up-to-date rental unit certification to the tenant/renter of each unit in building with fewer than four (4) units. Buildings with four or more units and a common entry shall have the certification posted near the common entry. Buildings with four or more units and no common entry shall either post the certification in a conspicuous location on the premises or, if not conspicuous location, then provide the current rental unit certification to the tenant/renter of each unit directly.

**SECTION 9:**            **ADOPTION** “Section 18-144 Fees” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 18-144 Fees(*Added*)

The fees for registration, registration renewal, late fees and inspection may be set by resolution of the Marshall City Council adopted from time to time. The fee for registration and the fee for registration renewals are subject to the City fee schedule and are nonrefundable.

**SECTION 10:**            **ADOPTION** “Section 18-145 Maintenance of Records” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 18-145 Maintenance of Records(*Added*)

All records, files and documents pertaining to rental unit registration and rental unit inspections will be maintained by the City and will be available to the public as allowed, permitted, or required by State Law and City Ordinance.

**SECTION 11:**            **ADOPTION** “Section 18-146 Maintenance Standards” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 18-146 Maintenance Standards(*Added*)

- (a) Every rental unit shall be maintained in a safe, sanitary, and habitable condition and in compliance with any standards or requirements imposed by state or local statutes, codes, ordinances, or other laws applicable to rental housing, including, but not limited

to current applicable Housing Code, Minnesota Building Code and the state Fire Code. In addition, for basement living units, or sleeping units below the ground floor, an egress window meeting the requirements of the Minnesota Building Code, or another acceptable means of exit must be provided. Additionally, site conditions constituting a nuisance as described in this Article or elsewhere in the City Code shall be considered a violation of the Maintenance Standards of this Ordinance.

**(b) Responsibilities of occupants.**

- (1) Occupants of a rental unit shall not remove any smoke or CO detectors or remove the batteries powering the said detectors or render them inoperable in any other way. Owners shall make good faith efforts to regularly replace batteries or inoperable detectors and must, within two (2) days of receiving notice from an occupant of a rental unit, replace expired batteries or inoperable detectors.
- (2) Occupants of a rental unit shall store and dispose of their rubbish, garbage, refuse and any other waste in accordance with their lease or rental agreement and the City Ordinance. Occupants shall not accumulate any of the above on the property except within the garbage enclosure if provided on the premises. Occupants who fail to comply with this section may be subject to applicable remedies under the lease or rental agreement. At no time does the failure of the occupants to comply with this section waive the property owners' duty for the property to comply with applicable state and local laws or regulations.
- (3) Occupants of a rental unit will park in the designated areas, or, if street parking, will limit parking to the street frontage area of the lot on which the rental unit is located.

**SECTION 12:            ADOPTION “Section 18-147 Inspections and Investigations”**  
of the Marshall Municipal Code is hereby *added* as follows:

**ADOPTION**

Section 18-147 Inspections and Investigations(*Added*)

- (a) The city has the authority to inspect any Rental Housing Unit if required pursuant to the State Building Code or Housing Code which has been incorporated, by reference, into the City Code; pursuant to State Fire Code; or upon receiving a complaint of code violations. All respective designees/representatives or “contractors” identified by the City Administrator or hired by the City, are hereby authorized to make the inspections. The identities of any person filing a complaint about violations of state law or local ordinance concerning the use of real property, and any information that would identify such person, is classified as confidential information under Minnesota Statute 13.44. No employee or agent of the City shall release or reveal such information except by court order.
- (b) Forms. The city shall provide forms upon which complaints may be made regarding

the condition or registration status of any rental property.

- (c) Upon receipt of a complaint, the City shall notify the owner/representative of the existence of the complaint and allow the owner/representative forty-eight (48) hours to address the issue unless the City determines that the complaint alleges an immediate safety or health concern. If the City, through review and authorization of the City Administrator, City Administrator's designee or City Attorney, deems that the complaint alleges an immediate safety or health concern ("emergency situation") or if a public safety emergency exists, all persons authorized herein on behalf of the City, after making reasonable attempts to provide notice to the owner/representative, shall have authority to enter, at reasonable times and with consent of the tenant or occupant, if any, for purposes of enforcing this ordinance. If after forty-eight (48) hours, the Complainant, either independently or in response to an inquiry by the City, notifies the City that the issue has not been addressed, the owner or occupant shall provide access to the Rental Unit upon request of the City or, if the complaint relates to a common area, then access to the common area upon request of the City. Refusal to reasonably grant access shall be grounds for rejection or suspension of a rental registration. All persons authorized herein to inspect shall have the authority to enter, at reasonable times, and following 48 hours written notice to the property owner or designated Local Property Manager for any rental unit or structure containing a rental unit registered or required to be registered, for the purpose of enforcing this Ordinance. If occupied, the City will also make a good faith effort to give the tenant or occupant reasonable notice under the circumstances in the same manner contemplated under Minnesota Statutes Section 504B.211. Property owner or designated Local Property Manager may be present while the inspection is being carried out.
- (d) Fees. The owner/representative shall be assessed appropriate inspection fees if the complaint is found to be substantiated by this inspection. When a city employee or agent makes an inspection as a result of a written complaint and no violations are found the city shall issue a notice of compliance to the tenant and the owner/representative. If the complaint is substantiated by the inspection, written notice of the observed violation(s) shall be given to the owner/representative and tenant.
- (e) Written notice of a violation of this Ordinance may be given to the registration holder by certified mail directed to the address of the registration holder as shown by the City's registration application file or by e-mail with delivery notification and receipt requested when sending that email to the email as shown by the City's registration application file or by delivery in person. Said notice may contain a Compliance Order stating that compliance with this Ordinance shall be made immediately and, in that case, the notice shall advise the registration holder that the property may be re-inspected in not less than fifteen (15) days, unless extended by the City based on good cause. In the alternative, the city will work with the owner/representative to develop a timeline for the required repairs. A re-inspection will be conducted at the expiration of the time period set for repairs. If the repairs have been completed in a satisfactory manner, a notice of compliance will be issued to the owner/representative and the tenant. In the event the repairs have not been completed in a satisfactory manner further action will be taken as permitted by this Code or state law.
- (f) A registration holder may appeal pursuant to the administrative procedure process set

forth in the City of Marshall City Code.

- (g) If the complaint is that a residential rental housing unit is not registered, the city shall inform the owner in writing that the owner has sixty (60) days to either:
- (1) Comply with the terms of this chapter by registering the unit and by paying all applicable fees; or
  - (2) Cease rental operations.

**SECTION 13:           ADOPTION** “Section 18-148 Failure to Grant Registration, Revocation, Suspension or Failure to Renew Registration” of the Marshall Municipal Code is hereby *added* as follows:

#### ADOPTION

Section 18-148 Failure to Grant Registration, Revocation, Suspension or Failure to Renew Registration(*Added*)

- (a) The City reserves the right to not register a rental unit unless it complies with the requirements of this Ordinance, or any other ordinance of the City or any special permit issued by the City, or the laws of the State of Minnesota
- (b) Any registration issued under this Ordinance is subject to the right, which is hereby expressly reserved by the City, to deny, suspend, revoke or not renew the same should the registration holder or their agents, employees, representatives or lessees directly or indirectly operate or maintain the rental dwellings contrary to the provisions of this Ordinance or any other ordinance of the City or any special permit issued by the City, or the laws of the State of Minnesota. Provided, however, registration shall not be denied, suspended, revoked, or not renewed if the registration holder complies with a compliance order or orders pursuant to this section or within a reasonably timely manner as mutually agreed upon by the City and the registration holder or their authorized agent or representative.
- (1) In buildings containing more than one (1) rental housing unit, the revocation, suspension, denial, or non-renewal may apply to one (1) or more rental housing units based on specific violations.
  - (2) The basis for such revocation, suspension, denial or non- renewal includes, but is not limited to, any of the following circumstances:
    - a. The registration was procured by misrepresentation of the facts with regard to the rental dwelling unit.
    - b. The applicant or one (1) acting on his/her behalf made oral or written misstatements pertaining to the application.
    - c. The actions of the owner or owner's representative involving a rental unit have created a danger to the public health, safety or welfare.
    - d. The rental dwelling unit contains conditions that endanger the safety, health or welfare of any member of the public.



- e. Failure to pay any required application, penalty or reinstatement fee, if any.
  - f. Failure to correct violations of this section in the time period specified in the notice of violation and correction.
  - g. Following the third instance of disorderly conduct specified in state statutes.
  - h. Any violation of this chapter or violations in the rental housing unit or premises where rental housing unit is located of the City Housing or Building Code.
- (c) The City shall notify the applicant that registration has been denied, or the registration holder that registration is being suspended, revoked or not renewed. The suspension, revocation or non-renewal shall occur thirty-five (35) days after the date of the notification order, or at such later date as set out in the notification. The revocation shall never occur until sixty (60) day minimal grace period of suspension expiration.
- (d) A determination by the City to deny, suspend, revoke or not renew registration of a rental unit may be appealed to the City Council of Marshall by filing with the City Administrator a written notice of appeal within fifteen (15) days of the date on which the City mails such determination to the applicant or registration holder. In that event, the appeal will be heard by the Council at its next meeting occurring at least fifteen (15) days after the filing of the Notice of Appeal.
- (e) At any appeal of a determination by the City under this Ordinance, the registration holder or applicant, (Local Property Manager for the registration holder or applicant), or an attorney representing said party, may appear and make a presentation to the City Council. The City shall present to the City Council the basis for the determination being appealed. After the hearing, the Council may uphold, reverse or modify the decision of the City based upon the provision of this Ordinance and upon the protection of the public health, sanitation safety or general welfare of the residents of rental units within the City. The City Council shall issue written findings and determination within thirty-one (31) days of the hearing, unless the Council extends that time for good cause.
- (f) A decision of the City Council made as provided in this section may be appealed by Writ of Certiorari to the Court of Appeals of the State of Minnesota pursuant to its Rules of Civil Appellate Procedure and Minnesota Statutes.

**SECTION 14:**        **ADOPTION** “Section 18-149 Additional Conditions for Short-Term Rental Units” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 18-149 Additional Conditions for Short-Term Rental Units(*Added*)

- (a) No additional occupancy in recreational vehicles, campers, and tents shall be permitted. Off-street parking shall comply with Section 86-230, the City Parking

Ordinance. Additionally, no more than two guest parking on the street shall be permitted.

- (b) If the short-term rental owner owns both short-term and regular rental units in the same property, the owner must register the short-term and regular units separately. Short-term rental registration follow the same fee structure and registration cycle as regular registrations and may include either a conversion fee or a change of ownership fee, depending on the type of unit being rented. The annual fee for a short-term rental registration shall be as established in the city fee schedule.
- (c) Any person operating a short-term rental property must comply with Minnesota Department of Health rules regarding public pools and shall, during the course of any such rental period, post a sign with the information required by the Department of Health.
- (d) Any identification signs must comply with City's sign ordinance.
- (e) The property shall not be listed for sale at the time of initial application for registration or any renewals.
- (f) If a short-term rental unit is located in a single-family residence or a duplex, the short-term rental owner must post either on the property or in the agreement, the provisions related to pets. Additionally, the property lines shall be clearly marked with hedge line, fencing, or corner posts. If pets are permitted, then, when outside, pets must be contained within the yard, including by leash or secured kennel, if the yard is not fenced in a manner that provides a containment area for the pet within the yard.
- (g) The owner, local property manager, or responsible party shall include the applicable short-term rental registration number on all advertisements, listings, or postings of the unit.
- (h) The owner of any short-term rental dwelling unit required to be registered shall maintain liability insurance appropriate to cover the short-term rental use in the aggregate of not less than three hundred thousand dollars (\$300,000) or conduct each short-term rental transaction through a short-term rental platform that provides equal or greater coverage.
- (i) Unless further restricted by occupancy laws, no short-term dwelling unit shall be occupied by more than two (2) times the number of legal bedrooms plus one. A "legal bedroom" is "any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit as required by the most recent International Property Maintenance Code regardless of property size.
- (j) The owner, local property manager, or responsible party shall post the following information in a conspicuous place within each dwelling unit used as a short-term rental:

  - (1) Emergency contact information that is accessible at all times;
  - (2) Contact information for the property owner, or local property manager;
  - (3) Street address;
  - (4) Floor plan indicating fire exits and escape routes; and
  - (5) The short-term rental registration number.
- (k) In Bed and Breakfast facilities, the owner shall operate and permanently occupy such facility, shall not operate other commercial enterprises, including food and beverage services to anyone other than registered guests, from such facility, and shall not permit

or provide cooking equipment in guest bedrooms.

**SECTION 15:            ADOPTION** “Section 18-150 Conduct on Registered Premises” of the Marshall Municipal Code is hereby *added* as follows:

**ADOPTION**

Section 18-150 Conduct on Registered Premises(*Added*)

- (a) The Owner, as registration holder, shall take such actions as are reasonably necessary to assist in the prevention of instances of disorderly conduct by tenants, members of tenant's household, occupants, members of occupants' household and guests. For the purposes of this section, rental housing units shall include any common areas in the building where the rental housing unit is located.
- (b) Disorderly Conduct. For the purposes of this section, disorderly conduct may include, but is not limited to, the following:
  - (1) Illegal activity involving controlled substances as defined in MN Stat. § 152.01, et seq., in the rental housing unit.
  - (2) Acts of violence or threats of violence including but not limited to discharge of firearms, prostitution, intimidation, assault, or any other act that otherwise jeopardizes the health, safety or welfare of the registration holder, his agents, tenants or any other person.
  - (3) Violation of Minnesota Statute, Section 609.72, prohibiting disorderly conduct, when the violation disturbs the peace and quiet of the occupants of at least one unit on the registered premises or other premises, other than the unit occupied by the person(s) committing the violation.
  - (4) Violation of Minnesota Statutes 609.74 and 609.745 Public Nuisances.
  - (5) Violation of Minnesota Statutes 609.66, Subd. 1a, 609.67 or 624.713 Unlawful use or possession of a firearm or weapon.
  - (6) Violation of Minnesota Statute 609.50 Obstructing Legal Process.
  - (7) Violation of Marshall Code Chapter 14, Animals, Division 86-VI-4 Performance Standards, Noise, Chapter 42 Offences, and Chapter 50, Solid Waste.
  - (8) Violation of Minnesota Statutes 609.321-609.324, prohibiting prostitution and acts relating thereto.
  - (9) Violation of Minnesota Statutes 340A.401, prohibiting the unlawful sale of alcoholic beverages.
  - (10) Violation of Minnesota Statutes 340A.503, prohibiting the underage use of alcoholic beverages.
- (c) Notice of Violations.
  - (1) First instance. Upon determination by the city that a rental housing unit was the location of disorderly conduct, the city shall notify the registration holder

either by certified mail directed to the address of the registration holder as shown by the City's registration application file or by e-mail as shown by the City's registration application file with delivery notification and receipt requested when sending that email to the registration holder and direct the registration holder to take steps to prevent further violations.

(2) Second instance. If a second instance of disorderly conduct occurs at a rental housing unit within twelve (12) months of the time a notice was sent for previous disorderly conduct at the same unit, the city may notify the registration holder either by certified mail directed to the address of the registration holder as shown by the City's registration application file or by e-mail as shown by the City's registration application file with delivery notification and receipt requested when sending that email to the registration holder of the violation and direct the registration holder to submit, within ten (10) days of the date of the notice, a written report of all actions taken by the registration holder since the first violation notice and actions the registration holder intends to take to assist in the prevention of disorderly conduct. The registration holder shall notify the tenant or tenants within ten days of the notice of disorderly conduct violation.

(3) Third instance. If a third instance of disorderly conduct occurs at a rental housing unit within twelve (12) months after the first of two (2) previous notices of disorderly conduct at the same unit, the rental housing unit registration may be revoked, suspended, or not renewed by the city. The owner/representative has the right to appeal the decision as provided in the City of Marshall Administrative Procedure Section of the City Code.

(d) For purposes of this section, second and third instances of disorderly conduct shall be those which:

- (1) Occur at the same rental housing unit; or
- (2) Involve tenants at the same rental housing unit; or
- (3) Involve guests or invitees at the same rental housing unit; or
- (4) Involve guests or invitees of the same tenant; or
- (5) Involve the same tenant.

(e) No adverse action shall be taken against the rental registration when the instance of disorderly conduct occurred during a pending eviction proceedings (unlawful detainer) or within thirty (30) days of notice given by the registration holder to a tenant to vacate the rental housing unit. However, adverse registration action may proceed when the registration holder fails to diligently pursue the eviction process. Further, an action to deny, revoke, suspend, or not renew a registration based upon violations of this section may be postponed or discontinued at any time if the registration holder has taken appropriate measures which will prevent further instances of disorderly conduct which may include a failed eviction process, or if the registration holder has proceeded in good faith to secure termination of the tenancy but was unsuccessful for reasons beyond the registration holder's reasonable control.

(f) In lieu of revoking, suspending or not renewing the rental registration, the city may require an action plan to be completed and complied with by the registration holder, or local property manager within a designated time frame which outlines the steps

necessary to be taken and complied with in order to correct identified violations and the measures to be taken to ensure ongoing compliance with the city code and other applicable laws.

- (g) Determining disorderly conduct. A determination that the rental housing unit has been the location of disorderly conduct shall be made by a preponderance of the evidence to support such a determination. It shall not be necessary that criminal charges be brought in order to support a determination of disorderly conduct, nor shall the fact of dismissal or acquittal of such a criminal charge operate as a bar to adverse registration action under this section.
- (h) Enforcement. Enforcement actions provided in this section shall not be exclusive, and the city may take any action with respect to a registration holder, a tenant, or the registered rental housing unit(s) as is authorized by the City Code or state law.

**SECTION 16:**            **ADOPTION** “Section 18-151 Interim Housing” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 18-151 Interim Housing(*Added*)

As a condition of receiving a rental unit registration, the registration holder agrees that in the event that the registration is denied, suspended, revoked, or not renewed due to the action or inaction of the registration holder or registration holder’s agent, representative, employee or lessee, all tenants or sub-tenants of the residential rental unit shall be provided, at the registration holder’s expense, suitable interim housing approved by the City after notice to the registration holder from the City and the expiration of a reasonable time agreed upon by the City for the registration holder to cure. The registration holder shall provide such interim housing until the registration for the unit is restored or until the end of the lease or agreement term, whichever occurs first. Failure of the registration holder to provide and/or pay for such interim housing shall be grounds for suspension of the rental unit registration held by the registration holder.

**SECTION 17:**            **ADOPTION** “Section 18-153 Violations; Injunctive Relief” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 18-153 Violations; Injunctive Relief(*Added*)

- (a) Nothing in this Ordinance prevents the City from taking enforcement action under any

of its fire, housing, zoning, health, safety or other codes, ordinances, and State laws for violations thereof, or to seek injunctive relief and criminal prosecution for violations of any ordinance, code or law. Nothing contained in this Ordinance prevents the City from seeking injunctive relief against a property owner or designated property manager who fails to comply with the terms and conditions of this Ordinance or to obtain an order closing such rental units until violations of this particular Ordinance have been remedied by the property owner or designated property manager.

- (b) Violation of this Ordinance is a misdemeanor. Violations include operation of a rental unit without proper registration and/or operation of a rental unit after revocation or suspension of registration. Each separate day on which a continuing violation occurs is a separate violation. Any written or oral agreement to rent or cause to be rented, leased or let, any Rental Unit that is in violation of this Ordinance is illegal as a matter of law.
- (c) This chapter may also be enforced by injunction, abatement, mandamus, or any other appropriate remedy in any court of competent jurisdiction.

**SECTION 18:**            **ADOPTION** “Section 18-152 Applicable Laws” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 18-152 Applicable Laws(*Added*)

Registration holders are subject to all of the ordinances and/or laws of the City and State of Minnesota relating to rental dwellings, and this Ordinance shall not be construed or interpreted to supersede or limit any other applicable ordinance or law.

**SECTION 19:**            **ADOPTION** “Section 18-154 No Retaliation” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 18-154 No Retaliation(*Added*)

Per Minnesota State Statute Section 5048.205, Subd. 2, Emergency calls are permitted.

- (a) A landlord may not:

  - (1) Bar or limit a residential tenant's or short-term rental occupant’s right to call for police or emergency assistance in response to domestic abuse or any other conduct, including calling the City to file a complaint; or
  - (2) Harass a residential tenant's or short-term rental occupant’s for calling police or requesting emergency assistance in response to domestic abuse or any other

- conduct, including calling the City to file a complaint; or
- (3) Impose a penalty on a residential tenant or a short-term rental occupant for calling for police or emergency assistance in response to domestic abuse or any other conduct.
- (b) A residential tenant or short-term rental occupant may not waive and a landlord may not require the residential tenant to waive the residential tenant's right to call for police or emergency assistance.

**SECTION 20:**            **ADOPTION** “Section 18-155 Written Notices” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 18-155 Written Notices(*Added*)

Notices from the City required by this Ordinance shall be effective if personally delivered or if mailed to the addressee to the address shown in the City file pertaining to the rental unit involved in the notice.

**SECTION 21:**            **ADOPTION** “Section 18-156 Conflict Of Ordinances; Effect Of Partial Invalidity” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 18-156 Conflict Of Ordinances; Effect Of Partial Invalidity(*Added*)

- (a) Conflict. In any case where a provision of this Article is found to be in conflict with a provision of any zoning, building, fire safety or health ordinance or code of the City existing on the effective date of this section, or of any state or federal statute, rule or regulation, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this Article is found to be in conflict with a provision of any other ordinance or code of the City existing on the effective date of this section which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this Article shall be deemed to prevail to the extent allowed by the State and Federal law.
- (b) Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect validity of the remaining portions of this Ordinance.

**SECTION 22:**        **EFFECTIVE DATE** This Ordinance shall take effect after their passage and publication according to law.

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



**RESOLUTION NUMBER 24-016**

**RESOLUTION AMENDING SPECIFIC FEES TO BE CHARGED  
BY THE CITY OF MARSHALL**

WHEREAS, several sections of the City Code permit the Common Council to adopt by resolution, rules, regulations and permit fees which will be effective in the City.

NOW THEREFORE, BE IT RESOLVED, the 2024 fee schedule is hereby amended and approved to add under the appropriate department a \$100.00 bi-annual residential rental registration fee, \$200.00 valid complaint-based inspection charge and a \$400.00 plus actual time for a rental re-inspection fee for non-compliance after a designated deadline and shall be effective February 13, 2024, unless specifically stated otherwise within the 2024 fee schedule.

Passed and adopted by the City Council this 13<sup>th</sup> day of February 2024.

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Robert J. Byrnes  
Mayor

ATTEST:

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Steven Anderson  
City Clerk

MINUTES  
WAYS AND MEANS COMMITTEE MEETING  
December 4, 2023 @ 12 PM  
344 West Main Street  
On Main

MEMBERS PRESENT: Amanda Schroeder, Steve Meister (via zoom), See Moua-Leske

STAFF PRESENT: Steven Anderson, City Clerk; Karla Drown, Finance Director; Jason Anderson, Director of Public Works; E.J. Moberg, Director of Administrative Services; Katie Brusven, Adult Community Center Coordinator; Ilya Gutman, Plans Examiner; Quentin Brunsvold, Fire Chief; Scott Truedson, Wastewater Superintendent; Preston Stensrud, Parks Superintendent

OTHERS PRESENT: Pamela Whitmore(City Attorney); John DeCramer; Marc Klaith; Brad Meulebroeck; James Carr

The meeting was called to order by Chairman Meister at 12:01 pm.

Meister asked for approval of the April 25, 2023, minutes of the Ways and Means committee Meeting.

MOTION BY Schroeder SECONDED BY Moua-Leske to approve the April 25,2023, minutes of the Ways and Means committee Meeting. All voted in favor.

Chairman Meister asked for discussion on Rental Ordinance Fees. City Attorney Whitmore provided brief background information on the rental ordinance. An ordinance was come up with multiple meetings and input. Complaint based program with a registration fee. Registration fee every two years would not be nominal. Landlords have a checklist and retaining within their files. Plans Examiner, Gutman stated that it is \$100 per building. This came from the discussion of the rental committee, per Director of Public Works, Anderson. Six months after enactment of the rental ordinance to register property for the first time with waiving of the fee. \$200 complaint-based inspection fee with a \$400 escalation fee.

MOTION BY Schroeder, SECONDED BY Moua-Leske to approve the rental registration fee bi-annually for \$100 with \$200 complaint-based inspection fee, \$400 re-inspection fee for non-cooperation plus time. All voted in favor.

Chairman Meister asked for discussion on Administrative Citation Fee. City Clerk Anderson provided background. The hope is to re-coop for the first hearing of the hour. The range found was \$0-\$165 for the hearing. Either an attorney or retired judge would need to be the hearing officer. City Attorney Whitmore provided information on the administrative penalty ordinance passed earlier this year. Property owners receive a violation notice and a process of appealing. Shifts cost from the city to the property owner for the formal processes that go through the court. Additional fees will need to be added to the city fee schedule based on the ordinances. This is something that will need to be worked on through identifying the code where the violation would be relevant.

Today, this is what the hearing officers would be reimbursed. City staff would not be reimbursed

for their time. There is a fee for the hearing itself. A rate of \$150/hour is being recommended for the hearing officer reimbursement amount. A filing fee of \$150 is recommended. Staff time fee was discussed. Whitmore stated that we could enter into an agreement with property owners if the city is requested to assist in correcting the violation, a charge could be worked into this.

MOTION BY Meister, SECONDED BY Moua-Leske to approve the \$150 administrative hearing filing fee and \$150/hour for the hearing officer, who shall be attorney or retired judge. Not to exceed \$700 per grievance. All voted in favor.

Chairman Meister asked for discussion on the 2024 Fee Schedule. The Finance Director Drown introduced the 2024 fee schedule. Dog or cat license are in the city ordinance to have licensed. Discussion as to why this was part of the fee schedule. Renewal is based on rabies shots for animals. Most vets take care of this for the animal owner. The finance had some updates and discussed the purpose of those changes. Charging more for out-of-town caterers as the arena and expo. WW Superintendent Truedson explained the sump pump hookup fee.

MOTION BY Moua-Leske, SECONDED BY Schroeder to approve the 2024 Fee Schedule to be moved forward to the full council with the rental and administrative fee. All voted in favor.

MOTION BY Moua-Leske SECONDED BY Schroeder to adjourn the meeting. Meeting adjourned at 1:08 pm. All voted in favor.

Respectfully Submitted,

Karla Drown  
Finance Director

**SUMMARY ORDINANCE NUMBER 24-003**

**AN ORDINANCE AMENDING CH. 18 BUILDINGS AND BUILDING REGULATIONS TO ADD ARTICLE VIII  
RESIDENTIAL RENTAL CODE**

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

Section 1: City Code of Ordinances, Chapter 18 Buildings and Building Regulations is hereby amended in summary as follows:

Residential rental properties and short-term rental properties are required to register with the city. The ordinance also establishes minimum maintenance rental unit standards; procedure for law violations, nuisances, disturbances and disorders to protect, promote public health, safety and general welfare of renters and landlords. Renewal of the registration would be required bi-annually for each building with a fee set by resolution by the City Council.

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. 24-003.

It is hereby directed that only the above Title and Summary of Ordinance No. 24-003 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 online at [ci.marshall.mn.us](http://ci.marshall.mn.us) or 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 13<sup>th</sup> day of February 2024.

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

ATTEST:  
Steven Anderson  
City Clerk

<b>Presenter:</b>	Pamela Whitmore
<b>Meeting Date:</b>	Tuesday, February 13, 2024
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	ACTION
<b>Subject:</b>	Public Hearing for an Ordinance Amending the City Charter
<b>Background Information:</b>	<p>The City Attorney, City Administrator and Clerk met in October 2023 and identified various recommended updates to the Charter both to address gender neutrality and to comply with statutory changes that have occurred in the past few years. At the meeting, there will be a detailed overview of the proposed amendments; however, below sets forth a general overview and the reasons for those proposed changes:</p> <ul style="list-style-type: none"> <li>• Deleting his/her, he/she and him/her. Reason for deletion: eliminate preferred personal pronouns in favor of titles or nongendered pronouns.</li> <li>• Amend existing language to comply with statutory changes related to special election dates.</li> <li>• Amend existing language to clarify timing of council resignations and how to proceed if there is a tie on an appointment.</li> <li>• Amend language regarding process and requirements for redistricting of wards to comply with statutory changes.</li> <li>• Amend language regarding voting requirements if a member of the decision-making body joins the meeting remotely via interactive technology to comply with recent statutory changes.</li> <li>• Adding language to provide Council with authority to create a table for non-substantive ordinances, not of a general or permanent nature, that are not otherwise codified in code.</li> <li>• Amend language of 5.02, expenditures for Petitioners, to comply with requirements set forth in a United States Supreme Court decision to allow hiring of individuals to go door to door to try to get signatures on a petition but to still prohibit paying individuals people to actually sign the petition.</li> <li>• Adding language to Section 7.01 to clarify that Council may, through adoption of policy, create authority for the City to identify and expend funds on expenditures that benefit the community as a whole; are directly related to governmental functions; and primarily benefits the public interest (not private interest). This allows the city more flexibility to promote and support its community.</li> </ul>
<b>Fiscal Impact:</b>	None
<b>Alternative/ Variations:</b>	
<b>Recommendations:</b>	<ol style="list-style-type: none"> <li>1) Close public hearing.</li> <li>2) Adopt amendments to the city Charter recommended by the Charter Commission and authorize its summary publication pursuant to MN Statute 412.191.</li> </ol>

**CITY OF MARSHALL  
ORDINANCE 24-004**

**AN ORDINANCE AMENDING THE CITY OF MARSHALL CHARTER**

The City Council of Marshall do ordain as follows:

**SECTION 1:**            **AMENDMENT** “Section 2.03 Elective Offices” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 2.03 Elective Offices

Subd. 1. Mayor.

- (a) *Qualification.* Mayor must be, at the date of filing for office and during ~~his/her~~the Mayor's term, a qualified elector of the City of Marshall and shall be elected at large.
- (b) *Mayor's Term.* The Mayor shall serve for a period of four years and until their successor is elected and qualified. The term shall begin on the first Monday in January after the municipal election.

Subd. 2. Councilmembers.

- (a) *Qualifications.* Councilmembers must, at date of filing for office and during their term, be a qualified elector of the ward of the City of Marshall for which they seek office or hold office.
- (b) *Number.* Two councilmembers shall be elected from each ward.
- (c) *Councilmembers Term.* All councilmembers elected shall serve for a period of four years and until their successor is elected and qualified. The term shall begin on the first Monday in January after the municipal election.

(Ord. No. 185 2nd series, § 1, 6-2-1986; Ord. No. 352 2nd series, § 1, 3-16-1996; Ord. No. 356 2nd series, § 1, 3-16-1996; Ord. No. 664 2nd series, § 1, 12-4-2012)

**SECTION 2:**            **AMENDMENT** “Section 2.05 Vacancies In The Council” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 2.05 Vacancies In The Council

A vacancy in the Council shall be deemed to exist in accordance with the provisions of the State Law, and, in addition thereto, in case of continuous absence of the official from the City for more than ninety (90) days, or by reason of failure of any member of the Council, without good cause, to perform any duties of membership in the Council for a period of ninety (90) days. If by resignation, the vacancy automatically occurs when an incumbent submits a written resignation to the Mayor, City Administrator, or City Clerk, effective on the date specified. If the date is not specified in the resignation, the vacancy is created on the date of submittal. In each such case the Council, by resolution shall declare the vacancy and, if the unexpired term of the vacated Councilmember is less than one hundred eighty (180) days, shall appoint as soon as possible, a person eligible for election from the partially represented ward to serve until the next regular municipal election. In case of a tie vote on the appointment by the Council, the Mayor will cast the deciding vote. If the unexpired term of such Councilmember or Mayor is one hundred eighty (180) days or more, the vacancy shall be filled by special election within the area to be represented. ~~The special election shall be ordered by the Council within thirty (30) days after vacancy is declared and reasonable public notice of the election shall be given.~~ When a special election is required under this Section, the Council must adopt a resolution to set the date for the special election at the first regular meeting occurring after the vacancy; at a special meeting of the Council, occurring after the vacancy automatically occurs; or at the same meeting at which the vacancy is declared. The special election must be held at the earliest date possible under State law related to special elections and candidates must file for office no later than four weeks before the election. If a special election is to occur in the same year as a regular election, the Council may, at its own option, schedule the special election to occur in conjunction with the regular municipal election rather than at the earliest date possible under State law for special elections.

(Ord. No. 356 2nd series, § 1, 3-16-1996)

**SECTION 3:            AMENDMENT** “Section 2.06 The Mayor” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 2.06 The Mayor

The Mayor shall be the presiding officer of the Council, except that the Council shall choose from its members a president pro tem who shall hold office at the pleasure of the Council and shall serve as president in the Mayor's absence and as a mayor in case of the Mayor's disability or absence from the City. The Mayor shall have a vote as a member of the Council.

~~He/She~~The Mayor shall exercise all powers and perform all duties conferred and imposed upon ~~him/her~~the Mayor by this Charter, the ordinances of the City and the laws of the State. ~~He/She~~The Mayor shall be recognized as the official head of the City for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor for the purposes of marital law. ~~He/She~~The Mayor shall study the operations of the City government and shall report to the Council any neglect, dereliction of duty, or waste on the part of any officer or department of the City. In time of public danger or emergency, ~~he/she~~the Mayor may, with the consent of the Council, take command of the police, maintain order and enforce the law.

(Ord. No. 356 2nd series, § 1, 3-16-1996)

**State law reference(s)**—Permissible Charter provisions, Minn. Stat. § 410.19.

**SECTION 4:**            **AMENDMENT** “Section 2.10 Wards” of the Marshall Municipal Code is hereby *amended* as follows:

#### AMENDMENT

##### Section 2.10 Wards

The Council shall, by ordinance, provide for the establishment of wards, define or change their boundaries, and increase or eliminate the number of wards in the City. No change, increase, or elimination shall be made prior to the Legislature being redistricted in a year ending in one or two; or, unless otherwise provided herein, within three (3) months prior to any election held in the City governmental offices. ~~Within six (6) months following the official certification of the decennial census of the United States and the filing of the census list with the City, the Council shall, by ordinance, re-determine ward boundaries so as to make said wards as nearly equal in population as practical.~~ The wards must be redistricted within 60 days after the Legislature has been redistricted or at least 19 weeks before the state primary election in the year ending in two, whichever is first. After the official certification of the federal decennial or special census, the Council shall either confirm the existing ward boundaries or redefine ward boundaries. Each ward shall be composed of compact, contiguous territory and shall contain as nearly as practicable an equal population. The difference between the ward with the lowest population and the ward with the highest population can be no greater than ten percent of the equal number. If a federal census shows that a ward no longer meets this requirement, the Council must change the ward boundaries to achieve compliance within the time period required by State law. If a ward boundary change places a ward councilmember's residence in a different ward, the councilmember will continue in office for the remainder of the term.



(Ord. No. 356 2nd series, § 1, 3-16-1996)

**SECTION 5:** AMENDMENT “Section 3.04 City Attorney” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 3.04 City Attorney

The Mayor shall nominate to the City Council the person to be appointed as City Attorney for the City of Marshall. The City Council and the Mayor shall vote and confirm said appointment by majority vote. The City Attorney shall serve for a term of two (2) years, ~~his/her~~ the term of office to begin on the first regular meeting in January after the municipal election and ~~he/she shall continue in office~~ until ~~their~~ a successor is appointed. The City Attorney shall perform legal services for the City under direction of the City Council and is removable at the discretion of the City Council. The City may contract with other attorneys to perform specific legal services as it deems necessary without discharging the City Attorney. The Marshall Municipal Utilities Commission are hereby authorized to employ the City Attorney in official matters and to pay for their services from their respective funds. The City Attorney may employ such staff and assistants as necessary.

(Ord. No. 356 2nd series, § 1, 3-16-1996; Ord. No. 707 2nd series, § 1, 5-9-2016)

**Editor's note(s)**—Ord. No. 707 2nd series, § 1, adopted May 9, 2016, amended § 3.04, to read as set out herein. Previously § 3.04 was titled "Rules of procedure and quorum."

**SECTION 6:** AMENDMENT “Section 3.06 Ordinances, Resolutions And Motions” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 3.06 Ordinances, Resolutions And Motions

Except as in this Charter otherwise provided, all legislation shall be by ordinance. The "yes" and "no" vote on ordinance, resolutions and motions shall be recorded. An ~~affirmative~~ majority vote of a quorum shall be required for the passage of all ordinances and resolutions, unless a super majority is required by this Charter or state law. The vote of each member shall be recorded on each appropriation of money, except for payments of judgments, claims and amounts fixed by statute. All votes taken during a meeting governed by either Minn. Statute 13D.02 or 13D.021 in which one or more councilmembers or the mayor has joined remotely must be conducted by roll call so that each member's vote on each issue can be identified and recorded. Other than emergency ordinances addressed in Section 3.09 herein or the exceptions stated in law, if a city posts ordinances on the city's website, then it must also post proposed ordinances on the website at least ten days before the Council meeting at which the proposed ordinance is scheduled for a final vote. Additionally, Other than emergency ordinances addressed in Section 3.09 herein or the exceptions stated in law, if a city has an electronic notification system, the city must notify any person that has signed up for e-mail notification of proposed ordinances at least ten days before the Council meeting at which the proposed ordinance is scheduled for a final vote.

(Ord. No. 356 2nd series, § 1, 3-16-1996; Ord. No. 707 2nd series, § 1, 5-9-2016)y

**Editor's note(s)**—Ord. No. 707 2nd series, § 1, adopted May 9, 2016, amended § 3.06, to read as set out herein. Previously § 3.06 was titled "Procedure on ordinances."

**SECTION 7: AMENDMENT** "Section 3.13 Revision And Codification Of Ordinances" of the Marshall Municipal Code is hereby *amended* as follows:

#### AMENDMENT

##### Section 3.13 Revision And Codification Of Ordinances

The City may revise, rearrange and codify its ordinances with such additions and deletions as may be deemed necessary by the Council. Such ordinance code shall be published in book, pamphlet or continuously revised loose-leaf form and copies shall be made available by the Council at the office of the City Clerk for general distribution to the public free or at a reasonable charge. Publication in such a code shall be a sufficient publication of any ordinance provision not previously published if a notice that copies of the codification are available at the office of the City Clerk is published in the official newspaper for at least two (2) successive weeks. Ordinances granting franchises, disposing of public property, enacting zoning designations of land, and other ordinances that are not of a general and permanent nature need not be included in the ordinance code. At the Council's discretion, a table of all or some of these ordinances may be included, or their text may be included as appendices.

(Ord. No. 707 2nd series, § 1, 5-9-2016)

**State law reference(s)**—Codification of ordinances, Minn. Stat. § 415.021.

**SECTION 8:            AMENDMENT** “Section 4.01 The Regular Municipal Election” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 4.01 The Regular Municipal Election

A regular municipal election shall be held on the first Tuesday after the first Monday of November of every even-numbered year, commencing in 1986, at such place or places as the Common Council may designate. The City Clerk shall have at least two (2) weeks previous notice of the time and place of holding such election and of the members to be elected by publication at least twice in the official newspaper, but failure to give such notice shall not invalidate such election. At said election and subject to the terms set forth herein, there shall be elected members of the Council and, when applicable, Mayor.

(Ord. No. 185 2nd series, § 1, 6-2-1986; Ord. No. 356 2nd series, § 1, 3-16-1996; Ord. No. 707 2nd series, § 1, 5-9-2016)

**SECTION 9:            AMENDMENT** “Section 4.02 Special Elections” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 4.02 Special Elections

The Council may by resolution order a special election and provide all means necessary for the holding of said election. A notice of a special election shall be given in the official newspaper of the City at least once per week for a two (2) week period prior to the election. The date of the special election will be scheduled to occur either at the next general municipal election or on a date allowed under State law for special elections, with notice to the County Auditor in the manner required by state statute.

(Ord. No. 356 2nd series, § 1, 3-16-1996)

**SECTION 10:         AMENDMENT** “Section 4.03 Nominations By Elections” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 4.03 Nominations By Elections

In compliance with the Candidate filing period as defined by Minnesota Statute § 205.13, subd. 1a, an individual who is eligible and desires to become a candidate for an office to be voted for at the election shall file an affidavit of candidacy with the City Clerk. The affidavit shall be in substantially the same form as required of candidates for state offices and shall be furnished by the City Clerk upon request and payment of the proper filing fee to the City Clerk. Once the affidavit has been filed with the City Clerk, the name of the candidate shall be placed on the official ballot without partisan designation. Unless a candidate has filed an affidavit of candidacy and paid a filing fee, ~~his/her~~ the candidate's name may not be placed upon the official ballot for the municipal election.

(Ord. No. 224 2nd series, § 1, 3-23-1988; Ord. No. 356 2nd series, § 1, 3-16-1996; Ord. No. 552 2nd series, § 1, 7-5-2006; Ord. No. 618 2nd series, § 1, 5-25-2010; Ord. No. 707 2nd series, § 1, 5-9-2016)

**Editor's note(s)**—Ord. No. 618, 2nd series, § 1, adopted May 25, 2010, changed the title of section 4.03 from "Nomination by affidavit" to "Nominations by elections." The historical notation has been preserved for reference purposes.

**SECTION 11:**            **AMENDMENT** “Section 5.02 Expenditures By Petitioners” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 5.02 Expenditures By Petitioners

No ~~member of any initiative, referendum, or recall committee, no circulator of a signature paper, and no~~ signer of a signature paper ~~any such paper, or any other person,~~ shall accept ~~or offer~~ any rewards, pecuniary or otherwise, for services signatures rendered in connection with the circulation thereof, but this shall not prevent the committee from paying for legal services or from incurring an expense not to exceed \$150.00 for stationery, copying, printing, and notaries' fees. Any violation of the provisions of this Section is a misdemeanor.

(Ord. No. 354 2nd series, § 1, 3-16-1996; Ord. No. 356 2nd series, § 1, 3-16-1996)

**SECTION 12:**            **AMENDMENT** “Section 5.06 Filing Of Petitions And Action Thereon” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 5.06 Filing Of Petitions And Action Thereon

All the signature papers shall be filed in the office of the City Clerk as the instrument. Within ten (10) days after the filing of the petition, the City Clerk Director shall ascertain by examination the number of electors whose signatures are appended thereto and whether this number is at least one hundred (100). If ~~he/she~~the City Clerk finds the petition insufficient or irregular, ~~he/she~~the Clerk shall at once notify one or more of the members of the committee of the fact, certifying the reasons for their finding. The committee shall then be given thirty (30) days in which to file additional signature papers and to correct the petition in all other particulars. If at the end of that period the petition is found to still be insufficient or irregular, the City Clerk shall file it in ~~his/her~~their office and shall notify each member of the committee of that fact. The final finding of the insufficiency or irregularity of a petition shall not prejudice the filing of a new petition for the same purpose, nor shall it prevent the Council, at its option, from referring the ordinance to the electors at the next regular or any special election.

(Ord. No. 354 2nd series, § 1, 3-16-1996; Ord. No. 356 2nd series, § 1, 3-16-1996; Ord. No. 707 2nd series, § 1, 5-9-2016)

**SECTION 13:**            **AMENDMENT** “Section 5.07 Action Of Council On Petition” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 5.07 Action Of Council On Petition

When the petition is found to be sufficient, the City Administrator shall so certify to the Council at its next meeting, stating the number of petitioners, and the Council shall at once read the ordinance and refer it to an appropriate committee of the Council, which may be a committee of the whole. The committee of Council, shall thereupon provide for one or more public hearings upon the ordinance, after the holding of which the ordinance shall be finally acted upon by the Council not later than sixty-five (65) days after the date upon which it was submitted to the Council by the City Administrator. If the Council fails to pass the proposed ordinance, or passes it in a form different from that set forth in the petition and unsatisfactory to the petitioners, the proposed ordinance shall be submitted by the Council to the vote of the electors at the next regular municipal election; but if the number of signers of the petition is equal to at least two hundred (200) voters, the Council shall call a special election upon the measure. Such special election shall be held ~~not less than thirty (30) nor more than forty-five (45) days from date of final action on the ordinance by the Council or after the expiration of sixty-five (65) days from the date of submission to the Council when there has been no final action;~~ at the earliest date possible under State law for special elections, unless that date is less than thirty (30) days from the date of final action on the ordinance by the Council, and if so then the earlier of (i) the next available date for special elections under state law but if a or (ii) the regular election ~~is to occur within three (3) months, the Council may submit the ordinance at the election.~~ If the Council passes the proposed ordinance with amendments and at least four-fifths (4/5) of the committee of petitioners do not express their dissatisfaction with such amended form by a statement filed with the City Clerk within ten (10) days of the passage thereof by the Council, the ordinance need not be submitted to the electors.

(Ord. No. 354 2nd series, § 1, 3-16-1996; Ord. No. 356 2nd series, § 1, 3-16-1996; Ord. No. 707 2nd series, § 1, 5-9-2016)

**SECTION 14:**            AMENDMENT “Section 5.10 The Referendum” of the Marshall Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Section 5.10 The Referendum

If prior to the date when an ordinance takes effect a petition signed by qualified electors of the City equal in number to one hundred fifty (150) or fifteen percent (15%) of the total votes cast at the last municipal election, whichever is greater, is filed with the City Clerk requesting that any such ordinance be repealed or be submitted to a vote of the electors, the ordinance shall thereby be prevented from going into operation. The Council shall thereupon reconsider the ordinance at its regular meeting, and either repeal it or by "yes" and "no" vote reaffirm its adherence to the ordinance as passed. In the latter case the Council shall ~~immediately~~ order a special election to be held thereon, or submit the ordinance at the next regular municipal election, pending which the ordinance shall remain suspended. If ordering a special election, the special election shall be held at the earliest date possible under State law for special elections. If a majority of the electors voting thereon is opposed to the ordinance, it shall not become effective, but if a majority of the electors voting thereon favors the ordinance, it shall go into effect immediately or on the date therein specified.

(Ord. No. 354 2nd series, § 1, 3-16-1996; Ord. No. 356 2nd series, § 1, 3-16-1996; Ord. No. 707 2nd series, § 1, 5-9-2016)

**SECTION 15:**            AMENDMENT “Section 5.15 Filing Of Petition” of the Marshall Municipal Code is hereby *amended* as follows:

#### AMENDMENT

##### Section 5.15 Filing Of Petition

Within thirty (30) days after the filing of the original certificate, the committee shall file the completed petition in the office of the City Clerk. The City Clerk shall examine the petition within the next ten (10) days, and if ~~he/she~~ the City Clerk finds it irregular in any way or finds that the number of signatures is less than ten (10%) percent of the electors that voted in said ward at the last general election or 250 voters, whichever is greater, ~~he/she~~ the City Clerk shall notify one or more members of the committee. The committee then shall be given ten (10) days in which to file additional signature papers and to correct the petition in all other respects, but they may not change the statement on the grounds upon which the recall is sought. If at the end of that time the City Clerk finds the petition still insufficient or irregular, ~~he/she~~ the City Clerk shall notify all the members of the committee to that effect and shall file the petition in their office. No further action shall be taken thereon.

(Ord. No. 354 2nd series, § 1, 3-16-1996; Ord. No. 356 2nd series, § 1, 3-16-1996; Ord. No. 707 2nd series, § 1, 5-9-2016)

**SECTION 16:**            AMENDMENT “Section 5.23 Filing Of Petition” of the Marshall Municipal Code is hereby *amended* as follows:

## AMENDMENT

### Section 5.23 Filing Of Petition

Within thirty (30) days after the filing of the original certificate, the committee shall file the completed petition in the office of the City Clerk. The City Clerk shall examine the petition within the next ten (10) days, and if ~~he/she~~the City Clerk finds it irregular in any way or finds that the number of signatures is less than the greater of ten (10%) percent of the electors that voted in said last whole city election or 500 voters, ~~he/she~~the City Clerk shall notify one or more members of the committee. The committee then shall be given ten (10) days in which to file additional signature papers and to correct the petition in all other respects, but they may not change the statement of the grounds upon which the recall is sought. If at the end of that time the City Clerk finds the petition still insufficient or irregular, ~~he/she~~the City Clerk shall notify all the members of the committee to that effect and shall file the petition in their office. No further action shall be taken thereon.

(Ord. No. 354 2nd series, § 1, 3-16-1996; Ord. No. 356 2nd series, § 1, 3-16-1996; Ord. No. 707 2nd series, § 1, 5-9-2016)

**SECTION 17:** AMENDMENT “Section 5.28 Election Results” of the Marshall Municipal Code is hereby *amended* as follows:

## AMENDMENT

### Section 5.28 Election Results

If a majority of those voting on the question of recall vote in favor of the recall, the mayor shall immediately cease to be mayor of the City. If a majority of those voting on the question of recall vote not to recall the mayor, ~~he/she~~the Mayor shall have the right to serve out ~~his/her~~the term to which ~~he/she~~the Mayor was elected. If a mayor is recalled or resigns, the council at its next meeting shall call for a special election to fill the remaining term of the recalled mayor according to Chapter 4 of the City Charter. The recalled or resigned mayor shall not be allowed to file for the election to fill the vacancy created by the recall election or the resignation.

(Ord. No. 354 2nd series, § 1, 3-16-1996; Ord. No. 356 2nd series, § 1, 3-16-1996)

**SECTION 18:** AMENDMENT “Section 6.02 The City Administrator” of the Marshall Municipal Code is hereby *amended* as follows:

## AMENDMENT



Section 6.02 The City Administrator

The Council shall appoint a City Administrator and delegate to ~~him/her~~the City Administrator whatever powers, ministerial or administrative, they deem necessary for the proper administration of City affairs, in addition to the specific duties set out in Section 6.03. ~~He/she~~The City Administrator shall be the chief administrative officer of the City. ~~He/she~~The City Administrator shall be so chosen by the Council solely on the basis of ~~his/her~~ training, experience and administrative qualifications and need not be a resident of the City at the time of ~~his/her~~the appointment. ~~He/She~~The City Administrator shall be appointed for an indefinite period of time and may be removed by the Council at any time. The Council may designate some properly qualified person to perform the duties of the City Administrator during ~~his/her~~the City Administrator's absence or disability or while the office of the City Administrator is vacant.

(Ord. No. 564, § 1, 4-21-1975; Ord. No. 356 2nd series, § 1, 3-16-1996)

**SECTION 19:**            AMENDMENT “Section 6.03 Duties Of City Administrator” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 6.03 Duties Of City Administrator

The City Administrator shall be directly responsible to the City Council for the proper administration of all affairs of the City, and to that the City Administrator shall perform the following specific duties:

- Subd. 1. See that this Charter and the laws, ordinances and resolutions of the City are enforced;
- Subd. 2. Under direction of the Council, exercise control over the departments and divisions of the City administration as provided by this Charter;
- Subd. 3. Attend all meetings of the Council, unless excused, with the right to take part in discussion but not to vote. They shall, however, be excluded from any meeting of the Council at which their removal is considered, unless their presence is requested by a majority vote of the Council;
- Subd. 4. Keep the Council advised of the financial condition and needs of the City and submit annually to the Council an administrative budget which shall be compiled from the various department budget requests;

Subd. 5. Prepare an administrative code incorporating details of administrative policies and procedures. They shall from time to time recommend amendments to the administrative policies of such code for approval by the City Council. The City Administrator may establish and amend as deemed appropriate administrative procedures in the administrative code without Council approval;

Subd. 6. Perform such other duties as may be prescribed by this Charter or by the law or required by the City Administrator by ordinances and resolutions adopted by the Council.

(Ord. No. 356 2nd series, § 1, 3-16-1996; Ord. No. 675 2nd series, 7-9-2013; Ord. No. 707 2nd series, § 1, 5-9-2016)

**SECTION 20:**            **AMENDMENT** “Section 6.05 Purchases And Contracts” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 6.05 Purchases And Contracts

The City Administrator shall be the chief purchasing agent of the City. All policies and procedures for City purchases and related contracts for supplies, materials, equipment, services or the like shall be prescribed by a formal policy approved by the City Council by majority vote and be in strict compliance with the laws of the State of Minnesota then in effect. All contracts, bonds and instruments of any kind to which the City is a party, except checks drawn on the City, shall be signed by the Mayor or President Pro Tem in ~~his/her~~ the Mayor's absence and attest by the City Clerk or City Administrator in ~~his/her~~ the absence of the City Clerk on behalf of the City and shall be executed in the name of the City.

(Ord. No. 564, § 1, 4-21-1975; Ord. No. 86 2nd series, § 1, 11-3-1980; Ord. No. 356 2nd series, § 1, 3-16-1996; Ord. No. 653 2nd series, § 1, 4-10-2012; Ord. No. 707 2nd series, § 1, 5-9-2016)

**SECTION 21:**            **AMENDMENT** “Section 7.01 Council To Control Finances” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 7.01 Council To Control Finances

The Council shall have full authority over the financial affairs of the City, and shall provide for the collection of all revenues and other assets, the auditing and settlement of accounts, and the safekeeping and disbursement of public monies, and on the exercise of keeping and disbursement of public monies, and in the exercise of a sound discretion shall make appropriations for the payment of all liabilities and expenses. The council may establish a public expenditure policy (“Policy”) to identify certain types of expenditures as furthering a public purpose and being within the city’s authority on which to expend city funds. The Policy shall not limit the authority of the city to make expenditures otherwise authorized by law. If adopted, the council shall review the Policy periodically and update it as needed. In establishing, reviewing, and approving the Policy, the council shall consider whether the expenditures to be authorized by the Policy: 1) benefits the community as a whole; 2) are directly related to governmental functions; and 3) primarily benefits the public interest, not a private interest. In establishing, reviewing, and approving the Policy, the council shall consider the opinion of the city attorney and statewide sources of authority, which may include judicial determinations, Minnesota Attorney General opinions, and findings of the Office of the State Auditor. Expenditures related to any of the following activities shall be deemed authorized if the Policy expressly provides authorization: international, cultural, and economic development programs; community events, festivals, and celebrations; miscellaneous employee benefits; employee recognition; and funding for conference attendance. The council may also provide specific authorization regarding any other expenditure.

(Ord. No. 356 2nd series, § 1, 3-16-1996)

**SECTION 22:**            **AMENDMENT** “Section 7.13 City Indebtedness” of the Marshall Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Section 7.13 City Indebtedness

Except as provided in Section 7.14 and 7.15, no obligations shall be issued to pay current expenses, but the Council may issue and sell obligations for any other municipal purpose in accordance with law and within the limitations prescribed by law. Except in the case of obligations for which an election is not required by this Charter or by State law, no such obligations shall be issued and sold without the approval of the majority of the electors of the City voting on the question at a general or special election according to Chapter 4 of the City Charter.

(Ord. No. 356 2nd series, § 1, 3-16-1996)

**SECTION 23:**        AMENDMENT “Section 11.05 Public Utility: Discontinuance” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 11.05 Public Utility: Discontinuance

No public utility owned by the City shall be sold or otherwise disposed of by the City unless the full terms of the proposition of sale or other dispositions are embodied in an ordinance approved by sixty percent (60%) of the electors voting thereon at a general or special election according to Chapter 4 of the City Charter. Marshall Municipal Utilities authority to cease to operate or sell, lease or abandon any of their utilities shall be regulated by Chapter [section] 13.05 of the City Charter.

(Ord. No. 574, § 1, 9-15-1975; Ord. No. 355 2nd series, § 1, 3-16-1996; Ord. No. 380 2nd series, § 1, 11-3-1997)

**SECTION 24:**        AMENDMENT “Section 12.02 Oath Of Office” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 12.02 Oath Of Office

Every officer of the City shall before entering upon the duties of ~~his/her~~their office, take and subscribe an oath of office in substantially the following form: "I do solemnly swear (or affirm) to support the Constitution of the United States and of this state and to discharge faithfully the duties devolving upon me as (Mayor, Councilmember, City Administrator, etc.) of the City of Marshall to the best of my judgment and ability."

(Ord. No. 356 2nd series, § 1, 3-16-1996)

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

**CITY OF MARSHALL  
CHARTER COMMISSION  
M I N U T E S  
Wednesday, October 18, 2023**

**Members Present:** Marc Klaith, Mike Fox, Nathan Doose, Stephen Davis, Stacy Frost, Larry Magrath, Jill Vroman, and Amanda Schroeder

**Members Absent:** Larry Doom, and Mark Mather

**City Staff:** Sharon Hanson, City Administrator; Pamela Whitmore, City Attorney (via zoom); and Steven Anderson, City Clerk

Meeting called to order at 5:15 by Chairperson Stacy Frost.

**Approval of the Agenda**

Motion made by Vroman, seconded by Davis to approve the agenda as presented. All voted in favor.

**Consider Approval of the Minutes**

Motion made by Klaith, second by Vroman to approve the minutes from the last meeting. All voted in favor.

**Election of Officers**

Attorney Whitmore briefly explained the methodology for electing officers. Vroman nominated Stacy Frost to continue as chair and Nathan Doose as secretary, seconded by Davis. All voted in favor.

**Recommendations to Fill Vacancy**

Commission members questioned who and how a recommendation is made to fill the vacancy from Richard Herder. Whitmore clarified that the recommendation could be made by the commission itself, city staff or city council. The appointment of the vacancy ultimately lies with the Head District Judge, but the judge would typically appoint based on the recommendation of the commission or city council. The only requirement per Statute was that the recommended individual be a qualified voter of the city. No recommendations were made, Doose mentioned that he had an individual in mind that could be brought forward later.

**Creation of Bylaws**

Whitmore told members that statute requires that the commission have by-laws and city staff were unable to locate any by-laws. The by-laws presented were what Whitmore typically saw with other cities that she has worked with and were very standard. Frost suggested that members take time to fully read and understand the by-laws before a vote takes place. The commission tabled the by-laws for a decision at the next meeting.

**Proposed Charter Amendments**

Whitmore informed the commission that she and her staff would go through a city's charter to ensure correct verbiage and contradictions don't occur with state law. Several of the suggested changes to the charter involved he/she pronouns to be changed to gender neutral or titles for an easier read. Under section 2.02 the recommended changes were from changes to special election laws that were passed by the Minnesota Legislature in 2023. Sections 4.02, 5.07, and 5.10 were also the result of special election law changes that were passed that the charter should conform to. Whitmore mentioned that a few parts of the charter could use language/terminology updates to account for technology advances. Such as requiring a physical book of ordinances to be updated for electronic storage. Under section 3.13 Whitmore suggested a change for uncodified ordinances to include a table for reference. Clerk Anderson gave examples of typically seen uncodified ordinances to members such as land purchases. Whitmore cited a Colorado Supreme Court case for the recommendation to changes under section 5.02 The court case was making waves throughout the nation and now allows petitioners to pay individuals for their work going door to door to acquire signatures, but no signor of the petition can accept any reward for signing the petition.

**Updates from City Attorney**

Attorney Whitmore presented a couple of legislative and court decisions that revolve around charter commissions. The commission members asked what an appropriate timeline would be to submit the annual report to the district judge and if the amendments needed to be a part of the report. Whitmore informed the group that it would be advisable to have the annual report include all changes, but it was not required, and the changes could be reflected in the 2024 annual report.

**Adjournment**

Members wished to get together for one more meeting in the upcoming weeks to finalize items that were left undecided. Frost expressed her appreciation to Whitmore for providing more clarity and defining the role of the commission within the functions of the city. At 5:57 PM motion made by Vroman, seconded by Davis to adjourn the meeting. All voted in favor.

Respectfully submitted,  
Nathan Doose, Charter Commission Secretary

**CITY OF MARSHALL  
CHARTER COMMISSION  
M I N U T E S  
Wednesday, December 13, 2023**

**Members Present:** Marc Klaith, Mike Fox, Nathan Doose, Stephen Davis, Stacy Frost, Larry Magrath, Jill Vroman, Larry Doom, Mark Mather, and Amanda Schroeder

**Members Absent:** None

**City Staff:** Sharon Hanson, City Administrator; Pamela Whitmore, City Attorney (via zoom); and Steven Anderson, City Clerk

Meeting called to order at 5:15 by Chairperson Stacy Frost.

**Consider Approval of the Minutes**

Motion made by Vroman, seconded by Fox to approve the minutes from the last meeting held October 18, 2023. All voted in favor.

**Proposed Charter Amendments**

City Attorney Whitmore provided a summary of amendments for members who were unable to attend the last meeting and a refresher for those who did attend. The summary of amendments included the removal of personal pronouns and replacing them with titles or non-gendered pronouns; changes to special election dates to comply with statutory changes; clarifying timing of council resignations and process for ties; process and requirements for redistricting to comply with statutory changes; virtual voting requirements for decision-makers to comply with statutory changes; creation of a table for non-codified ordinances for better transparency; allowed expenditures for petitioners to comply with U.S. Supreme Court decision in Colorado; and policy adoption for city council to allow flexibility and support of the community for expenditure or funds not directly related to governmental functions. Chairperson Frost asked how the expenditure policy was vetted and how citizens can be aware of the spending of funds. Whitmore explained that an expenditure policy was drafted by staff and typically goes through a council committee and was then presented in a public information packet to the full city council for approval. All expenditures of the City of Marshall are listed at every council meeting under the Bills and Contract Payments agenda item and are available upon request to the City Clerk or Finance Director.

Motion made by Davis, seconded by Vroman to recommend that the proposed amendments to the City of Marshall Charter be brought forward to the City Council at their first meeting in January.

**Creation of Bylaws**

Whitmore briefly summarized that a majority of the bylaws that were drafted follow Minnesota Statutes under Chapter 410. By adopting bylaws, it would be much easier for newer charter members to receive a cohesive packet of information instead of multiple state references. Members of the commission discussed Article 4. Section 1. Member terms and asked for clarification from the city clerk and city attorney. Anderson stated that the non-charter boards and commissions for the city use a three-year term with two successive appointments. Once the two term periods were up a required one-year break from the board or commission was required before an individual could be appointed again. Vroman asked if the charter commission should also follow the three-year term. Whitmore clarified that the four-year term was set by state statute. Hanson commented that following a similar practice of the non-charter boards and commissions would allow the terms to stagger and not require so many members to be replaced at once. Members Frost, Davis, Doose, Vroman, and Doom are currently on their second term and would not be eligible for re-appointment at the end of 2025.

Motion by Vroman, seconded by Doom to limit member terms to two consecutive four-year terms with a one-year interim period before a member could be re-appointed. All voted in favor.

Motion by Davis, seconded by Vroman to approve the remainder of the bylaws. All voted in favor.



**Recommendations to Fill Vacancy**

Anderson and Hanson informed the commission that historically the Charter Commission vacant positions were nominated by city council members and the mayor. Mayor Byrnes had brought forward James Zmeskal at 805 Elaine Avenue as an individual to be appointed by the chief judge.

Motion by Klaith, seconded by Mather to recommend that James Zmeskal be nominated as a potential candidate to be filled by the Chief Fifth Judicial District Court Judge.

**Adjournment**

Frost asked what the process would be for submitting the annual report. Hanson responded that the City Clerk would handle the report and submission. At 5:53 PM a motion was made by Doom, seconded by Vroman to adjourn the meeting. All voted in favor.

Respectfully submitted,  
Nathan Doose, Charter Commission Secretary

**SUMMARY ORDINANCE NO. 24-004**

**AN ORDINANCE AMENDING THE MARSHALL CITY CHARTER  
PROVISIONS REGARDING STATUTORY CHANGES AND REPLACING PRONOUNS**

The Common Council of the City of Marshall do ordain:

Upon recommendation of the Marshall Charter Commission, and pursuant to the authority in Minnesota Statutes, section 410.12, subdivision 7, the following sections of the Marshall City Charter is hereby amended in summary as follows:

Section 1: Existing language was changed to comply with statutory changes, and to allow the creation of a table of non-codified ordinances for better public transparency. Many pronouns were also exchanged with titles or nongendered pronouns for better readability.

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. 24-004.

It is hereby directed that only the above Title and Summary of Ordinance No. 24-004 be published conforming to Minnesota Statute 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 become effective after adoption and upon ninety (90) days following its legal publication, except that if within sixty (60) days after publication a petition requesting a referendum on this ordinance, signed by the number of registered voters of the City required by Minnesota Statutes, section 410.12, subdivision 7 is filed with the City Clerk, this Ordinance will not be effective until approved by a majority of the voters voting on the question of its adoption at the special election called by the City Council for that purpose.

Passed by the Common Council of the City of Marshall, Minnesota this 13th day of February 2024 by a unanimous vote of the entire City Council.

The Common Council

Robert Byrnes  
Mayor

Attested:

Steven Anderson  
City Clerk

**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Presenter:</b>	Jason Anderson
<b>Meeting Date:</b>	Tuesday, February 13, 2024
<b>Category:</b>	PUBLIC HEARING
<b>Type:</b>	ACTION
<b>Subject:</b>	Vacation of Alley and Utility Easement in Schwan’s Corp I Addition - 1) Public Hearing on Resolution Granting Petition; 2) Consider Resolution Granting Petition for Vacation
<b>Background Information:</b>	<p>A signed petition for vacation of an alley and a utility easement has been received from the owners of all the real property that includes the proposed vacated area.</p> <p>A map of the petitioned vacation area is attached as Exhibit A of the petition.</p> <p>The purpose of the vacation is for the construction of a new City Aquatic Center.</p> <p>A copy of the procedure for vacation of streets by resolution, included in Sec. 62-4 of the Marshall Code of Ordinances, is also attached.</p> <p>Prior to the public hearing and adoption of the resolution granting a petition for vacation, all utility companies were contacted for notification of the vacation and receipt of requirements, if any, have been incorporated into the vacated area. Bluepeak has identified facilities in this alley and they have a work plan in place to relocate their facilities in 2024.</p>
<b>Fiscal Impact:</b>	All costs associated with the vacation will be funded by the Aquatic Center project.
<b>Alternative/ Variations:</b>	No alternative actions recommended.
<b>Recommendations:</b>	<p>Recommendation No. 1: that the Council close the public hearing.</p> <p>Recommendation No. 2: that the Council adopt RESOLUTION NUMBER 24-017, which is the Resolution Granting Petition for Vacation of an Alley and a Utility Easement.</p>

**RESOLUTION NUMBER 24-017**

**RESOLUTION GRANTING A PETITION FOR VACATION  
OF AN ALLEY AND A UTILITY EASEMENT  
IN THE CITY OF MARSHALL**

WHEREAS, a petition for vacation of an alley and a utility easement has been received from the owners of all the real property that includes the proposed area for utility easement in the City of Marshall, County of Lyon, State of Minnesota; legally described in Exhibit A and shown on the map in Exhibit B, to-wit;

AND WHEREAS, such petition was ordered to be filed for record with the City Administrator and a hearing ordered on such petition;

AND WHEREAS, a public hearing was held on February 13, 2024 before the City Council on such petition after due published and posted notice had been given on February 2, 2024, and all persons interested were given an opportunity to be heard.

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

1. The Mayor and City Clerk/Financial Director hereby resolve the granting of the petition for vacation of the utility easements located in the City of Marshall, County of Lyon, State of Minnesota, as legally described above.
2. A copy of this resolution, after the same shall go into effect, duly certified by the City Administrator, shall be filed for record and duly recorded in the office of the Registrar of Deeds in and for Lyon County, Minnesota.

Passed and adopted by the Council this 13<sup>th</sup> day of February, 2024.

\_\_\_\_\_  
Robert J. Byrnes, Mayor

ATTEST:

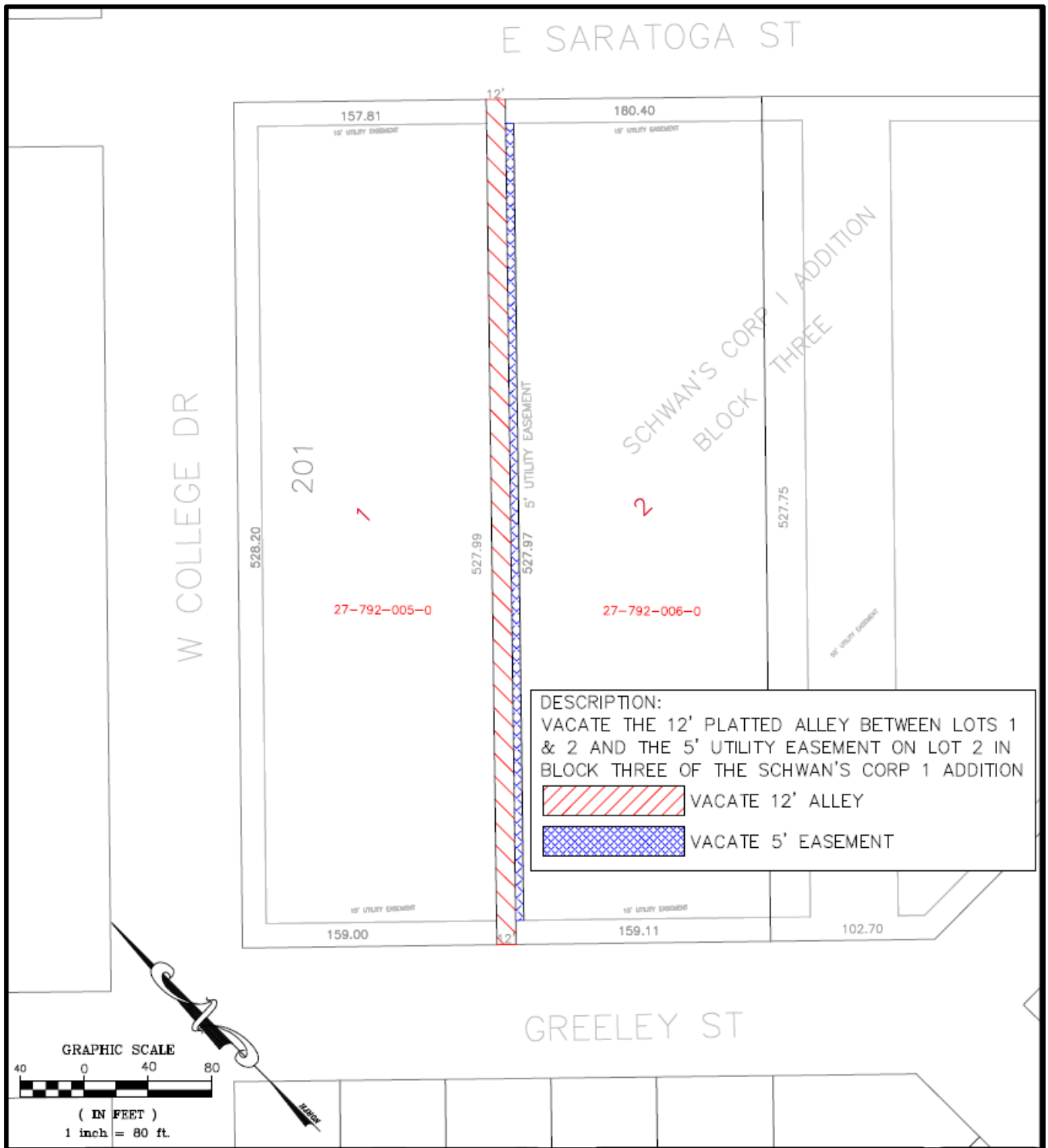
\_\_\_\_\_  
City Clerk

This Instrument Drafted by:  
Jason R. Anderson, P.E.; Director of Public Works / City Engineer

## EXHIBIT A

The 12-ft. platted alley between Lot 1 and Lot 2 and the 5-ft. utility easement on Lot 2, located in Block Three, Schwan's Corp I Addition, City of Marshall, County of Lyon, State of Minnesota

EXHIBIT B





**PETITION FOR VACATION OF ALLEY AND UTILITY EASEMENT**

**Marshall, Minnesota  
January 2023**

To the City Council of Marshall, Minnesota:

We, the undersigned, owners of all the real property abutting the utility easement as legally described on the attached Exhibit A and as shown on the attached map as Exhibit B, hereby petition that such alley and utility easement be vacated.

It is also petitioned that the vacated alley be combined with Lot 1, Block 3 of Schwan's Corp I Addition.

	<b>PARCEL # / ADDRESS / LEGAL DESCRIPTION</b>	<b>OWNER(S)</b>	<b>OWNER(S) SIGNATURE(S)</b>
1.	27-792005-0 Schwan's Corp I Addition, Block Three, Lot 1	City of Marshall	
2.	27-792006-0 Schwan's Corp I Addition, Block Three, Lot 2	City of Marshall	

Purpose of Vacation: vacation of 12-ft. platted alley between Lot 1 and Lot 2 and the 5-ft. utility easement on Lot 2, located in Block Three, Schwan's Corp I Addition, for the construction of a new Aquatic Center

Application Fee and Deposit: \$400.00 -- I hereby submit this Petition for Vacation. I agree to pay the application fee and deposit upon filing. In addition, I understand that these fees are due and payable regardless of approval or denial by the City Council.

I hereby acknowledge the relocation of any utilities (i.e. hydrants, light poles, or communication lines) will be the property owner's expense.



Signature

Robert Byrnes

Printed Name

1-23-2024

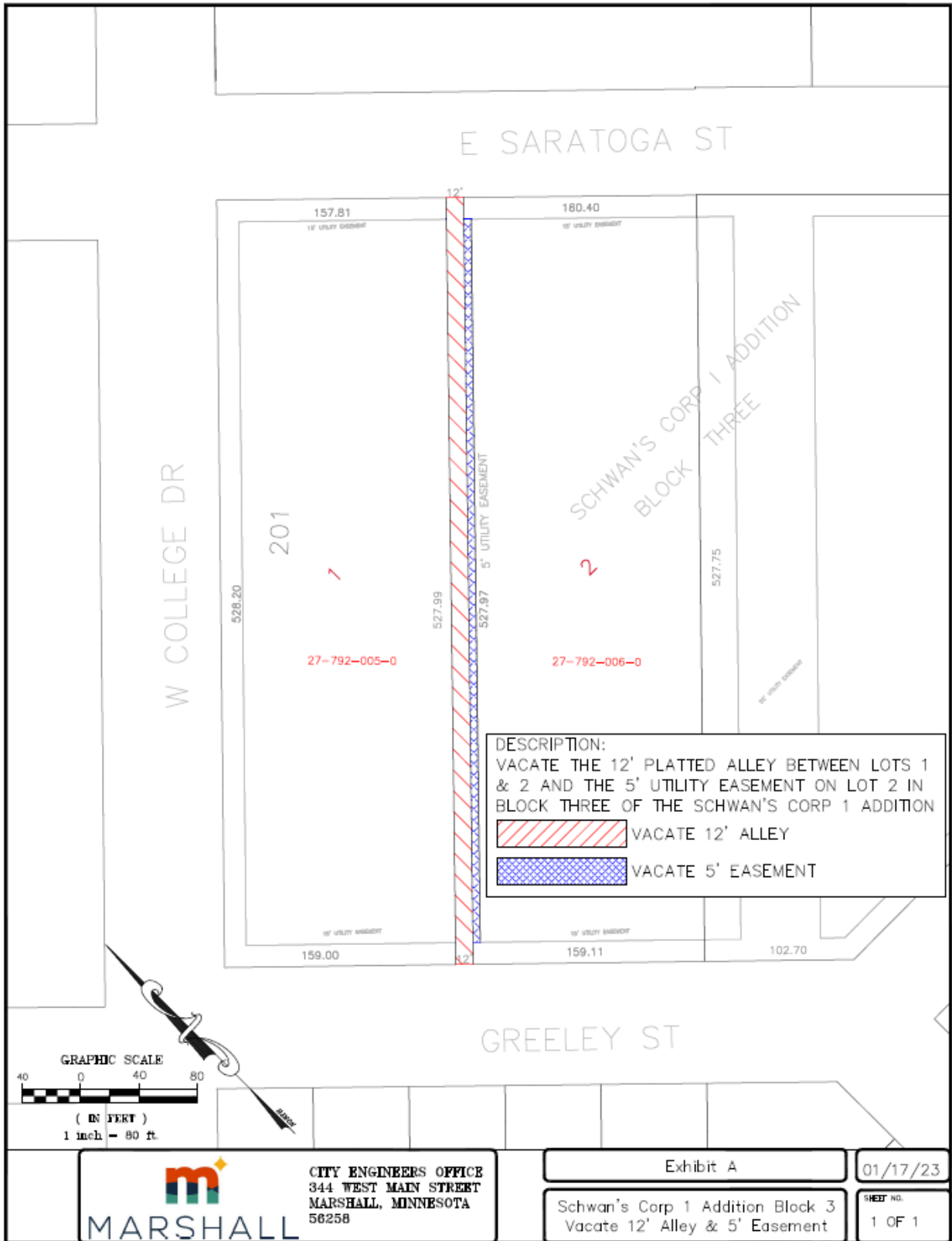
Date

Examined, checked, and found to be in proper form and to be signed by the required number of owners of property affected by the making of the improvement petitioned for.





City Clerk

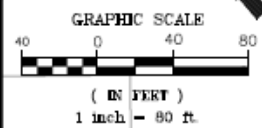
# EXHIBIT A



DESCRIPTION:  
 VACATE THE 12' PLATTED ALLEY BETWEEN LOTS 1 & 2 AND THE 5' UTILITY EASEMENT ON LOT 2 IN BLOCK THREE OF THE SCHWAN'S CORP 1 ADDITION

 VACATE 12' ALLEY

 VACATE 5' EASEMENT



CITY ENGINEERS OFFICE  
 344 WEST MAIN STREET  
 MARSHALL, MINNESOTA  
 56258

Exhibit A

01/17/23

Schwan's Corp 1 Addition Block 3  
 Vacate 12' Alley & 5' Easement

SHEET NO.  
 1 OF 1



## EXHIBIT B

The 12-ft. platted alley between Lot 1 and Lot 2 and the 5-ft. utility easement on Lot 2, located in Block Three, Schwan's Corp I Addition, City of Marshall, County of Lyon, State of Minnesota.

**Section 62-4 Vacation Of Streets, Alleys, Thoroughfares, Public Grounds, Easements, Or Any Other Interest In Real Estate, Or Any Part**

- (a) No public grounds or streets or other interest in real estate shall be vacated except upon the council's own motion or upon the petition directed to the council of a majority of the owners of property on the line of such property interest residing within the city, and completion of the procedure specified in this section. Such petition shall set forth the reasons for such desired vacation, accompanied by a plat of such property interest proposed to be vacated, and such petition shall be verified by the oath of a majority of the petitioners residing within the city.
- (b) If, in the discretion of the council, it is expedient that the matter be proceeded with, it may order the petition filed for record with the city administrator, order a hearing on such petition and fix the time and place of such hearing.
- (c) The city administrator shall give notice of such hearing by publication once at least ten days in advance of such hearing, and by mail to the last known address of all of the owners of property on the line of such property interest proposed to be vacated at least ten days in advance of such hearing. Such last known addresses shall be obtained from the office of the county auditor. Such notice shall in brief state the object of such hearing; the time, place and purpose of such hearing; and the fact that the council, or a board or commission designated by them shall hear the testimony and examine the evidence of the parties interested.
- (d) The council, after hearing the same, or upon the report of such board or commission designated to hold such hearings, may by resolution, passed by affirmative vote of at least five members, declare such property interest vacated, or deny such petition. The resolution, if granting the petition, shall be certified by the city administrator and shall be filed for record and duly recorded in the office of the registrar of deeds (county recorder) in and for the county.

(Code 1976, § 7.07)

<b>Presenter:</b>	Jason Anderson
<b>Meeting Date:</b>	Tuesday, February 13, 2024
<b>Category:</b>	AWARD OF BIDS
<b>Type:</b>	ACTION
<b>Subject:</b>	Project AP-003: Airport Snow Removal Equipment (SRE) Building – Consider Award of Contract
<b>Background Information:</b>	<p>The City of Marshall Public Works desires 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 is planned to be constructed on the East Building Area of the airport, as shown on the recently completed Airport Master Plan. The Project has been identified on the Airport CIP since FFY2011.</p> <p>Bids were received on 01/23/2024. Five bids were received as shown on the attached Bid Tabulation. Sussner Construction, Inc. of Marshall was the low responsive bid that was received. Please see included recommendation letter from TKDA.</p> <p>This item was presented to the Airport Commission at their meeting on 02/06/2024. The Airport Commission recommended unanimously to award the contract to Sussner Construction, Inc., including the bid alternate for landscaping, for the amount of \$2,913,100.00.</p>
<b>Fiscal Impact:</b>	Cost share is identified in TKDA recommendation letter and the included Project Cost Breakdown. The local cost share is estimated at \$646,911.92. Note that this is the local share including engineering fees for construction project administration. Also note that the cost split assumes FAA and State cost participation as we've identified. At this time it is not a certainty that MnDOT will participate to the level that we are requesting.
<b>Alternative/ Variations:</b>	No alternative actions recommended.
<b>Recommendations:</b>	that the Council award the contract for the Airport Snow Removal Equipment (SRE) Building to Sussner Construction, Inc. of Marshall, Minnesota, in the amount of \$2,913,100.00, per the recommendation from TKDA and the Airport Commission and contingent on pending grant funding.



January 26, 2024

Mr. Jason Anderson  
Director of Public Works / City Engineer  
344 West Main Street  
Marshall, Minnesota, 56258

Re: Southwest Minnesota Regional Airport  
Snow Removal Equipment (SRE) Facility  
Contract Award Recommendation  
FAA AIP No. 3-27-0056-020-2024  
State Project No. A4201-107  
TKDA Project No. 18338.002

Dear Mr. Anderson:

Bids on the above-referenced project were received and opened at 2:00 PM on January 23, 2024. Five bidders submitted a bid as follows for the Base Bid, which was the basis of award:

Sussner Construction, LLC	\$2,872,200.00
Brennan Construction of MN, Inc.	\$2,908,630.01
APX Construction Group	\$3,098,000.00
Terwisscha Construction Inc.	\$3,187,000.00
Voss Plumbing & Heating/Concrete & Masonry	\$3,395,500.00

The Engineer's Estimate for this construction was \$3,373,345.00 for the Base Bid, as shown on the attached bid tabulation. We have reviewed the bids and found no improprieties in the bid proposal from the low bidder, Sussner Construction. The individual bids vary by 18.2% from low to high, and the low bid is 17.4% below the Engineer's Estimate.

Sussner Construction was the only responsive bidder to provide Disadvantage Business Enterprise (DBE) Utilization documentation, Buy American Certification, and Affirmative Action Certification within 2 business days of the bid opening. Sussner is utilizing one DBE subcontractor but has indicated they will not meet the goal of 2.3% established for the Project. They have provided documentation demonstrating good faith efforts were made toward meeting the DBE goal.

The Base Bid provides for the construction of the SRE Facility. The Base Bid will be funded utilizing Federal Airport Improvement Program (AIP) funds, FAA Airport Infrastructure Grant (AIG) funds, and State Airport Funds (SAF). The City of Marshall also has the option to award the Bid Alternate that was included in the bid, to be awarded based on availability of funds. The Bid Alternate was \$40,900 and provides for landscaping, concrete patio, and outdoor furnishings and results in a total construction cost of \$2,913,100.00. The resulting funding shares for the overall project, including Base Bid and Bid Alternate, are estimated to be 47.67% Federal, 33.92% State, and 19.41% Local. The resultant local share for the overall construction project is therefore estimated to be \$646,911.92, subject to approval of FAA and State grants.

We therefore recommend that a contract be awarded to Sussner Construction of Marshall, Minnesota, the lowest responsible bidder, for the Base Bid and all Bid Alternate. The resulting contract value for the SRE Facility construction would total \$2,913,100.00

Please contact us at your convenience with any related questions or comments.

Sincerely,

Daniel A. Sherer, PE  
Project Manager

Enclosures

c: Luke Bourassa, MnDOT Aeronautics, elec. w/encl.  
Kyle Sebesta, FAA, elec. w/encl.

**TABULATION OF BIDS**  
**MML AIRPORT SNOW REMOVAL EQUIPMENT (SRE) FACILITY**  
**CITY OF MARSHALL**

ITEM NO.	DESCRIPTION	QUANTITY	ENGINEER'S ENGINEER'S ESTIMATE		SUSSNER CONSTRUCTION, LLC		BRENNAN CONSTRUCTION OF MN, INC.		APX CONSTRUCTION GROUP		TERWISSCHA CONSTRUCTION INC.		VOSS PLUMBING & HEATING VOSS CONCRETE & MASONRY	
			UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
BASE BID														
1	MARSHALL SRE BUILDING, ALL WORK COVERED IN DIV 00-28	1 LS	2,749,495.00	2,749,495.00	2,208,000.00	2,208,000.00	\$2,156,701.53	2,156,701.53	\$2,357,000.00	2,357,000.00	\$2,493,620.00	2,493,620.00	\$2,735,000.00	2,735,000.00
2	MARSHALL SRE SITE WORK, ALL EXTERIOR WORK COVERED IN DIV 31-33	1 LS	616,850.00	616,850.00	655,700.00	655,700.00	\$657,028.13	657,028.13	\$724,000.00	724,000.00	\$641,090.00	641,090.00	\$656,000.00	656,000.00
3	6" REINF. CONCRETE PADS FOR FUEL TANK & TRASH ENCLOSURE	1 LS	7,000.00	7,000.00	8,500.00	8,500.00	\$94,900.35	94,900.35	\$17,000.00	17,000.00	\$52,290.00	52,290.00	\$4,500.00	4,500.00
BID ALT NO. 1														
4	ADD LANDSCAPING	1 LS	71,750.00	71,750.00	40,900.00	40,900.00	44,000.00	44,000.00	65,000.00	65,000.00	51,765.00	51,765.00	55,000.00	55,000.00
			<b>BASE BID</b>	<b>\$3,373,345.00</b>	<b>\$2,872,200.00</b>	<b>\$2,908,630.01</b>	<b>\$3,098,000.00</b>	<b>\$3,187,000.00</b>	<b>\$3,395,500.00</b>					
<b>TOTAL (BASE BID + ALTERNATE)</b>				<b>\$3,445,095.00</b>	<b>\$2,913,100.00</b>	<b>\$2,952,630.01</b>	<b>\$3,163,000.00</b>	<b>\$3,238,765.00</b>	<b>\$3,450,500.00</b>					

# DENOTES ERROR ON THIS LINE ON EXECUTED BID PROPOSAL.

**PROJECT COST BREAKDOWN**  
**SRE BUILDING CONSTRUCTION AND SITE PREPARATION**  
**SOUTHWEST MINNESOTA REGIONAL AIRPORT - MARSHALL (MML)**  
**FEDERAL FISCAL YEAR 2024 GRANT APPLICATION**

ID	UNIT OF WORK	COSTS			FUNDING				
		TOTAL COST	AIP ELIGIBLE PERCENTAGE	AIP ELIGIBLE COST	FAA AIP 90.0%	FAA AIG (BIL) 90.0%	STATE AIP MATCH 0.0%	STATE 70.0%	SPONSOR Varies
1	ADMINISTRATIVE								
	Independent Fee Review	\$ 5,000.00	100.00%	\$ 5,000.00	\$ 4,500.00	\$ -	\$ -	\$ -	\$ 500.00
	City Administration	\$ 4,000.00	100.00%	\$ 4,000.00	\$ 3,600.00	\$ -	\$ -	\$ -	\$ 400.00
	Natural Gas Service	\$ 92,000.00	100.00%	\$ 92,000.00	\$ 82,800.00	\$ -	\$ -	\$ -	\$ 9,200.00
	<b>Subtotal Administrative</b>	<b>\$ 101,000.00</b>	<b>100.00%</b>	<b>\$ 101,000.00</b>	<b>\$ 90,900.00</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 10,100.00</b>
2	ENGINEERING								
	Bidding Phase Engineering	\$ 39,170.00	100.00%	\$ 39,170.00	\$ 35,253.00	\$ -	\$ -	\$ -	\$ 3,917.00
	Construction Phase Engineering (Building)	\$ 85,000.00	33.78%	\$ 28,713.00	\$ 25,841.70	\$ -	\$ -	\$ 39,400.90	\$ 19,757.40
	Construction Phase Engineering (Site)	\$ 195,200.00	100.00%	\$ 195,200.00	\$ -	\$ 175,680.00	\$ -	\$ -	\$ 19,520.00
	<b>Subtotal Engineering</b>	<b>\$ 319,370.00</b>	<b>82.38%</b>	<b>\$ 263,083.00</b>	<b>\$ 61,094.70</b>	<b>\$ 175,680.00</b>	<b>\$ -</b>	<b>\$ 39,400.90</b>	<b>\$ 43,194.40</b>
3	CONSTRUCTION								
	Building Construction	\$ 2,208,000.00	33.78%	\$ 745,862.40	\$ 671,276.16	\$ -	\$ -	\$ 1,023,496.32	\$ 513,227.52
	Site Work	\$ 655,700.00	100.00%	\$ 655,700.00	\$ -	\$ 590,130.00	\$ -	\$ -	\$ 65,570.00
	Concrete Pads	\$ 8,500.00	0.00%	\$ -	\$ -	\$ -	\$ -	\$ 5,950.00	\$ 2,550.00
	Landscaping	\$ 40,900.00	0.00%	\$ -	\$ -	\$ -	\$ -	\$ 28,630.00	\$ 12,270.00
	<b>Subtotal Construction</b>	<b>\$ 2,913,100.00</b>		<b>\$ 1,401,562.40</b>	<b>\$ 671,276.16</b>	<b>\$ 590,130.00</b>	<b>\$ -</b>	<b>\$ 1,058,076.32</b>	<b>\$ 593,617.52</b>
	<b>TOTAL COST</b>	<b>\$ 3,333,470.00</b>	<b>52.97%</b>	<b>\$ 1,765,645.40</b>	<b>\$ 823,270.86</b>	<b>\$ 765,810.00</b>	<b>\$ -</b>	<b>\$ 1,097,477.22</b>	<b>\$ 646,911.92</b>
				<b>Project Funding Shares</b>	<b>24.70%</b>	<b>22.97%</b>	<b>0.00%</b>	<b>32.92%</b>	<b>19.41%</b>
				Available FAA Entitlement Balance**	\$ 914,402.00	\$ 879,000.00			

\*FAA funding eligibility subject to change

Funding Balance \$ (91,131.14) \$ (113,190.00)

Notes:

- 1) No State AIP Match shown since state amount exceeds \$400,000 on AIP ineligible, in accordance with the Airport Funding Rates Letter for State FY 2024.
- 2) The City requests an exemption to the \$1.0M state limit on project funding, in accordance with the Airport Funding Rates Letter for State FY 2024.

03/23/2021 - Council authorized the first transfer of Airport Federal Entitlement Funds and authorized execution and filing of FAA Form 5100-110 for the transfer of \$150,000 of MML Airport 2021 Federal Entitlement Funds to Dodge Center, MN (TOB).
10/12/2021 - Council authorized acceptance of the Proposal with TKDA for a Predesign Study in the amount of \$35,000.00. <a href="#">SRE ARFF Pre Design Study - Proposal (signed).pdf</a>
03/08/2022 - Council authorized the second transfer of Airport Federal Entitlement Funds and authorized execution and filing of FAA Form 5100-110 for the transfer of \$150,000 of MML Airport 2022 Federal Entitlement Funds to Waseca, MN (ACQ).
04/26/2022 - Council authorized TKDA submittal of an FAA Grant Application in the amount of \$135,598.00. Total design cost in the request for grant funding was \$297,000.00. This total included \$7,000 in local project costs and \$35,000 reimbursement for the TKDA pre-design study.
05/10/2022 - City Council authorized acceptance of the Proposal with TKDA for Design Phase Services in the amount of \$255,000 with services under this proposal, contingent on receipt of the federal and State grant agreements. <a href="#">Marshall SRE Design Scope Letter 050222-xTKDA.pdf</a>
08/15/2022 - FAA Grant Agreement 3-27-0056-019-2022 received and electronically signed by Mayor and City Attorney.
09/13/2022 - City Council acknowledgement of FAA Grant Agreement 3-27-0056-019-2022 for Funding of Site and Building Design in the amount of \$135,598.00. <a href="#">MML-GLG-3-27-0056-019-2022-Grant Agreement (part 1) - signed.pdf</a>
09/27/2022 - Consider Resolution of Authorization to Execute MnDOT Grant Agreement No. 1051776 for funding of Site and Building Design in the amount of \$109,968.00. <a href="#">A4201-103 - MML -State Agreement -#23390525-v5.PDF</a>
10/20/2022 - Submission of 2023 Federal Grant Initiation Request to ensure eligible utilization of all Airport entitlements and indicating the project is planned to utilize both the airports AIP and AIG funding available in 2023. At the time of submission of Initiation Request, it was noted that the building design was just beginning, and the funding eligibility and prorates would be revisited prior to the grant application.
02/07/2023 - TKDA presentation of project to the Airport Commission. Commission member Ron Halgerson has served as the Airport Commission representative to the project to help review project plans and offer outside input to the project.
02/14/2023 - Project presented to Public Improvement/Transportation Committee (PI/T) for their information.
02/28/2023 - City Council authorization to advertise for bids.
04/03/2023 - Bids received. One bid was received from Sussner Construction, Inc. in the amount of \$4,346,000, which substantially exceeded the construction cost estimate of \$3,118,023 for construction costs. Total estimated project budget, including construction administration and special testing costs, was \$3,353,023. At the Airport Commission meeting on 04/04/2023, Airport Commission discussed and recommended a re-evaluation of the project scope, bidding requirements and potential cost control measures for the City's review/consideration.

04/25/2023 - PI/T recommends to City Council to reject the one bid received April 3, 2023 and authorize City staff to work with TKDA and the Airport Commission to re-evaluate the Project AP-003 bid package to ensure the project is more economical.
04/25/2023 - City Council rejected the bid received from Sussner Construction, Inc. for construction of the building. The bid received was substantially over the City's budget for the project. Council directed staff to work with TKDA and Airport Commission to re-evaluate the project AP-003 bid package with the goal of making the project more economical.
10/10/2023 - City Council authorized City staff to submit the federal grant initiation request for use of federal dollars on the Airport Snow Removal Equipment (SRE) Building Project.
10/24/2023 - City Council authorized execution of an Architectural and Engineering Services Agreement with TKDA for Bidding Phase Services for a lump sum amount of \$39,170. <a href="#">TKDA Architectural and Engineering Services SRE Building 10.24.23.pdf</a>
12/05/2023 - Project update presented to Airport Commission and PI/T.
12/12/2023 – PI/T reviews project and makes recommendation to Council.
12/12/2023 - City Council authorization to advertise for bids.
01/23/2024 – Bids received.
02/06/2024 – Airport Commission recommends award of bid to Sussner Construction, Inc. in the amount of \$2,913,100.00, per the recommendation from TKDA.



<b>Presenter:</b>	Steven Anderson								
<b>Meeting Date:</b>	Tuesday, February 13, 2024								
<b>Category:</b>	CONSENT AGENDA								
<b>Type:</b>	ACTION								
<b>Subject:</b>	Consider Approval of an Administrative Hearing Officer								
<b>Background Information:</b>	<p>On December 12, 2023, the City Council approved an agreement to contract with hearing officers to administer Chapter 2, Article VII, Section 2-410 Administrative Hearing Procedure of the city code. City Attorney Whitmore and the City Clerk sought out candidates to fulfill the role of hearing officers for the City of Marshall. The hearing officers will be considered public officers as defined by Minn. Stat. §609.415 and the hearing officer must not be a city employee.</p> <p>As of February 9, 2024 three attorneys have been approved by council and the below has agreed to be considered for the role of hearing officer:</p> <table border="1" data-bbox="371 842 1500 930"> <thead> <tr> <th>Hearing Officer</th> <th>Law Office</th> <th>Address</th> <th>City State</th> </tr> </thead> <tbody> <tr> <td>Michael Freske</td> <td>Freske Law Office</td> <td>975 Creekwood Dr. N.</td> <td>Champlin MN</td> </tr> </tbody> </table>	Hearing Officer	Law Office	Address	City State	Michael Freske	Freske Law Office	975 Creekwood Dr. N.	Champlin MN
Hearing Officer	Law Office	Address	City State						
Michael Freske	Freske Law Office	975 Creekwood Dr. N.	Champlin MN						
<b>Fiscal Impact:</b>									
<b>Alternative/ Variations:</b>									
<b>Recommendations:</b>	To approve Michael Freske to be added to the list of lawyers to administer the Administrative Hearing Procedure as required under the city code of ordinances Chapter 2, Article 2-VII Administrative Citations.								

**AGREEMENT BETWEEN THE CITY OF MARSHALL, MINNESOTA  
AND {HEARING OFFICER NAME}**

THIS AGREEMENT is made on January 5, 2024, ("Effective Date"), between the City of Marshall, a Minnesota municipal corporation located at 344 West Main Street, Marshall, Minnesota 56258 ("City"), and Michael Freske, 975 Creekwood Drive North, Champlin, Minnesota ("Hearing Officer").

**WITNESSETH**

WHEREAS, the City desires to hire an administrative hearing officer; and

WHEREAS, the Hearing Officer represents that the person has the professional expertise and capabilities to provide the services of a hearing officer for the City as set forth in City Code; and

WHEREAS, the City desires to have the Hearing Officer provide these hearing officer services.

NOW, THEREFORE, in consideration of the terms and conditions expressed herein, the parties agree as follows:

**I. TERM AND TERMINATION**

- A. The term of this Agreement is from the Effective Date to END DATE.
- B. Either party may terminate this Agreement, for any reason or no reason at all, upon giving thirty (30) days' advanced written notice to the other party.

**II. HEARING OFFICER DUTIES**

- A. The Hearing Officer shall provide the services of an administrative hearing officer for the City on an as-needed basis. The Hearing Officer shall attend remote hearings set up by the City at a time convenient for the Hearing Officer, take testimony from the relevant parties, and provide a written recommendation or decision, as applicable, to the City in the time frame required by the applicable City ordinance, state law or other time frame as specified by the City.
- B. The Hearing Officer agrees to provide these services for the sum of ONE HUNDRED FIFTY AND NO/100 DOLLARS (\$150.00) per hour, inclusive of all travel and other related expenses, not to exceed SEVEN HUNDRED DOLLARS AND NO/100 (\$700.00) per hearing assignment. Secretarial services are not provided by the City, but City will make its recording equipment available during the hearings and provide the Hearing Officer with any requested audio recordings.

- C. For any month in which the Hearing Officer provides services under this Agreement, the Hearing Officer agrees to provide the City with a monthly invoice detailing the hours services were provided to the City under this Agreement.
- D. The Hearing Officer must perform the services in a fair and impartial manner. The Hearing Officer agrees to comply with the standards established by the following rules in the Minnesota Code of Judicial Conduct, as such rules may be amended from time to time: Rule 2.2 [Impartiality and Fairness]; Rule 2.3 [Bias, Prejudice, and Harassment]; Rule 2.4 [External Influences on Judicial Conduct]; Rule 2.5 [Competence, Diligence and Cooperation]; Rule 2.6 [Ensuring the Right to be Heard]; Rule 2.8 [Decorum, Demeanor, and Communication]; Rule 2.9 [Ex Parte Communication]; Rule 2.10 [Judicial Statements on Pending and Impending Cases]; and Rule 2.11 [Disqualification]. The City staff that administers the City's hearing officer program are considered "court officials" for purposes of applying the above-referenced rules to the services provided under this Agreement.
- E. The Hearing Officer agrees to provide these services in accordance with state law and city code.
- F. It is agreed that nothing in this Agreement is intended or should be construed as creating or establishing the relationship of copartners between the parties or as constituting the Hearing Officer as the agent, representative or employee of the City for any purpose except for liability as provided in Article III., Section B below. The Hearing Officer is to be and shall remain an independent contractor with respect to all services performed under this Agreement. The Hearing Officer agrees that the City will not be responsible for any Worker's Compensation claims.

### **III. DUTIES OF THE CITY**

- A. The City agrees to pay the Hearing Officer for the Hearing Officer's services at the rate specified in Article II, Section B above. The City shall pay the Hearing Officer within thirty (30) days after receipt of the Hearing Officer's invoice for services provided.
- B. The City shall defend, indemnify and hold harmless the Hearing Officer from any and all claims, causes of action, lawsuits, damages, losses, or expenses, including attorney fees, arising out of or resulting from the decisions rendered by the Hearing Officer, provided that the Hearing Officer was acting in the performance of this Agreement and was not guilty of malfeasance, willful misconduct or bad faith.

### **IV. MISCELLANEOUS**

- A. This Agreement represents the entire Agreement between the Hearing Officer and City and supersedes and cancels any and all prior agreements or proposals, written or oral, between the parties relating to the subject matter hereof. Any amendments, addenda, alterations, or modifications to the terms and conditions of this Agreement shall be in writing and signed by both parties.

- B. The Hearing Officer and the City agree to comply with the Americans with Disabilities Act ("ADA") and Section 504 of the Rehabilitation Act of 1973 and shall not discriminate on the basis of disability in the admission or access to, or treatment of employment in its services, programs, or activities. The parties agree to comply with the Minnesota State Human Rights Act, Minnesota Statutes, Chapter 363A.
- C. Pursuant to Minn. Stat. § 13.03, subd. 11, the Hearing Officer is subject to the requirements of the Minnesota Government Data Practices Act, (Minn. Stat., ch. 13, the "MGDPA"), and the Hearing Officer must comply with the MGDPA as if he/she/they were a government entity, including the remedies in Minn. Stat. § 13.08. The Hearing Officer agrees to comply with all applicable local, state and federal laws, rules and regulations in the performance of the duties of this Agreement.
- D. This Agreement shall not be assignable except at the written consent of the City.
- E. Under Minn. Stat. § 16C.05, subd. 5, the Hearing Officer's books, records, documents, and accounting procedures relevant to this Agreement, are subject to examination by the City and either the legislative or state auditor as appropriate, for a period of six years after termination of this Agreement.
- F. This Agreement is governed by the laws of the State of Minnesota, without regard to conflict of law provisions.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.


CITY OF MARSHALL, MINNESOTA

DATE: \_\_\_\_\_ BY: \_\_\_\_\_  
 Mayor

Reviewed and approved by the City Clerk

\_\_\_\_\_

HEARING OFFICER

DATE: 1/5/2024 BY:   
 Michael Freske

## Fine Schedule

The fine amount is based on the city code section that is violated. Non-payment if not paid within the specified time will constitute a lien on the real property upon which the violation occurred. The lien will be certified to the Lyon County Auditor/Treasurer to be placed on your property tax for the following taxable year.

## Failure to Pay

If you do not pay the fine, the city may do one or more of the following:

- Issue an additional administrative citation
- Add a late fee of 10% each week outstanding if not paid within 10 days
- Assess the lien upon the property to be certified to the Lyon County Auditor/Treasurer
- Suspend or revoke any licenses or permits issued by the city related to the violation
- Initiation criminal proceedings
- Initiate other enforcement action authorized by law

The following information is a summary of Chapter 2-VII Administrative Citations of the City of Marshall Code of Ordinances. To view the ordinance in full please visit [www.ci.marshall.mn.us](http://www.ci.marshall.mn.us) or scan the QR code below.



## Administrative Citation Appeal Form

### \$150 Hearing Filing Fee Required

plus charge for services rendered by hearing officer if in favor of the city

Citation No: \_\_\_\_\_

Date: \_\_\_\_\_ Penalty Amount: \$ \_\_\_\_\_

Property Address: \_\_\_\_\_

\*PLEASE PRINT\*

Explain the reason for the appeal (why you feel the violation did not exist) or attach a letter:

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Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_

Email: \_\_\_\_\_

Signature: \_\_\_\_\_

Best Day(s) of the Week for Hearing Availability (please circle all that apply)

M      T      W      TH      F

Best timeframe for Hearing Availability (please indicate all that apply)

- Morning (8am—11am)  
 Mid-Afternoon (11am-2pm)  
 Afternoon(2pm-4pm)



## Requesting an Administrative Hearing



City of Marshall  
344 West Main Street  
Marshall, MN 56258  
Phone: (507) 537-6760  
[www.ci.marshall.mn.us](http://www.ci.marshall.mn.us)

# Administrative Citation Process

One of the City's goals is to maintain high standards of livability, health, and safety for our citizens. The City's Administrative Citation Ordinance is designed to resolve city code violations outside the Lyon County court system. The charge is a civil penalty and not a criminal charge. This brochure summarizes the administrative citation ordinance and process. City code can be referenced through the City website at [www.ci.marshall.mn.us](http://www.ci.marshall.mn.us).

## Receiving a Citation

If you receive a citation, you may correct the violation and pay the fine; or if you want to request a hearing, you must respond within 10 days from the citation date. The purpose of a hearing is to determine whether or not a violation of City Code(s) existed. City Code cannot be changed through the Administrative Citation Hearing process.

If you feel you received the citation in error or need information about how to correct the violation, please contact the city department who issued the citation. If you do not pay the fine and do not request a hearing, you are admitting the violation occurred and waived your right to a hearing.

## Paying the Fine

The fines for the Administrative Citation Ordinance are determined by Council Resolution. The fine may be paid by case, check, or money order. You may either pay in person at City Hall or mail one copy of the citation with your check or money order to:

City of Marshall  
Attn: Finance  
344 West Main Street  
Marshall MN 56258

## Requesting a Hearing

If you would like to appeal the fine, the request must be submitted in writing within 10 days from the date the fine was issued, including a \$150 Hearing request deposit fee. If the hearing officer rules in favor of the city an additional \$150 per hour will be charged to cover the cost of the services of the administrative hearing officer.

Please fill out the Hearing request form on the back of this brochure and submit it to the city.

The City Clerk will send you confirmation of the date, time, location and name of the Hearing Officer for your hearing.

## Before the Hearing

### Contacting the Hearing Officer:

You may **NOT** contact the Hearing Officer before the hearing to discuss your case.

### Changing the Assigned Hearing Officer:

If you have an objection to the assigned Hearing Officer, you may file a written request with the City Clerk no later than 5 days to change the assigned Hearing Officer.

## Hearing Procedure

The hearing will be informal, without strict rules of evidence, and will be recorded. The Hearing Officer will decide whether you may make an opening and/or closing statement.

The City bears the burden of proving a violation occurred. You have the right to cross-examine the City's witnesses. After the City has finished its case, you may present witnesses, but you are not obligated to present any evidence.

## After the Hearing

An aggrieved party may obtain judicial review of the decision of the hearing officer by petitioning the Minnesota Court of Appeals for a writ of certiorari pursuant to Minnesota Statute Section 606.1. This must be completed within 60 days from the date of the administrative hearing.

For more information regarding a Judicial Review, including forms or appeal process, please visit:

<http://www.mncourts.gov/> or call the Clerk of Appellate Courts at (651) 296-2581

## Decision

The Hearing Officer may take up to 10 days to make a decision. A copy of all decisions will be mailed to you.

The Hearing Officer has the authority to:

- Determine that a violation occurred
- To dismiss a citation
- To impose the scheduled fine, or to reduce, stay, or waive a scheduled fine either unconditionally or upon compliance with appropriate conditions.

## Failure to Appear

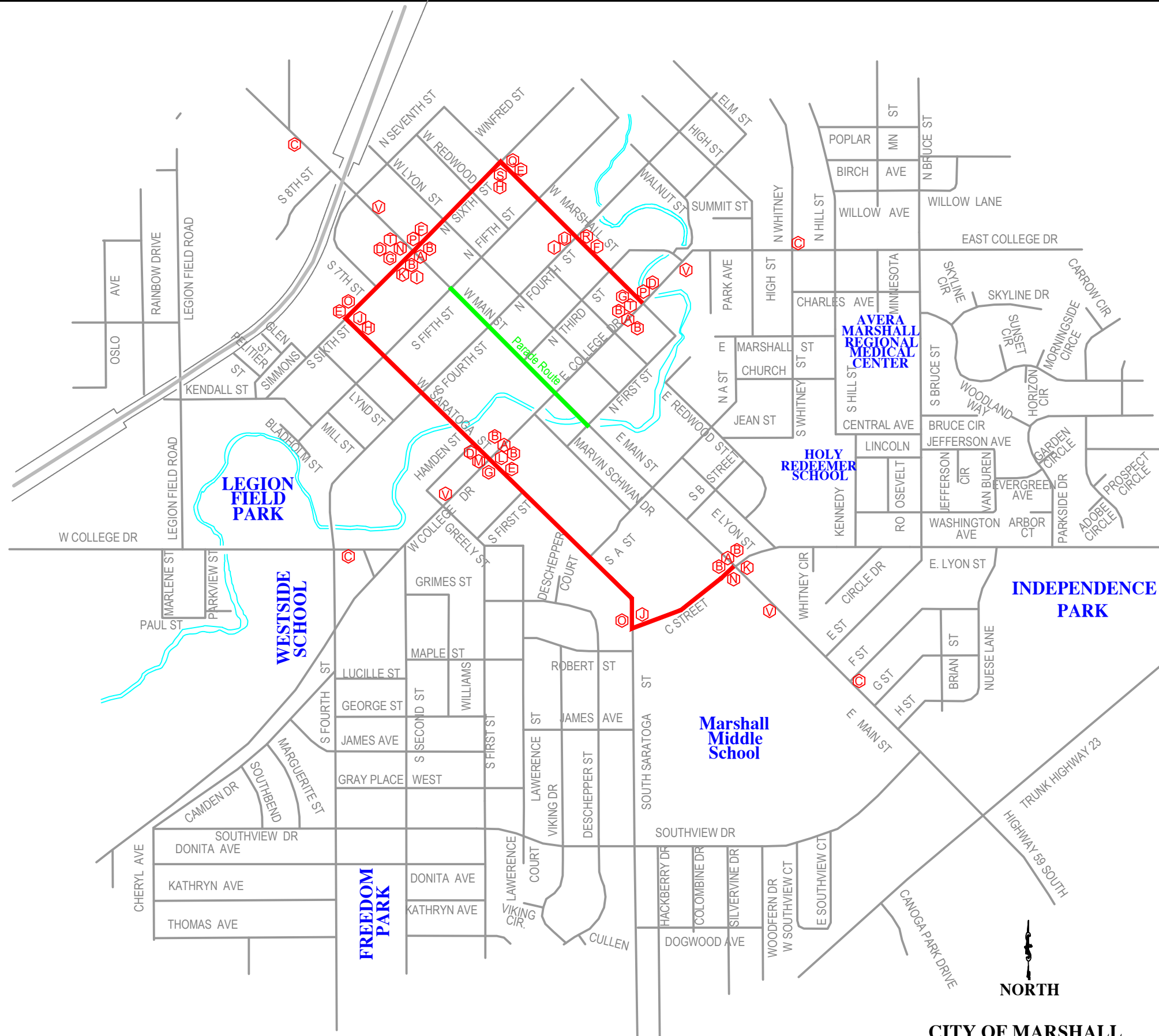
The failure to attend the hearing constitutes a waiver of your right to an administrative hearing and an admission of the violation. A hearing officer may waive this result upon good cause shown. Examples of good cause include: death in your immediate family, illness which incapacitates you, a court order to appear at another hearing, and lack or proper service of the citation or notice of the hearing.



**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Presenter:</b>	Jason Anderson
<b>Meeting Date:</b>	Tuesday, February 13, 2024
<b>Category:</b>	CONSENT AGENDA
<b>Type:</b>	ACTION
<b>Subject:</b>	Consider Request of the Marshall Downtown Business Association for St. Patrick's Day Parade – March 16, 2024
<b>Background Information:</b>	<p>The City has received a request from the Marshall Downtown Business Association for street closure from 2:00 pm-4:00 pm for the annual St. Patrick’s Day Parade on Saturday, March 16, 2024 at 3:00 pm.</p> <p>The parade will start at South 1<sup>st</sup> Street (Casey’s corner) and proceed down West Main Street to North 5<sup>th</sup> Street (Wooden Nickel corner).</p> <p>The request to Mn/DOT for street closure will be from 2:00 pm to 4:00 pm allowing the Street Department to set up and take down the detour.</p> <p>Upon approval of the City Council, the request will be forwarded to Mn/DOT for their consideration and approval.</p>
<b>Fiscal Impact:</b>	Staff time.
<b>Alternative/ Variations:</b>	No alternative actions recommended.
<b>Recommendations:</b>	that the Council authorize the annual St. Patrick’s Day Parade to be held on Saturday, March 16, 2024, subject to Mn/DOT approval of detour and issuance of permit.





DETOUR SIGNING PLAN

<b>A</b>	ROAD CLOSED R11-2 G20-2 FLASHERS NOT SHOWN	<b>J</b>	DETOUR NORTH M4-8 M3-1 M1-4-US59 M5-1R	<b>S</b>	DETOUR EAST M4-8 M3-2-024BL M1-5M-MN68-024BL M5-1R-021BL
<b>B</b>	ROAD CLOSED G20-2 FLASHERS NOT SHOWN	<b>K</b>	DETOUR NORTH M4-8 M3-1 M1-4-US59 M5-1L	<b>T</b>	DETOUR EAST M4-8 M3-2-024BL M1-5M-MN68-024BL M5-1L-021BL
<b>C</b>	DETOUR AHEAD 1500 FEET *600' FROM INT.	<b>L</b>	DETOUR NORTH M4-8 M3-1 M1-4-US59 M6-3	<b>U</b>	DETOUR EAST M4-8 M3-2-024BL M1-5M-MN68-024BL M6-3-021BL
<b>D</b>	DETOUR WEST M4-8 M3-4-024BL M1-5M-MN19-024BL M5-1R-021BL	<b>M</b>	DETOUR SOUTH M4-8 M3-3 M1-4-US59 M6-3	<b>V</b>	END DETOUR M4-8a *500' FROM INT.
<b>E</b>	DETOUR WEST M4-8 M3-4-024BL M1-5M-MN19-024BL M5-1L-021BL	<b>N</b>	DETOUR SOUTH M4-8 M3-3 M1-4-US59 M5-1R		
<b>F</b>	DETOUR WEST M4-8 M3-4-024BL M1-5M-MN19-024BL M6-3-021BL	<b>O</b>	DETOUR SOUTH M4-8 M3-3 M1-4-US59 M5-1L		
<b>G</b>	DETOUR EAST M4-8 M3-2-024BL M1-5M-MN19-024BL M5-1L-021BL	<b>P</b>	DETOUR WEST M4-8 M3-4-024BL M1-5M-MN68-024BL M5-1R-021BL		
<b>H</b>	DETOUR EAST M4-8 M3-2-024BL M1-5M-MN19-024BL M5-1R-021BL	<b>Q</b>	DETOUR WEST M4-8 M3-4-024BL M1-5M-MN68-024BL M5-1L-021BL		
<b>I</b>	DETOUR EAST M4-8 M3-2-024BL M1-5M-MN19-024BL M6-3-021BL	<b>R</b>	DETOUR WEST M4-8 M3-4-024BL M1-5M-MN68-024BL M6-3-021BL		

THIS MAP SHOWS DETOUR ROUTE CLOSURES. ALL LOCAL SIDE STREETS WILL ALSO BE CLOSED WITH NO TRAFFIC ALLOWED WITHIN CLOSED ROAD

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

ALL NECESSARY TRAFFIC CONTROL DEVICES AND DETOUR DEVICES IN THIS PROJECT SHALL BE THE RESPONSIBILITY OF THE CITY OF MARSHALL.

ALL TRAFFIC CONTROL DEVICES SHALL HAVE RETROREFLECTIVE SHEETING.

**MARSHALL**

CITY ENGINEERS OFFICE  
344 WEST MAIN STREET  
MARSHALL, MINNESOTA  
56258

St. Patrick's Day Parade

Detour Plan

DATE	REVISIONS
	DESCRIPTION

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE \_\_\_\_\_ REGISTRATION NO. \_\_\_\_\_ 41557

DATE 02/23/2022

DRAWN BY G.J.S.

S.P. NO.

SHEET Page 76

Item 7.



<b>Presenter:</b>	Jason Anderson
<b>Meeting Date:</b>	Tuesday, February 13, 2024
<b>Category:</b>	CONSENT AGENDA
<b>Type:</b>	ACTION
<b>Subject:</b>	Redwood River One Watershed, One Plan (1W1P) – Designate Delegate and Alternate Delegate to Policy Committee
<b>Background Information:</b>	<p>The purpose of the One Watershed, One Plan (1W1P) program is to develop a comprehensive watershed management plan that aligns multiple local water planning efforts into one watershed-wide plan which crosses county boundaries. The goal is a systematic, watershed-wide, science-based approach to watershed management. The State of Minnesota is completing these 1W1P planning efforts watersheds throughout the State to transition away from county boundary-based water planning to watershed-based water planning.</p> <p>The Redwood-Cottonwood Rivers Control Area (RCRCA) has received a planning grant for the Redwood River watershed. The RCRCA reached out to city staff regarding our participation in the planning process because we are a Local Government Unit (LGU) within the planning area. City staff responded to the RCRCA request by indicating that the City of Marshall would like to participate in the planning efforts.</p> <p>To participate in the Redwood 1W1P, the City must sign a Memorandum of Agreement (MOA). At the 01/23/2024 City Council meeting, the City Council authorized execution of the MOA for the 1W1P.</p> <p>In addition, the City of Marshall must designate an elected official to serve as a delegate on the Redwood 1W1P Policy Committee. The City may also assign an alternate delegate to serve in the absence of the delegated official. The meetings are expected to begin as monthly meetings for the first 4 months or so, and then transition into roughly every other month. The planning process is expected to continue into mid-2026. City staff will also attend meetings and will serve as part of the “steering team” for the planning process.</p> <p>At the 1/23/2024 City Council meeting, it was proposed that Mayor Bob Byrnes be considered to represent the City Council on the Policy Committee for the Redwood 1W1P. It was realized following the meeting on 1/23/24 that the Council did not acknowledge or identify a delegate or an alternate with the motion to authorize execution of the MOA.</p>
<b>Fiscal Impact:</b>	None at this time.
<b>Alternative/ Variations:</b>	No alternative actions recommended.
<b>Recommendations:</b>	that the City Council designate Mayor Robert Byrnes to serve as a delegate on the Redwood 1W1P Policy Committee, with Councilmember Craig Schafer serving as an alternate delegate.

<b>Presenter:</b>	Jason Anderson
<b>Meeting Date:</b>	Tuesday, February 13, 2024
<b>Category:</b>	CONSENT AGENDA
<b>Type:</b>	ACTION
<b>Subject:</b>	Project ST-010: Lyon Circle Reconstruction Project - Consider Resolution Ordering Preparation of Report on Improvement
<b>Background Information:</b>	<p>This project consists of: include the complete reconstruction Lyon Circle and curb and gutter. Lyon Circle has been included in the 2024 CIP for complete reconstruction. The newly constructed road will be narrower than the current circle, a reflection of the very low traffic demand for the dead-end circle. In addition, sanitary sewer will be replaced and the water main in the circle will be extended to the end of the circle and a fire hydrant will be added to the dead end.</p> <p>Attached please find the resolution necessary for the initiation of the special assessment procedures for Project ST-010: Lyon Circle Reconstruction Project. Attached is a map to identify the project area.</p> <p>This project has been presented and discussed at the following PI/T meetings: 01/24/2023, 02/14/2023, 10/24/2023 and 02/13/2024. In addition, a public informational meeting was held on 01/18/2024. Notices were mailed to all owners. No property owners attended the meeting.</p>
<b>Fiscal Impact:</b>	The project is identified in our 2024 CIP at a total cost of \$282,723. All improvements are proposed to be assessed according to the current Special Assessment Policy, including but not limited to participation from Marshall Municipal Utilities, Wastewater Department, Surface Water Management Utility Fund and Ad Valorem participation. Final approval of the project must include determination of funding sources.
<b>Alternative/ Variations:</b>	No alternative actions recommended.
<b>Recommendations:</b>	that the Council adopt RESOLUTION NUMBER 24-019, which is the "Resolution Ordering Preparation of Report on Improvement" for Project ST-010: Lyon Circle Reconstruction Project.

**RESOLUTION NUMBER 24-019**

**RESOLUTION ORDERING PREPARATION OF REPORT ON IMPROVEMENT**

WHEREAS, it is proposed to make improvements under the following project and to assess the benefited properties for all or a portion of the cost of the improvements, pursuant to Minnesota Statutes, Chapter 429:

**PROJECT ST-010: LYON CIRCLE RECONSTRUCTION PROJECT**

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

1. That the proposed improvements be referred to Director of Public Works/City Engineer Jason R. Anderson, P.E. and that he is instructed to report to the Council with all convenient speed advising the Council in a preliminary way as to whether the proposed improvements are feasible and as to whether they should best be made as proposed or in connection with some other improvement, and the estimated cost of the improvements as recommended.

Passed and adopted by the Council this 13<sup>th</sup> day of February 2024.

\_\_\_\_\_  
Mayor

ATTEST:

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

This Instrument Drafted by:  
Jason R. Anderson, P.E.  
Director of Public Works/City Engineer

# State Of Minnesota City of Marshall, Minnesota Project Number ST-010

Construction Plans for Sanitary Sewer, Watermain, Storm Sewer,  
Grading, Curb and Gutter, Bituminous Surfacing, and Misc. work for:

Lyon Circle  
SECTION 10 T111N, R41W



### LEGEND

ALIGNMENT STATIONS	_____
EXISTING GAS LINE	_____
EXISTING COMMUNICATION LINE	_____
EXISTING FIBER LINE	—FB—FB—
EXISTING UNDERGROUND POWER	_____
EXISTING STREET LIGHT	⊕
EXISTING CATCH BASIN	□
EXISTING STORM MANHOLE	⊙
EXISTING SANITARY MANHOLE	⊙
EXISTING HYDRANT	⊕
EXISTING WATER VALVE	⊕
NEW CATCH BASIN	□
NEW HYDRANT	⊕
NEW WATER VALVE	⊕
NEW SANITARY MANHOLE	⊙
NEW STORM MANHOLE	⊙
BENCHMARK TOP NUT HYDRANT	⊕

### 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.

### PROJECT LENGTH

GROSS LENGTH STREET #1	173	FEET	003	MILES
EXCEPTIONS	0	FEET	0.00	MILES
NET LENGTH	173	FEET	0.03	MILES

### DESIGN DATA

DESIGN SPEED 30 MPH  
STOPPING SIGHT DISTANCE BASED ON  
3.5' HEIGHT OF EYE  
0.5' HEIGHT OF OBJECT

### SCALES

PLAN	1"=30'
PROFILE	1"=5'
INDEX MAP	1"=100'
GENERAL LAYOUT	1"=20'

### INDEX

SHEET NO.	DESCRIPTION
1	Title Sheet
2	Estimated Quantity Sheet
3	Construction Notes Sheet
4	Typical Section Sheet
5	Construction Detail Sheet
6-7	SWPPP Sheet
8	Removal Sheet
9	Utility Plan & Profile Sheet
10	Surfacing Plan & Profile Sheet


I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSE PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

APPROVED: CITY ENGINEER, MARSHALL MINNESOTA DATE \_\_\_\_\_  
REG NO 53322

APPROVED: MARSHALL MUNICIPAL UTILITIES DATE \_\_\_\_\_

DESIGNED BY: JRL
BY: JRA
SCALE: N/A

DATE	REVISIONS	INIT.

  
**MARSHALL**

ENGINEERING DEPARTMENT  
344 WEST MAIN STREET  
MARSHALL, MINNESOTA  
56258

LYON CIRCLE
TITLE SHEET

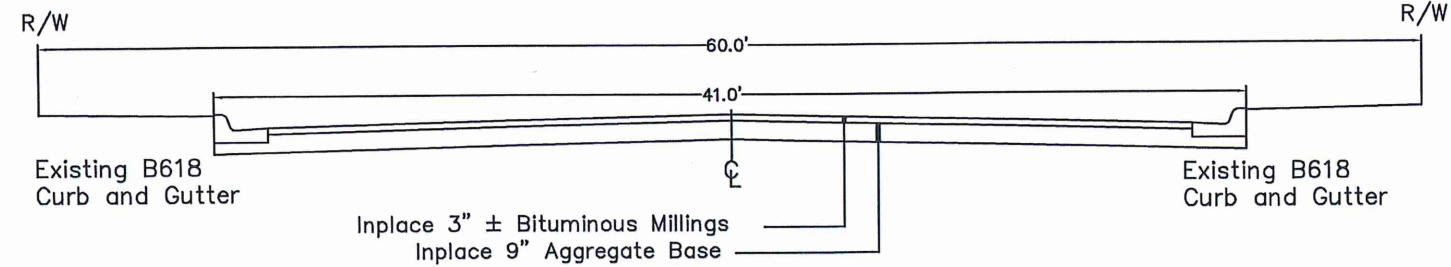
CITY PROJECT NO. ST-010
STATE AID PROJECT NO.

DATE 02/01/2023
SHEET NO. 10F

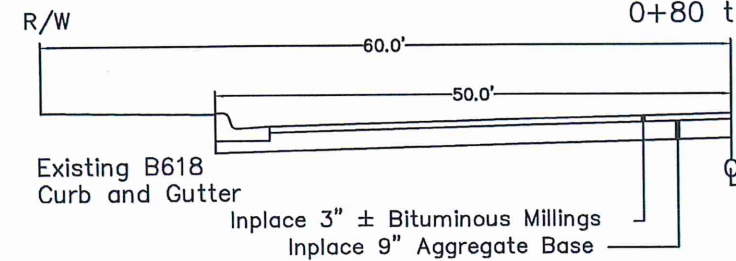


# Existing Typical Section

Lyon Circle  
0+00 to 0+80

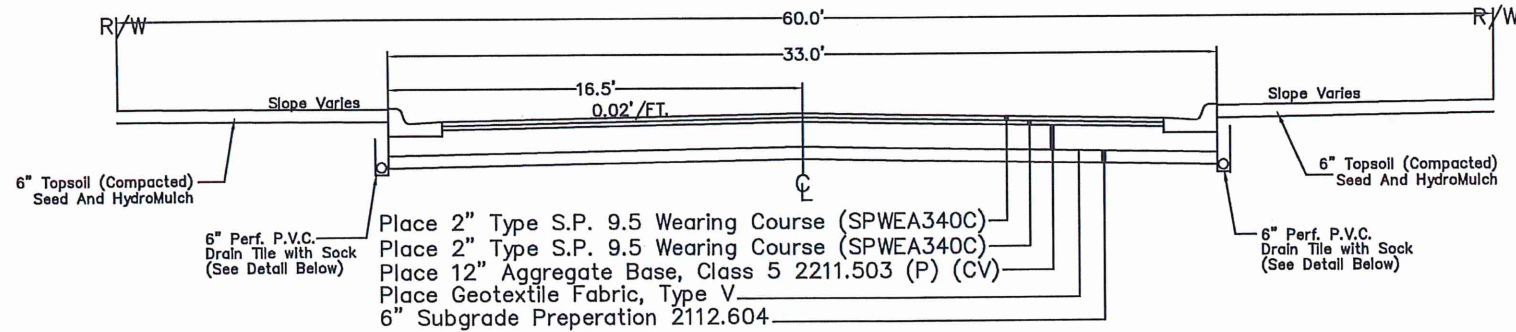


Lyon Circle  
0+80 to 1+72

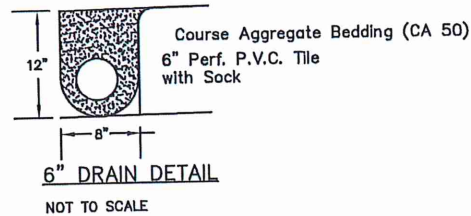
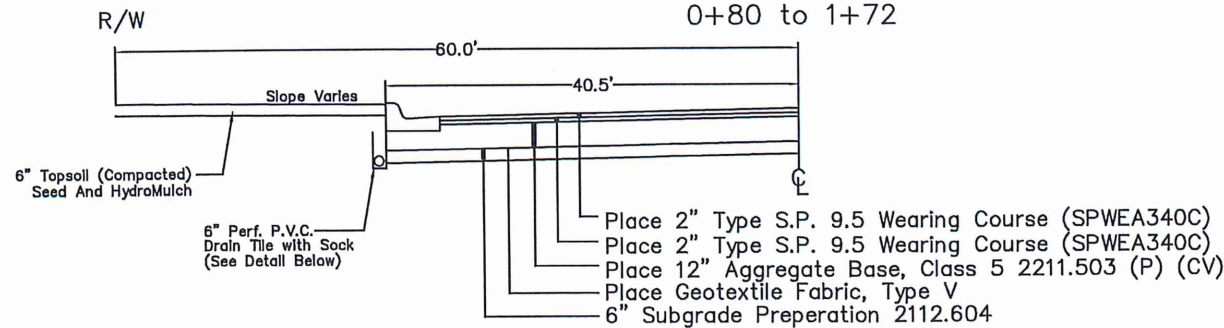


# Proposed Typical Section

Lyon Circle  
0+00 to 0+80



Lyon Circle  
0+80 to 1+72



Not to Scale

DESIGNED BY: JRL	DATE	REVISIONS	INIT.
BY: JRL			
REVISED BY: JRA			
SCALE: N/A			



ENGINEERING DEPARTMENT  
344 WEST MAIN STREET  
MARSHALL, MINNESOTA  
56258

LYON CIRCLE

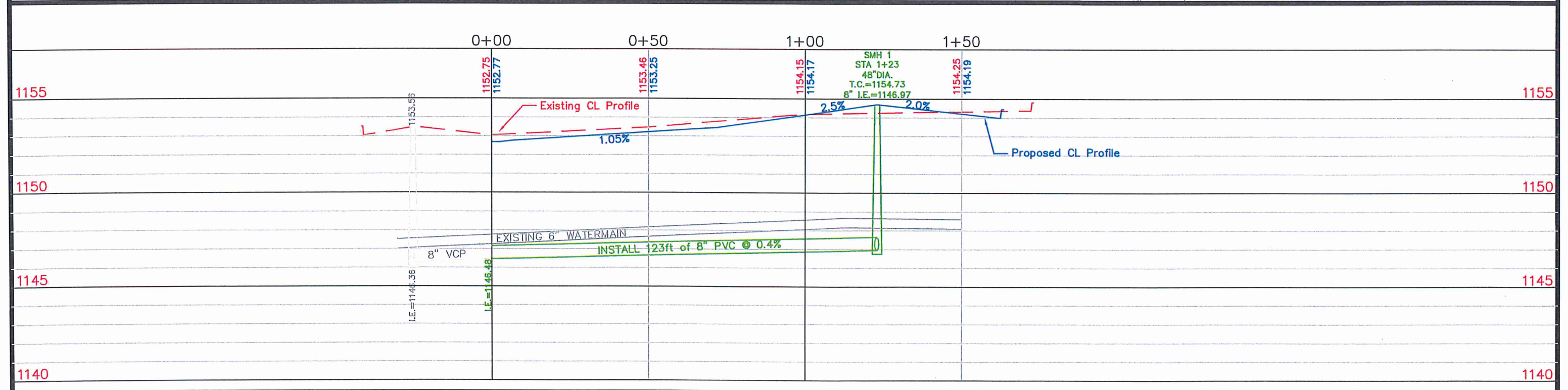
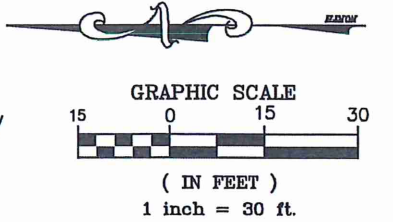
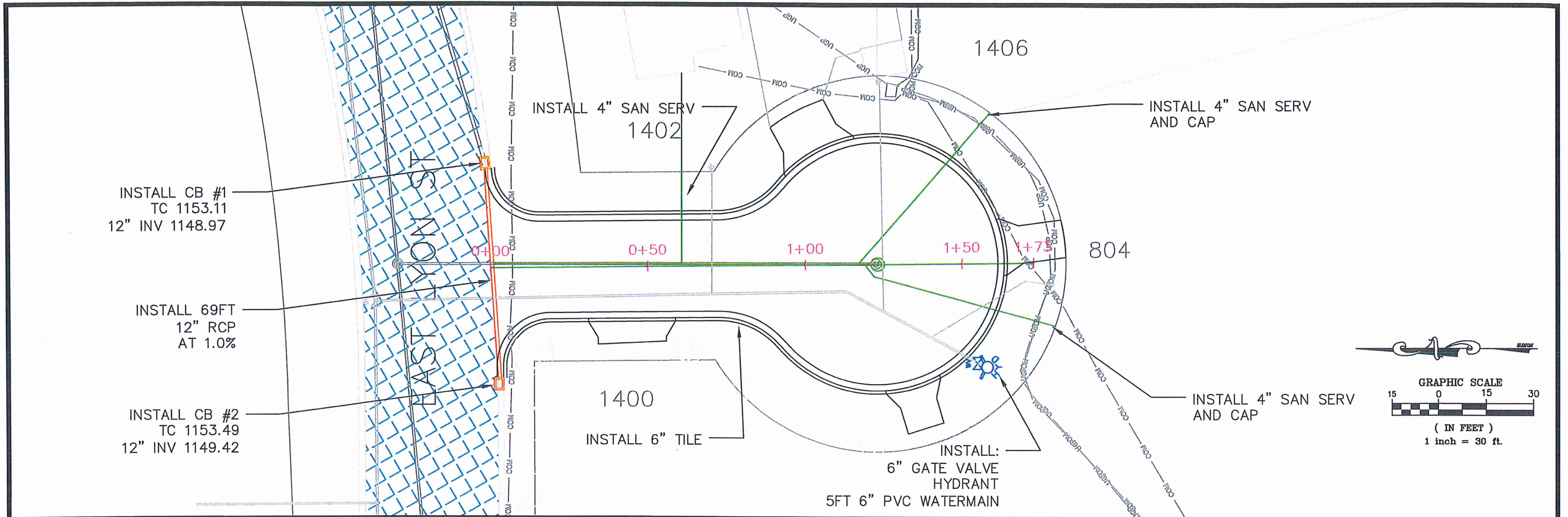
TYPICAL SECTION


I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE 02/01/2023 LICENSE NO. 53322

CITY PROJECT NO. ST-010	DATE 02/01/2023
STATE AID PROJECT NO.	SHEET 4
	Page 81





DESIGNED BY: JRL BY: JRL D BY: JRA SCALE: 1"=30'	DATE REVISIONS INIT.	 <b>MARSHALL</b> ENGINEERING DEPARTMENT 344 WEST MAIN STREET MARSHALL, MINNESOTA 56258	LYON CIRCLE UG PLAN & PROFILE	I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA. DATE: 02/01/2023 LICENSE NO.: 53322	CITY PROJECT NO. ST-010 DATE 02/01/2023 STATE AID PROJECT NO. SHEET NO. 9 OF 10 Page 82
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**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Presenter:</b>	Jim Marshall
<b>Meeting Date:</b>	Tuesday, February 13, 2024
<b>Category:</b>	CONSENT AGENDA
<b>Type:</b>	ACTION
<b>Subject:</b>	Joint Powers Agreement (Minnesota Internet Crimes Against Children Task Force)
<b>Background Information:</b>	<p>The Bureau of Criminal Apprehension asked the Marshall Police Department to consider entering into a Joint Powers Agreement with the BCA that will allow both agencies to exercise our powers to stop the criminal exploitation of children. The Internet Crimes Against Children (ICAC) is a national network of task forces that represent law enforcement and prosecutorial agencies. ICAC helps state and local law enforcement agencies develop an effective response to child sexual exploitation and internet crimes against children. The support encompasses forensic and investigative components, training and technical assistance, victim services, prevention, and community education.</p> <p>By participating in this Joint Powers Agreement, the BCA would assist the Marshall Police Department with prevention, education, and enforcement to prevent these crimes against children. This agreement provides the mechanism to reimburse the Marshall Police Department for equipment, training, and expenses, which are incurred by law enforcement as a result of these investigations.</p>
<b>Fiscal Impact:</b>	None
<b>Alternative/ Variations:</b>	
<b>Recommendations:</b>	Approve Joint Powers Agreement (Minnesota Internet Crimes Against Children Task Force)

**RESOLUTION NO. 24-018**

**RESOLUTION APPROVING STATE OF MINNESOTA JOINT POWERS AGREEMENTS WITH THE CITY OF MARSHALL ON BEHALF OF ITS POLICE DEPARTMENT REGARDING THE MINNESOTA INTERNET CRIMES AGAINST CHILDREN TASK FORCE (ICAC)**

WHEREAS, the City of Marshall on behalf of its Police Department desires to enter into Joint Powers Agreements with the State of Minnesota, Department of Public Safety, Bureau of Criminal Apprehension to utilize applicable state and federal laws to investigate and prosecute crimes committed against children and the criminal exploitation on children that is committed and/or facilitated by or through the use of computers.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Marshall, Minnesota as follows:

1. That the State of Minnesota Joint Powers Agreements by and between the State of Minnesota acting through its Department of Public Safety, Bureau of Criminal Apprehension and the City of Marshall on behalf of its Police Department, are hereby approved. A Copy of the Joint Powers Agreement is attached to this Resolution and made a part of it.
2. That the Director of Public Safety, Jim Marshall, or his or her successor, is designated the Authorized Representative for the Police Department. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City's connection to the systems and tools offered by the State.
3. That Robert Byrnes, the Mayor for the City of Marshall, and Steven Anderson, the City Clerk, are authorized to sign the State of Minnesota Joint Powers Agreements.

Passed and Adopted by the Council on this 13th day of February 2024.

CITY OF MARSHALL

\_\_\_\_\_  
By: Robert Byrnes  
Its Mayor

ATTEST: \_\_\_\_\_  
By: Steven Anderson  
Its City Clerk





# STATE OF MINNESOTA

## JOINT POWERS AGREEMENT MINNESOTA INTERNET CRIMES AGAINST CHILDREN TASK FORCE

This Joint Powers Agreement ("Agreement") is between the State of Minnesota, acting through its Commissioner of Public Safety on behalf of the Bureau of Criminal Apprehension ("BCA"), and the "City of Marshall on behalf of its Police Department at 611 W Main Street Marshall, MN 56258" ("Governmental Unit").

### Recitals

Under Minnesota Statutes, § 471.59, the BCA and the Governmental Unit are empowered to engage in agreements that are necessary to exercise their powers. The parties wish to work together to investigate and prosecute crimes committed against children and the criminal exploitation of children that is committed and/or facilitated by or through the use of computers, and to disrupt and dismantle organizations engaging in these activities. The Governmental Unit wants to participate in the Minnesota Internet Crimes Against Children (ICAC) Task Force and be provided reimbursement of the following: equipment, training, and expenses (including travel and overtime) as are incurred by law enforcement as a result of ongoing investigations.

### Agreement

#### 1. Term of Agreement

- 1.1 **Effective Date.** This Agreement is effective on the date BCA obtains all required signatures pursuant to Minnesota Statutes, § 16C.05, subdivision 2.
- 1.2 **Expiration Date.** This Agreement expires five years from the date it is effective unless terminated earlier pursuant to clause 12.

#### 2. Purpose

The Governmental Unit and BCA enter into this Agreement to implement a three-pronged approach of prevention, education and enforcement to combat internet crimes against children. This Agreement provides the mechanism to reimburse the Governmental Unit for equipment, training and expenses (including travel and overtime), which are incurred by law enforcement as a result of these investigations.

#### 3. Standards

The Governmental Unit will adhere to the ICAC Program standards identified below.

- 3.1 Investigate activities related to internet crimes and the exploitation of children through the use of computers.
- 3.2 Investigate organizations to disrupt and dismantle crimes committed against children.
- 3.3 Investigators will follow appropriate state and/or federal laws in obtaining arrest warrants, search warrants and civil and criminal forfeitures. Investigators will follow proper legal procedures in securing evidence, including electronic devices.
- 3.4 Investigators will understand and use appropriate legal procedures in the use of informants including documentation of identity, monitoring of activities, and use and recordation of payments.
- 3.5 Investigators will use, as appropriate, the most current investigative technologies and techniques.

- 3.6 Investigators must be licensed Minnesota peace officers.
- 3.7 Investigators will comply with the guidelines of the Department of Justice Internet Crimes Against Children Program Operational and Investigative Standards.

**4. Responsibilities of the Governmental Unit and the BCA**

**4.1 The Governmental Unit will:**

- 4.1.1 Assign a Governmental Unit point of contact to act as the liaison between it and the BCA ICAC Project Commander to assist in reimbursement deadlines.
- 4.1.2 Submit an ICAC reimbursement request for pre-approval of funds. This request shall include a description of the item requested for reimbursement and an explanation of how it qualifies under the required criteria in Clauses 3.1 and 3.2 and an operational plan.
- 4.1.3 Conduct investigations in accordance with provisions of the ICAC Operational and Investigative Standards, identified in Clause 3.7 above, and conclude the investigations in a timely manner.
- 4.1.4 Allow BCA to inform participating agencies of potential case connections based on data submitted to BCA through the ICAC Program.
- 4.1.5 Not commingle ICAC funds with any other existing federal or state grant funded overtime or additional local Governmental Unit funding.

**4.2 The BCA will:**

- 4.2.1 Provide a Senior Special Agent who will serve as the Commander of the Task Force.
- 4.2.2 Review and approve or decline reimbursement requests under clause 4.1.2 within seven (7) business days of the reimbursement request.

- 4.3 Nothing in this Agreement shall otherwise limit the jurisdiction, powers, and responsibilities normally possessed by a Governmental Unit acting through its employees.

**5. Payment**

- 5.1 To receive reimbursement for an expense, Governmental Unit must make a request for reimbursement to the BCA Authorized Representative under the required criteria for operational and investigative standards.
- 5.2 To receive approved reimbursement, Governmental Unit must submit an expense form no later than 15 business days after the end of the month during which the expense is incurred.
- 5.3 The BCA will pay the Governmental Unit within thirty (30) calendar days of the submission of the expense form.
- 5.4 In the event Governmental Unit breaches this Agreement, it will not be eligible to receive reimbursement for any expenses.

**6. Authorized Representatives**

The BCA's Authorized Representative is the following person or his successor:

Name: Bobbi Jo Pazdernik, Commander of MN ICAC  
Address: Department of Public Safety; Bureau of Criminal Apprehension  
1430 Maryland Street East Saint Paul, MN 55106  
Telephone: 651-793-7000  
E-mail Address: [bobbijo.pazdernik@state.mn.us](mailto:bobbijo.pazdernik@state.mn.us)

The Governmental Unit's Authorized Representative is the following person or his/her successor:

Name: Jim Marshall, Chief of Police  
Address: Marshall Police Department  
611 W Main Street Marshall, MN 56258  
Telephone: 507-537-7000  
Email Address: [jim.marshall@ci.marshall.mn.us](mailto:jim.marshall@ci.marshall.mn.us)

If the Governmental Unit's Authorized Representative changes at any time during this Agreement, the Governmental Unit must immediately notify the BCA.

**7. Assignment, Amendments, Waiver, and Agreement Complete**

- 7.1 Assignment.** The Governmental Unit may neither assign nor transfer any rights or obligations under this Agreement.
- 7.2 Amendments.** Any amendment to this Agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original Agreement, or their successors in office.
- 7.3 Waiver.** If the BCA fails to enforce any provision of this Agreement, that failure does not waive the provision or its right to enforce it.
- 7.4 Agreement Complete.** This Agreement contains all negotiations and agreements between the BCA and the Governmental Unit. No other understanding regarding this Agreement, whether written or oral, may be used to bind either party.

**8. Liability**

The BCA and the Governmental Unit agree each party will be responsible for its own acts and the results thereof to the extent authorized by law and shall not be responsible for the acts of any others and the results thereof. The BCA's liability shall be governed by provisions of the Minnesota Tort Claims Act, Minnesota Statutes, § 3.736, and other applicable law. The Governmental Unit's liability shall be governed by provisions of the Municipal Tort Claims Act, Minnesota Statutes, §§ 466.01-466.15, and other applicable law.

**9. Audits**

Under Minnesota Statutes, § 16C.05, subdivision 5, the Governmental Unit's books, records, documents, and accounting procedures and practices relevant to this Agreement are subject to examination by the BCA and/or the State Auditor and/or Legislative Auditor, as appropriate, for a minimum of six (6) years from the end of this Agreement.

**10. Government Data Practices**

The Governmental Unit and the BCA must comply with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13 and other applicable law, as it applies to all data provided by the BCA under this Agreement and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the Governmental Unit under this Agreement. The civil remedies of Minnesota Statutes § 13.08 apply to the release of the data referred to in this clause by either the Governmental Unit or the BCA.

If the Governmental Unit receives a request to release the data referred to in this Clause, the Governmental Unit must immediately notify the State. The State will give the Governmental Unit instructions concerning the release of the data to the requesting party before the data is released.

**11. Venue**

The venue for all legal proceedings out of this Agreement, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

**12. Expiration and Termination**

- 12.1** Either party may terminate this Agreement at any time, with or without cause, upon 30 days written notice to the other party. To the extent funds are available, the Governmental Unit shall receive reimbursement in accordance with the terms of this Agreement through the date of termination.
- 12.2** In the event that federal funding is no longer available, the BCA will email the Governmental Unit's Authorized Representative and terminate the Agreement. The termination will be effective two (2) business days after email notification to the Governmental Unit; and the Governmental Unit shall receive reimbursement in accordance with the terms of this Agreement through the date of termination.

**13. Continuing Obligations**

The following clauses survive the expiration or cancellation of this Agreement: 8, Liability; 9, Audits; 10, Government Data Practices; and 11, Venue.

*The parties indicate their agreement and authority to execute this Agreement by signing below.*

**1. STATE ENCUMBRANCE VERIFICATION**  
*Individual certifies that funds have been encumbered as required by Minnesota Statutes §§ 16A.15 and 16C.05.*

**3. DEPARTMENT OF PUBLIC SAFETY; BUREAU OF CRIMINAL APPREHENSION**

Signed: \_\_\_\_\_

By: \_\_\_\_\_  
(with delegated authority)

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

Title: Deputy Superintendent, Investigations

SWIFT PO Number: 3000085301

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

**2. GOVERNMENTAL UNIT**  
*Governmental Unit certifies that the appropriate person(s) has(have) executed this Agreement on behalf of the Governmental Unit and its jurisdictional government entity as required by applicable articles, laws, by-laws, resolutions or ordinances.*

**4. COMMISSIONER OF ADMINISTRATION**  
*As delegated to the Office of State Procurement*

By: \_\_\_\_\_

By: \_\_\_\_\_

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

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

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

By: \_\_\_\_\_

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

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

By: \_\_\_\_\_

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

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

**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Presenter:</b>	Jim Marshall
<b>Meeting Date:</b>	Tuesday, February 13, 2024
<b>Category:</b>	CONSENT AGENDA
<b>Type:</b>	ACTION
<b>Subject:</b>	Frontline Warning Systems (outdoor warning sirens) contract with the City of Marshall and replacement of defective equipment.
<b>Background Information:</b>	<p>This request is for the City Council to consider the renewal of the service contract for the city’s outdoor warning system and replacement of defective equipment. This contract is with Frontline Warning Systems and would begin from the date of acceptance. A copy of the contract and quote are attached.</p> <p>The City of Marshall utilizes outdoor warning sirens to provide critical public outdoor emergency warning. This equipment must be well maintained to be working when needed. Frontline Warning Systems of Monticello, MN has conducted the maintenance and service to our outdoor warning sirens for many years. This company is the exclusive vendor for this product and the most familiar with keeping this crucial system working.</p> <p>The contract covers maintenance on twelve (12) outdoor warning sirens and the base station to activate the sirens. The maintenance agreement does not cover expenses to replace batteries or equipment needing to be replaced.</p> <p>This year, Frontline Warning Systems has identified deficiencies that need to be addressed to ensure the warning siren system is functioning at 100 percent. The replacement of speaker drivers at the siren locations of Devito &amp; Indiana Jones and Donita &amp; 2<sup>nd</sup> Street are additional expenses that Frontline Warning systems indicated need to be replaced at this time.</p> <p>The total cost for the annual service contract and replacement of items identified in their proposal is \$16,955.00. The annual service and general maintenance for our outdoor siren system is a planned expense in our Emergency Management budget. For the fiscal year 2024, \$13,500.00 was budgeted for maintenance and repairs.</p>
<b>Fiscal Impact:</b>	The cost for this maintenance agreement and repairs is \$16,955.00
<b>Alternative/ Variations:</b>	
<b>Recommendations:</b>	Approve the annual service contract with Frontline Warning Systems for service and maintenance of the city’s outdoor warning sirens and authorize identified repairs.



8004 Aetna Ave NE Monticello, MN 55362

1-800-879-3177

763-295-3650 (fax)

[frontlineplus@tds.net](mailto:frontlineplus@tds.net)

[www.frontlinewarningsystems.com](http://www.frontlinewarningsystems.com)

## Annual Service Proposal and Contract for Whelen Outdoor Warning Sirens.

**Effective January 1, 2024**

Frontline Warning Systems, Inc. of Monticello, Minnesota hereby proposes the following contract for users of Whelen Mass Warning Products.

To ensure quality operation and longevity of Whelen Warning Products, it is necessary to perform inspection and maintenance of siren systems. This includes maintenance of the batteries, cabinet assembly, electronics, and other components of the siren system.

As a factory authorized Premier Level service outlet, Frontline Warning Systems proposes to perform this work prior to Severe Weather season to ensure reliable operation.

Frontline will perform maintenance duties twice during the year under this contract to the owner and/or operator of each individual siren. This contract will carry an annual fee for each Whelen Siren. The included official quotation will be the total price, including batteries and/or other parts. One Spring Service (pre-season) and one Fall Service (post-season) will be completed.

The specific dates that maintenance is to be completed upon will ultimately be under the authority and convenience of Frontline, but will be within appropriate seasons, including prior to severe weather season respectfully. Frontline will coordinate these dates with each user. If specific service dates are desired, please coordinate these with Frontline as early as possible.

In addition, Frontline will gather, record, and store records of maintenance for each individual siren site that carries a service contract. These records will be made exclusively available to the owner/operator of each site. These records will not be shared unless requested and will only be shared with personnel authorized by the siren's owner/operator. This will be a complete maintenance contract only. Frontline Warning Systems will perform maintenance duties as outlined in the Whelen operation and installation manuals by the factory. Replacement batteries, repair of individual components, component



replacement, upgrades or other expenses are not included in this contract. This contract, under no conditions, will cover damages incurred by acts of God, vandalism, misuse, abuse, or improper operation. Charges for a bucket truck (including mobilization/travel charges) are not included unless specifically allowed for under payment terms.

If non-critical components fail, Frontline will notify the end user. A separate purchase order may be issued for those repairs. Components (such as batteries or other critical components) that have failed and have taken the siren completely off-line at the time of inspection will be replaced immediately at market price unless otherwise dictated at the time of contract acceptance.

Under this contract, Frontline Warning Systems will be available for a 48 hour response time on system failures. If a siren that is under contract fails, a representative from Frontline will be on-site within 48 hours to inspect, repair, or service accordingly. Also while under contract, there will be no trip charge issued for this response. This does not apply to failures as a result of non-replacement of items suggested during pre-season inspection.

This contract applies exclusively to customers (owners and operators) of Whelen products. In a siren system that has sirens of different manufacturers, only the Whelen sirens will be maintained under this contract. A separate contract may be issued for other sirens.

The purchaser of this contract will be billed for the annual contract prior to February 1<sup>st</sup>, 2024. The amount billed will be affected upon the total number of sirens requested for maintenance. Each individual siren will carry a charge as listed above; this is a one-time charge per siren per year for year of 2024. With an authorized signature on this form, the contract will begin from date of acceptance or January 1, 2024 (whichever is earlier) and will end December 31<sup>st</sup>, 2024. The purchaser will be billed before the first maintenance service is performed. If Frontline Warning Systems fails to perform maintenance service or becomes unable to perform duties, the pro-rated amount will be refunded to the purchaser.

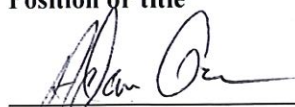
A copy of this document with an invoice will be provided to the purchaser of this contract. This contract will be re-invoiced prior to March 1<sup>st</sup>, 2025 when the customer can choose to renew or cancel the contract.

\_\_\_\_\_  
Authorized signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Position or title

12 e North 11  
\_\_\_\_\_  
Siren/s Location (city)

  
\_\_\_\_\_  
Frontline Plus authorized signature

1-15-24  
\_\_\_\_\_  
Date



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Presenter:</b>	Steven Anderson
<b>Meeting Date:</b>	Tuesday, February 13, 2024
<b>Category:</b>	CONSENT AGENDA
<b>Type:</b>	ACTION
<b>Subject:</b>	Consider Approval of a Tobacco License for Family Dollar
<b>Background Information:</b>	<p>Family Dollar Stores Inc. has requested a tobacco license to make retail sales of cigarettes and other tobacco products at their new store location at 1213 E. College Dr.</p> <p>Under City Ordinance Chapter 42, Article 42 VI – Tobacco, all required forms and insurance have been submitted, reviewed, and be found to be correct.</p>
<b>Fiscal Impact:</b>	\$150.00/application
<b>Alternative/ Variations:</b>	None recommended.
<b>Recommendations:</b>	To approve the new tobacco license for Family Dollar Stores Inc. for retail sales of tobacco products.



T24013



# City of Marshall, Minnesota

## ~ LICENSE TO SELL CIGARETTES AT RETAIL ~

State of Minnesota  
County of Lyon  
City of Marshall

LICENSE IS HEREBY GRANTED UNTO **Family Dollar Stores Inc.** to sell cigarettes and other tobacco products at **1213 E. College Dr.**

in the CITY OF MARSHALL in said county and state for the term of **Eleven Months.**

Beginning with the **1st** day of **February 2024**, subject to the laws of the

State of Minnesota and the ordinances and regulations of said City of Marshall

pertaining thereto.

ISSUED BY THE AUTHORITY OF THE CITY COUNCIL  
Marshall, Minnesota, **February 13, 2024**

Attest:

THE COMMON COUNCIL  
of the CITY OF MARSHALL

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

By \_\_\_\_\_  
Mayor

(Seal)



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Presenter:</b>	Steven Anderson
<b>Meeting Date:</b>	Tuesday, February 13, 2024
<b>Category:</b>	CONSENT AGENDA
<b>Type:</b>	ACTION
<b>Subject:</b>	Consider Approval to Allow Alcoholic Beverages at City-Owned Facilities and Parks
<b>Background Information:</b>	The Red Baron Arena & Expo from March 22 – March 24, 2024, will be hosting the annual Marshall Radio Home Show. Brau Brothers Brewing was requested to serve alcohol for the event.
<b>Fiscal Impact:</b>	
<b>Alternative/ Variations:</b>	None recommended.
<b>Recommendations:</b>	To approve the permit for Alcoholic Beverages at City-Owned Facilities March 22 – March 24, 2024, at the Red Baron Arena and Expo.

## City of Marshall, Minnesota

# Alcoholic Beverages at City-Owned Facilities and Parks

TO ALL WHOM IT MAY CONCERN:

LICENSE IS HEREBY GRANTED UNTO

**Sub-Arctic Media dba**

**Marshall Radio**

For an **Alcoholic Beverages at City-Owned Facilities and Parks License**  
from **March 22 - March 24, 2024**, subject

to the provisions of the Ordinances of the City of Marshall governing such license.

ISSUED BY THE AUTHORITY OF THE CITY COUNCIL

Marshall, Minnesota, **February 13, 2024**

(SEAL)

\_\_\_\_\_  
Mayor

Attest:

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

**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Presenter:</b>	Karla Drown
<b>Meeting Date:</b>	Tuesday, February 13, 2024
<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: 01/26/2024 - 02/13/2024

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
<b>Bank Code: AP-REG AP</b>						
4549	A & B BUSINESS, INC	01/26/2024	EFT	0.00	2,589.13	15464
6128	ACTION COMPANY LLC	01/26/2024	EFT	0.00	1,430.00	15465
6128	ACTION COMPANY LLC	02/02/2024	EFT	0.00	135.00	15532
6128	ACTION COMPANY LLC	02/09/2024	EFT	0.00	105.00	15615
0560	AFSCME COUNCIL 65	01/26/2024	EFT	0.00	1,324.40	15466
6412	AG PLUS COOPERATIVE	01/26/2024	EFT	0.00	36.91	15467
0578	AMAZON CAPITAL SERVICES	01/26/2024	EFT	0.00	2,483.64	15468
0578	AMAZON CAPITAL SERVICES	02/02/2024	EFT	0.00	708.91	15533
0578	AMAZON CAPITAL SERVICES	02/09/2024	EFT	0.00	579.87	15616
3761	AMERICAN BOTTLING CO.	01/26/2024	Regular	0.00	220.50	123978
2701	ANDERSON, JASON	02/02/2024	EFT	0.00	80.00	15534
2701	ANDERSON, JASON	02/09/2024	EFT	0.00	633.99	15617
0658	AP DESIGN, INC. / NICHOLAS J SCHWARZ OR JILI	01/26/2024	EFT	0.00	644.77	15469
0658	AP DESIGN, INC. / NICHOLAS J SCHWARZ OR JILI	02/02/2024	EFT	0.00	769.90	15535
6694	ARAMARK UNIFORM & CAREER APPAREL GROU	01/26/2024	EFT	0.00	120.74	15470
0630	ARCTIC GLACIER	02/09/2024	Regular	0.00	259.70	124052
0629	ARNOLD MOTOR SUPPLY	01/26/2024	EFT	0.80	39.19	15471
0629	ARNOLD MOTOR SUPPLY	02/09/2024	EFT	4.68	229.24	15618
5702	B & H PHOTO & ELECTRONICS CORP	01/26/2024	EFT	0.00	2,583.36	15472
0065	BAILEY, CAM	02/02/2024	EFT	0.00	500.00	15536
2340	BAKER TILLY VIRCHOW KRAUSE, LLP	02/09/2024	EFT	0.00	3,100.00	15619
2362	BAUMANN, ADAM	02/02/2024	EFT	0.00	30.00	15537
6818	BEEK, JORDY	02/02/2024	EFT	0.00	312.70	15538
0688	BELLBOY CORPORATION	01/26/2024	EFT	0.00	1,700.69	15473
0688	BELLBOY CORPORATION	02/09/2024	EFT	0.00	4,377.67	15620
0689	BEND RITE CUSTOM FABRICATION, INC.	01/26/2024	Regular	0.00	264.20	123979
0689	BEND RITE CUSTOM FABRICATION, INC.	02/09/2024	Regular	0.00	40.39	124053
0699	BEVERAGE WHOLESALERS, INC.	01/26/2024	Regular	0.00	24,021.78	123980
0699	BEVERAGE WHOLESALERS, INC.	02/02/2024	Regular	0.00	30,799.36	124016
0699	BEVERAGE WHOLESALERS, INC.	02/09/2024	Regular	0.00	30,927.25	124054
7228	BITCO GENERAL INSURANCE CORPORATION	01/26/2024	Regular	0.00	313,150.00	123982
7097	BLUESTEM PRODUCTS LLC	01/26/2024	EFT	0.00	390.00	15474
5726	BOLLIG, MARK	02/02/2024	EFT	0.00	500.00	15539
4875	BOOKLIST	02/09/2024	Regular	0.00	439.95	124055
0726	BORCH'S SPORTING GOODS, INC.	02/09/2024	EFT	0.00	437.00	15621
0018	BORDER STATES INDUSTRIES, INC.	01/26/2024	EFT	0.00	479.11	15475
3829	BRAU BROTHERS	02/02/2024	EFT	0.00	72.00	15540
4457	BREAKTHRU BEVERAGE MINNESOTA WINE & SF	01/26/2024	Regular	0.00	3,891.06	123987
4457	BREAKTHRU BEVERAGE MINNESOTA WINE & SF	02/02/2024	Regular	0.00	13,736.32	124018
4457	BREAKTHRU BEVERAGE MINNESOTA WINE & SF	02/09/2024	Regular	0.00	4,734.86	124056
5696	BROTHERS FIRE PROTECTION	01/26/2024	EFT	0.00	764.00	15476
0186	BRUNSVOLD, QUENTIN	02/02/2024	EFT	0.00	30.00	15541
6857	BRUSVEN, KATHERINE	02/02/2024	EFT	0.00	30.00	15542
7020	BUILDING SPRINKLER, INC.	01/26/2024	EFT	0.00	1,691.43	15477
0378	BUYSE, JASON	02/02/2024	EFT	0.00	30.00	15543
6744	C&L DISTRIBUTING	02/02/2024	EFT	0.00	1,915.00	15544
0380	CALLENS, DAVID	02/02/2024	EFT	0.00	30.00	15545
6791	CAPITAL ONE	01/26/2024	Regular	0.00	176.14	123988
6791	CAPITAL ONE	02/02/2024	Regular	0.00	41.11	124020
6791	CAPITAL ONE	02/09/2024	Regular	0.00	207.82	124058
7164	CARD CONNECT/MERCHANT BANK CD	02/05/2024	Bank Draft	0.00	759.98	DFT0003655
7164	CARD CONNECT/MERCHANT BANK CD	02/05/2024	Bank Draft	0.00	4,178.00	DFT0003656
0799	CARLOS CREEK WINERY, INC	02/02/2024	Regular	0.00	1,032.00	124021
0815	CATTOOR OIL COMPANY, INC	01/26/2024	EFT	0.00	7,396.88	15478

Council Check Report

Date Range: 01/26/2024 - 02/13/2024

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
0815	CATTOOR OIL COMPANY, INC	02/02/2024	EFT	0.00	3,945.62	15546
0818	CAUWELS, ROGER	02/02/2024	EFT	0.00	30.00	15547
0818	CAUWELS, ROGER	02/09/2024	EFT	0.00	20.00	15622
5733	CLARITY TELECOM, LLC	01/26/2024	EFT	0.00	3,007.90	15479
0860	CMI, INC	02/02/2024	EFT	0.00	107.98	15548
0860	CMI, INC	02/09/2024	EFT	0.00	107.98	15623
0831	COALITION OF GREATER MN CITIES	01/26/2024	Regular	0.00	85.00	123989
6262	COMPASS GROUP USA, INC.	02/02/2024	Regular	0.00	3,116.00	124022
6262	COMPASS GROUP USA, INC.	02/09/2024	Regular	0.00	4,898.91	124059
0384	COUDRON, DEAN	02/02/2024	EFT	0.00	30.00	15549
0384	COUDRON, DEAN	02/09/2024	EFT	0.00	29.96	15624
7394	CRESTED RIVER CANNABIS COMPANY	02/02/2024	EFT	0.00	720.55	15550
5545	CROW RIVER WINERY	02/02/2024	Regular	0.00	783.30	124023
0920	CULLIGAN WATER CONDITIONING OF MARSHAL	02/09/2024	Regular	0.00	112.00	124060
0934	D & G EXCAVATING INC	01/26/2024	EFT	0.00	1,950.00	15480
3819	DACOTAH PAPER CO	01/26/2024	EFT	14.48	1,458.19	15481
3819	DACOTAH PAPER CO	02/02/2024	EFT	0.55	54.83	15551
7102	DAHLHEIMER BEVERAGE	01/26/2024	EFT	0.00	3,139.05	15482
7102	DAHLHEIMER BEVERAGE	02/09/2024	EFT	0.00	1,637.75	15625
0975	DEPUTY REGISTRAR #32	01/26/2024	Regular	0.00	1,405.00	123990
0975	DEPUTY REGISTRAR #32	02/02/2024	Regular	0.00	11.25	124024
6472	DEUTZ, LAUREN	02/02/2024	EFT	0.00	80.00	15552
5731	DOLL DISTRIBUTING LLC	01/26/2024	EFT	0.00	16,354.40	15483
5731	DOLL DISTRIBUTING LLC	02/02/2024	EFT	0.00	17,236.15	15553
5731	DOLL DISTRIBUTING LLC	02/09/2024	EFT	0.00	10,576.20	15626
7522	DONNER, CHRISTINA	01/26/2024	Regular	0.00	500.00	124000
7528	DUE NORTH DEVELOPMENTS LLC	02/02/2024	Regular	0.00	1,000.00	124025
4706	ESS BROTHERS & SONS, INC	02/09/2024	EFT	0.00	650.84	15627
6700	EYEMED VISION CARE	02/02/2024	EFT	0.00	582.28	15554
1090	FASTENAL COMPANY	01/26/2024	EFT	0.00	883.83	15484
1090	FASTENAL COMPANY	02/09/2024	EFT	0.00	215.45	15628
4656	FINANCE & COMMERCE	02/09/2024	EFT	0.00	187.46	15629
6832	FIRST DAKOTA NATIONAL BANK	01/26/2024	Regular	0.00	39,509.16	124001
7534	FIRST RESPONSE, INC	02/02/2024	Regular	0.00	2,900.00	124026
7073	FIXEN CHIROPRACTIC	01/26/2024	EFT	0.00	115.00	15485
1158	GALLS INC	01/26/2024	EFT	0.00	522.78	15486
1158	GALLS INC	02/02/2024	EFT	0.00	511.62	15556
7531	GILBERTSON, JOANN	02/02/2024	Regular	0.00	500.00	124027
6478	GOPHER STATE ONE CALL	02/09/2024	EFT	0.00	72.95	15630
1201	GRAINGER INC	01/26/2024	EFT	0.00	11.56	15487
6127	GRANDVIEW VALLEY WINERY, INC	02/02/2024	Regular	0.00	2,328.00	124028
3760	GROWMARK INC.	01/26/2024	EFT	0.00	818.90	15488
3565	HANSON, ERIC	02/02/2024	EFT	0.00	70.00	15557
3565	HANSON, ERIC	02/09/2024	EFT	0.00	148.17	15631
7524	HAUGEN, RICHARD	01/26/2024	Regular	0.00	54.00	124002
1271	HENLE PRINTING COMPANY	02/09/2024	EFT	0.00	276.47	15632
5408	HERITAGE POINTE PARTNERS LLC	01/26/2024	Regular	0.00	24,746.38	124003
2153	HOFFMANN, RYAN	02/02/2024	EFT	0.00	30.00	15558
6324	HOOK, MATT	02/02/2024	EFT	0.00	50.00	15559
1311	HVVEE FOOD STORES INC	02/09/2024	Regular	0.00	5.35	124061
1325	ICMA RETIREMENT TRUST #300877	02/02/2024	EFT	0.00	50.00	15560
1343	INDEPENDENT LUMBER OF MARSHALL INC	02/02/2024	Regular	0.00	199.00	124029
5546	INDIAN ISLAND WINERY	02/02/2024	Regular	0.00	757.92	124030
1358	INTERNAL REVENUE SERVICE	02/02/2024	Bank Draft	0.00	28,802.72	DFT0003645
1358	INTERNAL REVENUE SERVICE	02/02/2024	Bank Draft	0.00	22,590.75	DFT0003646
1358	INTERNAL REVENUE SERVICE	02/02/2024	Bank Draft	0.00	8,634.42	DFT0003647
6458	J & M AIRCRAFT SUPPLY, INC	02/09/2024	Regular	0.00	585.42	124062
1399	JOHNSON BROTHERS LIQUOR COMPANY	01/26/2024	EFT	0.00	8,275.34	15490
1399	JOHNSON BROTHERS LIQUOR COMPANY	02/02/2024	EFT	0.00	5,537.02	15563
1399	JOHNSON BROTHERS LIQUOR COMPANY	02/09/2024	EFT	0.00	12,436.10	15636
2036	JOHNSON BROTHERS LIQUOR COMPANY	01/26/2024	EFT	0.00	5,940.80	15491

Council Check Report

Date Range: 01/26/2024 - 02/13/2024

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
2036	JOHNSON BROTHERS LIQUOR COMPANY	02/02/2024	EFT	0.00	6,042.84	15561
2036	JOHNSON BROTHERS LIQUOR COMPANY	02/09/2024	EFT	0.00	13,100.73	15634
2605	JOHNSON BROTHERS LIQUOR COMPANY	01/26/2024	EFT	0.00	1,544.67	15489
2605	JOHNSON BROTHERS LIQUOR COMPANY	02/09/2024	EFT	0.00	122.15	15633
5447	JOHNSON BROTHERS LIQUOR COMPANY	01/26/2024	EFT	0.00	1,524.20	15492
5447	JOHNSON BROTHERS LIQUOR COMPANY	02/02/2024	EFT	0.00	2,892.30	15562
5447	JOHNSON BROTHERS LIQUOR COMPANY	02/09/2024	EFT	0.00	1,667.60	15635
7525	JOHNSTON, DAVID	01/26/2024	Regular	0.00	250.00	124004
7174	JONES, CARRIE	01/26/2024	Regular	0.00	150.00	124005
1417	KENNEDY & GRAVEN, CHARTERED	02/02/2024	EFT	0.00	15,316.40	15564
0145	KEY VENTURES INC	01/26/2024	Regular	0.00	500.00	124006
0450	KOPITSKI, JASON	02/02/2024	EFT	0.00	30.00	15565
2363	KRUK, CHRISTOPHER	02/02/2024	EFT	0.00	30.00	15566
4140	KRUSE FORD-LINCOLN-MERCURY, INC	01/26/2024	EFT	0.00	168.33	15493
4140	KRUSE FORD-LINCOLN-MERCURY, INC	02/02/2024	EFT	0.00	396.64	15567
4140	KRUSE FORD-LINCOLN-MERCURY, INC	02/09/2024	EFT	0.00	657.61	15637
6629	KURITA AMERICA INC	01/26/2024	EFT	0.00	6,660.00	15494
5138	L & A SYSTEMS, LLC	02/02/2024	EFT	0.00	3,273.36	15568
1459	LAKELAND ENGINEERING EQUIPMENT COMPAN	02/02/2024	Regular	0.00	379.43	124031
1480	LAW ENFORCEMENT LABOR SERVICE INC	01/26/2024	EFT	0.00	1,269.00	15495
7537	LCC TELECOM SERVICES	02/02/2024	Regular	0.00	243.00	124032
1483	LEAGUE OF MINNESOTA CITIES INS TRUST	01/26/2024	Regular	0.00	190.70	124007
1481	LEAGUE OF MINNESOTA CITIES	02/02/2024	Regular	0.00	624.00	124033
2625	LEE, JERRED	02/02/2024	EFT	0.00	425.43	15569
6567	LINCOLN COUNTY SHERIFF'S OFFICE	02/09/2024	Regular	0.00	300.44	124063
1502	LITTLE FALLS MACHINE INC	02/02/2024	EFT	0.00	296.26	15570
7538	LOCALITY MEDIA, INC	02/09/2024	Regular	0.00	1,300.00	124064
1508	LOCKWOOD MOTORS INC	02/02/2024	EFT	0.00	214.29	15571
1508	LOCKWOOD MOTORS INC	02/09/2024	EFT	0.00	214.92	15638
7177	LOUWAGIE, BRANDON MICHAEL	02/02/2024	EFT	0.00	126.55	15572
3065	LUTHER, ERIC	01/26/2024	EFT	0.00	34.30	15496
3065	LUTHER, ERIC	02/02/2024	EFT	0.00	30.00	15573
7523	LYON COUNTY GIS DEPARTMENT	01/26/2024	Regular	0.00	32.00	124008
1545	LYON COUNTY HIGHWAY DEPARTMENT	02/09/2024	EFT	0.00	11,820.42	15639
1548	LYON COUNTY LANDFILL	01/26/2024	EFT	0.00	2.50	15497
1548	LYON COUNTY LANDFILL	02/02/2024	EFT	0.00	38.00	15574
1552	LYON COUNTY RECORDER	02/09/2024	EFT	0.00	269.10	15640
1555	LYON LINCOLN ELECTRIC COOPERATIVE INC	02/09/2024	Regular	0.00	44.31	124065
1565	MACQUEEN EQUIPMENT INC.	02/09/2024	EFT	0.00	5,533.90	15641
1570	MADDEN UPHOLSTERY & HOME DECORATING I	02/02/2024	Regular	0.00	35.00	124034
1570	MADDEN UPHOLSTERY & HOME DECORATING I	02/09/2024	Regular	0.00	35.00	124066
1571	MADISON NATIONAL LIFE INSURANCE COMPAN	01/26/2024	EFT	0.00	1,104.30	15498
1604	MARSHALL AREA CHAMBER OF COMMERCE	01/26/2024	EFT	0.00	400.00	15499
1604	MARSHALL AREA CHAMBER OF COMMERCE	02/02/2024	EFT	0.00	6,000.00	15575
1606	MARSHALL AREA FINE ARTS COUNCIL	01/26/2024	EFT	0.00	8,000.00	15500
1616	MARSHALL CONVENTION & VISITORS BUREAU	02/02/2024	EFT	0.00	7,000.00	15576
1616	MARSHALL CONVENTION & VISITORS BUREAU	02/09/2024	EFT	0.00	15,786.47	15642
5813	MARSHALL LUMBER CO	01/26/2024	EFT	0.00	192.79	15501
5813	MARSHALL LUMBER CO	02/02/2024	EFT	0.00	676.51	15577
5813	MARSHALL LUMBER CO	02/09/2024	EFT	0.00	396.94	15643
1633	MARSHALL MUNICIPAL UTILITIES	02/09/2024	EFT	0.00	80,577.73	15644
1635	MARSHALL NORTHWEST PIPE FITTINGS INC	01/26/2024	EFT	52.07	2,550.92	15502
1635	MARSHALL NORTHWEST PIPE FITTINGS INC	02/09/2024	EFT	9.12	446.92	15647
1637	MARSHALL PUBLIC SCHOOLS	01/26/2024	EFT	0.00	16,643.65	15503
3545	MARSHALL RADIO	02/09/2024	EFT	0.00	2,150.00	15648
1652	MARSHALL VOLUNTEER FIRE RELIEF ASSOCIATI	02/02/2024	Regular	0.00	2,500.00	124035
0460	MARSHALL, JAMES	02/02/2024	EFT	0.00	80.00	15578
7153	MAVERICK WINE LLC	02/09/2024	EFT	0.00	2,541.00	15649
5924	MAXWELL FOOD EQUIPMENT	02/09/2024	Regular	0.00	57.10	124067
7358	MCKITTRICK, HAYDEN	02/09/2024	Regular	0.00	4,179.56	124068
7077	MEDSURETY, LLC	01/26/2024	Bank Draft	0.00	205.00	DFT0003626

Council Check Report

Date Range: 01/26/2024 - 02/13/2024

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
7077	MEDSURETY, LLC	01/26/2024	Bank Draft	0.00	208.41	DFT0003627
7077	MEDSURETY, LLC	02/02/2024	Bank Draft	0.00	10,492.52	DFT0003639
7077	MEDSURETY, LLC	02/02/2024	Bank Draft	0.00	6,667.08	DFT0003644
7077	MEDSURETY, LLC	01/31/2024	Bank Draft	0.00	229.18	DFT0003649
7077	MEDSURETY, LLC	02/02/2024	Bank Draft	0.00	1,500.00	DFT0003651
1794	MEI TOTAL ELEVATOR SOLUTIONS	02/09/2024	EFT	0.00	2,510.39	15650
1695	MEIER ELECTRIC INC OF MARSHALL	01/26/2024	EFT	0.00	21,640.00	15504
6025	MELLENTHIN, CODY	02/02/2024	EFT	0.00	30.00	15579
4980	MENARDS INC	01/26/2024	EFT	0.00	2,022.16	15505
4980	MENARDS INC	02/02/2024	EFT	0.00	196.65	15580
4980	MENARDS INC	02/09/2024	EFT	0.00	1,270.20	15651
3971	MEULEBROECK, ANDY	02/02/2024	EFT	0.00	30.00	15581
3430	MEZA, JAZMIN	02/02/2024	EFT	0.00	500.00	15582
1859	MID-STATES ORGANIZED CRIME INFORMATION	01/26/2024	EFT	0.00	150.00	15506
7540	MILLER SELLNER SLAYTON LLC	02/09/2024	Regular	0.00	828.52	124069
1754	MINNESOTA CHIEFS OF POLICE ASSOCIATION	02/02/2024	EFT	0.00	995.00	15583
4095	MINNESOTA DEPARTMENT OF PUBLIC SAFETY	02/02/2024	Regular	0.00	2,033.33	124036
1818	MINNESOTA DEPARTMENT OF REVENUE	02/02/2024	Bank Draft	0.00	11,586.74	DFT0003648
1808	MINNESOTA MUNICIPAL UTILITIES ASSOCIATION	01/26/2024	EFT	0.00	1,840.00	15507
3669	MINNESOTA STATE RETIREMENT SYSTEM	02/02/2024	Bank Draft	0.00	10,512.77	DFT0003642
1839	MINNESOTA VALLEY TESTING LABS INC	01/26/2024	EFT	0.00	516.00	15508
1757	MN CHILD SUPPORT PAYMENT CENTER	02/02/2024	Bank Draft	0.00	386.70	DFT0003637
1757	MN CHILD SUPPORT PAYMENT CENTER	02/02/2024	Bank Draft	0.00	170.74	DFT0003638
1813	MN POLLUTION CONTROL AGENCY	02/09/2024	Regular	0.00	3,014.00	124070
7035	MN PUBLIC FACILITIES AUTHORITY	02/09/2024	EFT	0.00	60,640.00	15652
6955	MOBERG, E.J.	02/02/2024	EFT	0.00	80.00	15584
7535	MURRAY-DAVIS, KRISTA	02/02/2024	Regular	0.00	500.00	124037
1897	MWOA	02/02/2024	Regular	0.00	60.00	124038
2512	NATIONWIDE RETIREMENT	02/02/2024	Bank Draft	0.00	100.00	DFT0003633
1923	NCPERS MN GROUP LIFE INS.	01/26/2024	EFT	0.00	256.00	15509
7305	NO APOLOGIES LLC	02/09/2024	EFT	0.00	8,559.05	15653
1945	NORM'S GTC	01/26/2024	Regular	0.00	822.96	124009
1945	NORM'S GTC	02/02/2024	Regular	0.00	593.64	124039
1945	NORM'S GTC	02/09/2024	Regular	0.00	127.28	124071
1986	NORTH CENTRAL INTERNATIONAL, INC	02/02/2024	EFT	0.00	67.97	15585
1946	NORTH CENTRAL LABS	02/09/2024	EFT	0.00	1,359.42	15654
7166	NORTHAMERICAN BANCARD/EPX	02/01/2024	Bank Draft	0.00	7,939.72	DFT0003650
7230	NORTHERN STATES SUPPLY, INC	01/26/2024	EFT	0.00	49.43	15510
7325	NUTRITION EXCELLENCE LLC	01/26/2024	Regular	0.00	1,155.00	124011
7325	NUTRITION EXCELLENCE LLC	02/02/2024	Regular	0.00	470.00	124040
6463	OFFICE OF MNIT SERVICES	02/02/2024	Regular	0.00	709.62	124041
5891	ONE OFFICE SOLUTION	01/26/2024	EFT	0.00	56.85	15511
5891	ONE OFFICE SOLUTION	02/02/2024	EFT	0.00	323.32	15586
5891	ONE OFFICE SOLUTION	02/09/2024	EFT	0.00	299.31	15655
3809	O'REILLY AUTOMOTIVE STORES, INC	01/26/2024	EFT	0.00	656.06	15512
3809	O'REILLY AUTOMOTIVE STORES, INC	02/02/2024	EFT	0.00	125.96	15587
5205	PAINTED PRAIRIE VINEYARD, LLC	02/02/2024	EFT	0.00	312.00	15588
1243	PATZERS INC	01/26/2024	EFT	0.00	311.70	15513
1243	PATZERS INC	02/09/2024	EFT	0.00	5.48	15656
2019	PAUSTIS WINE COMPANY	02/02/2024	EFT	0.00	7,681.25	15589
2019	PAUSTIS WINE COMPANY	02/09/2024	EFT	0.00	4,094.50	15657
7168	PAYLIDIFY/GATEWAY SERVICES	02/06/2024	Bank Draft	0.00	12.52	DFT0003652
7163	PAYLIDIFY/MERCHANT BANK	02/05/2024	Bank Draft	0.00	60.65	DFT0003657
7163	PAYLIDIFY/MERCHANT BANK	02/05/2024	Bank Draft	0.00	343.93	DFT0003658
5707	PAYPAL INC	02/02/2024	Bank Draft	0.00	49.00	DFT0003654
6496	PEARCY ENTERPRISES INC	02/02/2024	Regular	0.00	3,500.00	124042
6496	PEARCY ENTERPRISES INC	02/09/2024	Regular	0.00	3,500.00	124072
7530	PEARCY, MIKE	02/02/2024	Regular	0.00	500.00	124043
2026	PEPSI COLA BOTTLING OF PIPESTONE MN INC	01/26/2024	EFT	0.00	69.50	15514
2026	PEPSI COLA BOTTLING OF PIPESTONE MN INC	02/09/2024	EFT	0.00	96.50	15658
2028	PERA OF MINNESOTA REG	02/02/2024	Bank Draft	0.00	55,472.30	DFT0003640



Council Check Report

Date Range: 01/26/2024 - 02/13/2024

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
2033	PETE'S SMALL ENGINE	02/02/2024	Regular	0.00	57.54	124044
6569	PIPESTONE COUNTY SHERIFF'S OFFICE	02/09/2024	Regular	0.00	357.86	124073
2049	PLUNKETTS PEST CONTROL INC	02/02/2024	EFT	0.00	41.82	15590
2049	PLUNKETTS PEST CONTROL INC	02/09/2024	EFT	0.00	427.50	15659
3557	POMP'S TIRE SERVICE, INC.	01/26/2024	EFT	0.00	1,740.00	15515
3557	POMP'S TIRE SERVICE, INC.	02/02/2024	EFT	0.00	653.54	15591
2064	POWERPLAN	01/26/2024	Regular	0.00	219.88	124012
5606	PRE-PAID LEGAL SERVICES, INC.	02/02/2024	Regular	0.00	395.75	124045
1163	PRZYBILLA, SCOTT	02/02/2024	EFT	0.00	30.00	15592
6166	PULVER MOTOR SVC, LLC	02/02/2024	EFT	0.00	80.00	15593
2096	QUARNSTROM & DOERING, PA	01/26/2024	EFT	0.00	5,684.71	15516
2096	QUARNSTROM & DOERING, PA	02/02/2024	EFT	0.00	5,684.71	15594
5965	R&R SPECIALTIES INC	02/09/2024	EFT	0.00	54.55	15660
6570	REDWOOD COUNTY SHERIFF'S OFFICE	02/09/2024	Regular	0.00	1,375.77	124074
6571	REDWOOD FALLS POLICE DEPARTMENT	02/09/2024	Regular	0.00	1,481.25	124075
4826	RIEKE, BENJAMIN	02/02/2024	EFT	0.00	30.00	15595
2186	ROGGE EXCAVATING	01/26/2024	EFT	0.00	937.50	15517
0481	ROKEH, JASON	02/02/2024	EFT	0.00	30.00	15596
7539	ROLES, ANNETTE	02/09/2024	Regular	0.00	500.00	124076
5867	ROUND LAKE VINEYARDS & WINERY	02/09/2024	EFT	0.00	100.00	15661
2201	RUNNING SUPPLY, INC	01/26/2024	EFT	0.00	63.96	15518
2201	RUNNING SUPPLY, INC	02/02/2024	EFT	0.00	310.56	15597
2201	RUNNING SUPPLY, INC	02/09/2024	EFT	0.00	64.96	15662
5556	SANDGREN, KAYLYNN	02/02/2024	EFT	0.00	30.00	15598
6928	SIGN SOLUTIONS USA, LLC	02/09/2024	EFT	0.00	1,078.76	15663
5772	SLAGEL, MICHAEL	01/26/2024	EFT	0.00	172.48	15519
4855	SOUTHERN GLAZER'S	01/26/2024	EFT	0.00	24,797.69	15520
4855	SOUTHERN GLAZER'S	02/02/2024	EFT	0.00	9,587.46	15599
4855	SOUTHERN GLAZER'S	02/09/2024	EFT	0.00	6,092.69	15664
2311	SOUTHWEST GLASS CENTER, INC	02/02/2024	EFT	0.00	6,442.00	15600
2318	SOUTHWEST SANITATION INC.	02/09/2024	EFT	0.00	3,267.74	15665
0491	ST AUBIN, GREGORY	02/02/2024	EFT	0.00	30.00	15601
7533	STATELMAN, DANIEL	02/02/2024	Regular	0.00	500.00	124047
3808	STELTER, GEOFFREY	02/02/2024	EFT	0.00	30.00	15602
4134	STENSRUD, PRESTON	02/02/2024	EFT	0.00	30.00	15603
7526	STERICYCLE, INC.	01/26/2024	Regular	0.00	95.00	124013
6800	STOCKWELL ENGINEERS	02/02/2024	EFT	0.00	201,345.00	15604
6706	SUN LIFE FINANCIAL	01/26/2024	EFT	0.00	1,602.06	15521
6427	SWALBOSKI, BRIAN	02/02/2024	EFT	0.00	69.00	15605
0495	SWANSON, GREGG	02/02/2024	EFT	0.00	30.00	15606
6588	TARGET SOLUTIONS LEARNING, LLC	02/09/2024	EFT	0.00	1,296.90	15666
1000	TECH DATA CORPORATION	02/02/2024	EFT	0.00	8,988.03	15607
0875	THE COMPUTER MAN INC	01/26/2024	EFT	0.00	1,311.00	15522
0875	THE COMPUTER MAN INC	02/02/2024	EFT	0.00	5,505.00	15608
0875	THE COMPUTER MAN INC	02/09/2024	EFT	0.00	2,414.00	15667
6902	TIMOTHY MICHAEL BIRKEMEYER	02/09/2024	EFT	0.00	4,125.00	15668
2428	TITAN MACHINERY	02/09/2024	EFT	0.00	423.30	15669
7529	TNT DEVELOPMENTS LLC	02/02/2024	Regular	0.00	1,000.00	124048
7184	TRANSAX/GATEWAY	02/03/2024	Bank Draft	0.00	30.10	DFT0003653
6786	TRUCK CENTER COMPANIES EAST LLC	02/02/2024	EFT	0.00	80.94	15609
3342	TRUEDSON, SCOTT	02/02/2024	EFT	0.00	30.00	15610
4402	UPS	01/26/2024	Regular	0.00	14.71	124014
4402	UPS	02/02/2024	Regular	0.00	7.10	124049
7377	URRY, MCKENZIE	02/02/2024	EFT	0.00	200.00	15611
7377	URRY, MCKENZIE	02/09/2024	EFT	0.00	360.00	15670
7036	US BANK	01/26/2024	EFT	0.00	5,736,714.60	15523
6211	UTILITY LOGIC, LLC	02/02/2024	Regular	0.00	985.10	124050
6211	UTILITY LOGIC, LLC	02/09/2024	Regular	0.00	735.10	124077
3443	VALIC DEFERRED COMP	02/02/2024	Bank Draft	0.00	1,017.31	DFT0003634
3443	VALIC DEFERRED COMP	02/02/2024	Bank Draft	0.00	1,396.15	DFT0003635
0512	VANLEEUWE, SARA J.	02/02/2024	EFT	0.00	70.00	15612

Council Check Report

Date Range: 01/26/2024 - 02/13/2024

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
4489	VERIZON WIRELESS	01/26/2024	EFT	0.00	440.11	15527
4489	VERIZON WIRELESS	01/26/2024	EFT	0.00	1,453.86	15528
4489	VERIZON WIRELESS	01/26/2024	EFT	0.00	39.02	15529
6113	VERSA-VEND VENDING INC	01/26/2024	EFT	0.00	67.50	15530
2538	VIKING COCA COLA BOTTLING CO.	01/26/2024	EFT	0.00	362.50	15531
2538	VIKING COCA COLA BOTTLING CO.	02/02/2024	EFT	0.00	233.20	15613
2538	VIKING COCA COLA BOTTLING CO.	02/09/2024	EFT	0.00	250.40	15671
4594	VINOCOPIA INC	02/09/2024	EFT	0.00	3,936.00	15672
7527	VOSS PLUMBING & HEATING	01/26/2024	Regular	0.00	400.00	124015
6085	VOYA - INVESTORS CHOICE	02/02/2024	Bank Draft	0.00	2,243.26	DFT0003643
6959	WENDORFF WELDING	02/09/2024	EFT	0.00	969.00	15673
7532	WYFFELS, BRADIN	02/02/2024	Regular	0.00	500.00	124051
6082	ZEUG, THOMAS	02/09/2024	EFT	0.00	2,995.00	15674
2632	ZIEGLER INC	02/02/2024	EFT	0.00	193.43	15614

Bank Code AP Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	204	81	0.00	544,699.08
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	26	26	0.00	175,589.95
EFT's	440	205	81.70	6,514,144.57
	<b>670</b>	<b>312</b>	<b>81.70</b>	<b>7,234,433.60</b>

### All Bank Codes Check Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	204	81	0.00	544,699.08
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	26	26	0.00	175,589.95
EFT's	440	205	81.70	6,514,144.57
	<b>670</b>	<b>312</b>	<b>81.70</b>	<b>7,234,433.60</b>

### Fund Summary

Fund	Name	Period	Amount
999	POOLED CASH FUND	1/2024	6,321,697.41
999	POOLED CASH FUND	2/2024	912,736.19
			<b>7,234,433.60</b>

CITY OF MARSHALL, MINNESOTA  
 PRIOR AND CURRENT YEARS CONSTRUCTION CONTRACTS  
 2/13/2024

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						11,822.00	-	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	3,039,722.04	2,661,221.96	66,794.00				331,615.60	91.46%
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				3,504,518.66	13,497.66	35,535.52	720.00	99.59%
AP-007	480-43400-55170	2022	Crack Filling w/Sealcoat City Staff - Street/Airport	75,000.00		75,000.00				159,875.40	17,124.60	-	23,459.37	68.72%
				<b>9,122,339.31</b>	<b>795,108.13</b>	<b>9,917,447.44</b>	<b>3,039,722.04</b>	<b>2,661,221.96</b>	<b>118,334.63</b>		<b>30,622.26</b>	<b>47,357.52</b>	<b>355,794.97</b>	

**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Presenter:</b>	Scott Truedson
<b>Meeting Date:</b>	Tuesday, February 13, 2024
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	ACTION
<b>Subject:</b>	Project WW-005: Highway 23 Lift Station Improvements Project – 1) Phase III Pump Selection; 2) Consider Authorization to Advertise for Bids for Wastewater Highway 23 Lift Phase IV Wet Well Renovation
<b>Background Information:</b>	<p><b><u>Phase III Pump Selection:</u></b> At the May 9, 2023 meeting the City Council rejected the single bid for the Highway 23 Lift Station Improvement Project and adapted a four-phase plan for the improvements. Phase I consisted of installing new VFD drives and a new transfer switch.</p> <p>At the July 11, 2023, meeting the City Council approved that the wastewater department purchase two Flygt pumps for Phase II of the Highway 23 Lift Station Improvements Project. Phases I &amp; II were completed in 2023.</p> <p>Phase III of the project is to purchase the remaining two pumps for the lift station. We have received an updated quote from our local Flygt pump supplier, Electric Pump, for 2024. Because we are in their territory, they are our only source for Flygt pumps. The cost of the pumps has been held to the same price as the pumps that we purchased in 2023.</p> <p><b><u>Phase IV Authorization to Advertise:</u></b> At the May 9, 2023 meeting the City Council rejected the single bid for the Highway 23 Lift Station Improvement Project and adapted a four-phase plan for the improvements.</p> <p>Phase I consisted of installing new VFD drives and a new transfer switch. This was completed in 2023.</p> <p>Phase II consisted of purchasing two Flygt pumps for the lift station. This was completed in 2023.</p> <p>Phase III consisted of purchasing the remaining two Flygt pumps for the lift station. This will be considered at the February 13, 2024 Council meeting.</p> <p>Phase IV consists of:</p> <ul style="list-style-type: none"> <li>• Removal of the four existing submersible pumps, wet well piping and guide rails.</li> <li>• Renovation of wet well structure with concrete repairs as needed, and new coating system.</li> <li>• Installation of the four new pumps supplied by the City.</li> <li>• Installation of new piping in the wet well structure.</li> <li>• Bypassing pumping of the lift station while renovations work is being completed.</li> </ul>

	<p>The proposed schedule for bidding, award, and project completion is as follows:</p> <ul style="list-style-type: none"> <li>- Council Authorize to Advertise            February 13, 2024</li> <li>- Advertise for Bids                            February 20, 2024</li> <li>- City Accepts Bids                            March 13, 2024</li> <li>- Council Consideration of Award        March 27, 2024</li> <li>- Construction Substantially Complete    October 31, 2024</li> <li>- Contract Completion                        November 30, 2024</li> </ul>
<p><b>Fiscal Impact:</b></p>	<p><b><u>Phase III Pump Selection:</u></b>  The Wastewater Department CIP includes funds to cover the \$100,994.00 cost for the two pumps.</p> <p><b><u>Phase IV Authorization to Advertise:</u></b>  The project construction estimate is \$275,000 which is included in the wastewater 2024 CIP.</p>
<p><b>Alternative/ Variations:</b></p>	<p>No alternative actions recommended.</p>
<p><b>Recommendations:</b></p>	<p>Recommendation No. 1  that the Council authorizes the purchase of the two Flygt pumps for \$100,994.00.</p> <p>Recommendation No. 2  that the Council authorize to advertise for bids for Phase IV of the Highway 23 Lift Station Wet Well Renovation Project.</p>

# QUOTATION



201 4th Ave SW  
New Prague, MN 56071 USA

Telephone: (952)758-6600 / FAX (952)758-7778  
Toll Free 1-800-536-5394

www.electricpump.com

QUOTE NUMBER: 0187282  
QUOTE DATE: 1/19/2024  
EXPIRE DATE: 2/19/2024

SALESPERSON: PAT SCHMITT  
CUSTOMER NO: 0014572  
QUOTED BY: MKH  
HWY 23 LIFT PUMPS

QUOTED TO:  
CITY OF MARSHALL  
600 ERIE RD  
MARSHALL, MN 56258

JOB LOCATION:  
CITY OF MARSHALL  
600 ERIE RD  
MARSHALL, MN 56258

CONFIRM TO:  
ROGER CAUWELS 507-537-6776

\*\*\* QUOTE ORDER - DO NOT PAY \*\*\*

CUSTOMER P.O.	SHIP VIA BEST WAY	F.O.B.	TERMS NET 30 DAYS
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ITEM NUMBER	UNIT	ORDERED	SHIPPED	BACK ORDER	PRICE	AMOUNT
RE: HWY 23 LIFT STATION PUMPS PHASE 3						
--FLYGT NP3202-462 TO REPLACE 3201.091-6052 CP452 47/460/3						
--ORIGINAL DESIGN CONDITION: 1213 GPM @ 74' TDH						
--RE-USE EXISTING BASES, GUIDE RAIL SYSTEM AND LIFT CHAIN						
--PURCHASE (2) PUMPS IN 2024						
0032020950070	EACH	2.00	0.00	0.00	47,778.00	95,556.00
NP462-6 45/460/3 50' FM FLS FV						
1400000699490	EACH	2.00	0.00	0.00	406.00	812.00
FLYGT PLOTTED TEST FAL 2.2 3171-3301						
1400000407129	EACH	2.00	0.00	0.00	773.00	1,546.00
MINI-CASII RELAY WITH PIN SOCKET (SHIPPED TO YOUR INTEGRATOR FOR INSTALLATION IN PANEL)						
/FR	EACH	1.00	0.00	0.00	1,800.00	1,800.00
FREIGHT INCLUDED						
*START UP	EACH	1.00	0.00	0.00	1,280.00	1,280.00
ELECTRIC PUMP SERVICE TECHS TO PERFORM START UP SERVICES FOR FLYGT WARRANTY CERTIFICATION						

REMOVAL/INSTALLATION IS NOT INCLUDED  
STD DELIVERY IS 12 - 14 WEEKS ARO

PLEASE CONTACT US WITH ANY QUESTIONS.

THANK YOU MYRA HOFFMAN  
mhoffman@electricpump.com  
CC: PAT SCHMITT 515-707-6028

# QUOTATION



201 4th Ave SW  
New Prague, MN 56071 USA

Telephone: (952)758-6600 / FAX (952)758-7778  
Toll Free 1-800-536-5394

www.electricpump.com

QUOTE NUMBER: 0187282  
 QUOTE DATE: 1/19/2024  
 EXPIRE DATE: 2/19/2024  
 SALESPERSON: PAT SCHMITT  
 CUSTOMER NO: 0014572  
 QUOTED BY: MKH  
 HWY 23 LIFT PUMPS

QUOTED TO:  
 CITY OF MARSHALL  
 600 ERIE RD  
 MARSHALL, MN 56258

JOB LOCATION:  
 CITY OF MARSHALL  
 600 ERIE RD  
 MARSHALL, MN 56258

CONFIRM TO:  
 ROGER CAUWELS 507-537-6776

**\*\*\* QUOTE ORDER - DO NOT PAY \*\*\***

CUSTOMER P.O.	SHIP VIA	F.O.B.	TERMS
	BEST WAY		NET 30 DAYS

ITEM NUMBER	UNIT	ORDERED	SHIPPED	BACK ORDER	PRICE	AMOUNT
-------------	------	---------	---------	------------	-------	--------

**\*\*\* 3% CONVENIENCE FEE FOR CREDIT CARD CHARGE OVER \$5,000.00 \*\*\***

All return goods must have written approval from Electric Pump, before returning.  
 Credit will not be issued without written approval : if applicable there will be a Restock Fee.

Please note that we are no longer offering a thirty(30) day validity date.  
 Due to the current volatility in the materials market, pricing and ship dates are subject to confirmation at time of order.

Net Order:	100,994.00
Less Discount:	0.00
Freight:	0.00
Sales Tax:	0.00
<b>Order Total:</b>	<b>100,994.00</b>





## MEMORANDUM

Date: February 7, 2024

To: Scott Truedson, Superintendent, Wastewater Treatment Facility  
City of Marshall

From: Jon D. Peterson P.E., Bolton & Menk Inc.

Subject: Highway 23 Lift Station Improvements- 2024  
City of Marshall, Minnesota  
Project No.: 0M2.130044

Bidding documents have been prepared for the Highway 23 Lift Station Improvements - 2024 project. The general scope of the project includes the following major components:

- Removal of four existing submersible pumps, wet well piping, and guide rails.
- Renovation of wet well structure with concrete repair as needed, and new coating system.
- Installation of four new submersible pumps supplied by the city.
- Installation of new piping in wet well structure.
- Bypass pumping of the lift station while renovation work is being completed.

The estimated construction cost of the project is summarized as follows:

	<b>Estimated Cost</b>
Contractor Overhead and Markup	\$35,000
Wet Well Coatings and Repair	\$70,000
Renovation of Wetwell and Piping	\$60,000
Removal and Installation of Pumps	\$10,000
Bypass Pumping	\$70,000
Site Restoration	\$10,000
Contract Allowances	\$20,000
<b>Total Estimated Construction Cost</b>	<b>\$275,000</b>

The proposed schedule for bidding, contract award, and contract completion is as follows:

- Council Authorizes Bids February 13, 2024
- Advertise for Bids February 20, 2024
- Accept Bids March 13, 2024
- Council Awards Contract March 26, 2024
- Execute Contract April 15, 2024
- Construction Substantially Complete October 31, 2024
- Contract Complete November 30, 2024



Real People. Real Solutions.

1960 Premier Drive  
Mankato, MN 56001-5900

Ph: (507) 625-4171  
Fax: (507) 625-4177  
Bolton-Menk.com

## MEMORANDUM

Date: May 3, 2023  
To: Scott Truedson  
Superintendent, Wastewater Treatment Facility  
City of Marshall  
From: Jon D. Peterson P.E., Bolton and Menk Inc.  
Subject: Highway 23 Lift Station Improvements- Bid Evaluation

---

Bids were received on April 19, 2023, for the Highway 23 Lift Station Improvements project in Marshall, Minnesota. The single bid received from KHC Construction was \$996,000. The project budget estimate was \$580,000. The bid received was responsive based on the Contract Documents issued for the bid. The bid is significantly above the project budget for this work.

With the bid received nearly double the budget for the project, we have evaluated options for implementing this project in phases should the City choose not to award this contract. These phases could be implemented over the next 2-3 years, allowing the City to implement budgeting for the work. A summary of these phases and the estimated budget for the work is as follows:

Phase 1: Implement upgrade of the Variable frequency drives ( VFD's) and installation of the Automatic Transfer switch. Budget estimate for this work is \$60,000.

Phase 2: Purchase and install 2 submersible pumps on the existing guide rail systems. Budget estimate for this work is \$135,000.

Phase 3: Purchase and install a second set of 2 submersible pumps on the existing guided rail system. Budget estimate for this work is \$155,000.

Phase 4" Take the Lift Station offline, and complete the following work:

- Renovation of wet well structure with concrete repair as needed, and new coating system.
- Installation of new piping and guide rails in the wet well structure.
- Installation of new conduit and junction box between the Motor Control center and the lift station wet well structure.
- Bypass pumping of the lift station while renovation work is being completed.

Budget estimate for this work is \$275,000

The work in Phase 4 would be bid to procure pricing. Work in Phases 1,2 and 3 could be undertaken with quotes for the work scope, and utilization of City forces to install new pumps and manage the work. The budget estimate for each phase does not include any allocation for engineering or staff management time.

**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Presenter:</b>	Jason Anderson
<b>Meeting Date:</b>	Tuesday, February 13, 2024
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	ACTION
<b>Subject:</b>	Project AP-003: Airport Snow Removal Equipment (SRE) Building – TKDA Professional Services Agreement-Construction Phase
<b>Background Information:</b>	<p>Attached is a Professional Services Agreement with TKDA for the Airport SRE Building-Construction Phase. Should the City Council award the SRE Building and authorize its construction, the agreement will cover TKDA services to help administer the construction of the SRE Building and ensure compliance will all plans and specifications.</p> <p>This item was presented to the Airport Commission at their meeting on 02/06/2024. The Airport Commission recommended to enter agreement with TKDA unanimously.</p>
<b>Fiscal Impact:</b>	The cost of construction phase and closeout phase is not to exceed \$280,200 for services identified in the scope. Costs will follow the funding split that is identified for the SRE Building. Per the Project Cost Breakdown (attached), local costs are estimated at \$39,277.40 for these services.
<b>Alternative/ Variations:</b>	No alternative actions recommended.
<b>Recommendations:</b>	that the Council authorize entering into a Professional Services Agreement with TKDA for the Airport SRE Building-Construction Phase for an amount not-to-exceed \$280,200.00, per recommendation of the Airport Commission and contingent upon State and Federal grant funding.



February 8, 2024

Mr. Jason R. Anderson, PE  
Director of Public Works/City Engineer  
City of Marshall  
344 West Main Street  
Marshall, MN 56258

Re: Proposal for Professional Architectural and Engineering Services  
Snow Removal Equipment (SRE) Facility  
Southwest Minnesota Regional Airport (MML)

Dear Mr. Anderson:

Pursuant to our Professional Services Agreement dated March 10, 2020, TKDA is hereby authorized to proceed with the Professional Architectural and Engineering Services in connection with Construction Phase of the **Snow Removal Equipment (SRE) Facility Project at the Southwest Minnesota Regional Airport (MML)** hereinafter called the Project. Hereinafter, **City of Marshall** is referred to as the OWNER.

### **I. PROJECT DESCRIPTION**

The OWNER has a need for additional storage for its airport snow removal equipment and proposes to construct an SRE Facility at Southwest Minnesota Regional Airport. The facility includes a 7,400 SF pre-engineered metal building with three (3) vehicle bays and administrative area including office space, breakroom, restrooms, mechanical room and a mezzanine. Project also includes site improvements including asphalt pavement access road, concrete apron pavement, storm sewer, watermain, sanitary sewer, and related mechanical, electrical, and technology work.

The Project will be funded through Federal (FAA), State (MnDOT Aeronautics) and Local funding sources. This Project was previously designed, and construction documents and specifications were issued for bidding on January 23, 2024.

Professional Services to be provided by TKDA for this phase of the Project include the following major items of work:

- Part C - Construction Phase Services
- Part D - Closeout Phase Services

Part A and Part B services for Project Formulation, Design and Bidding were provided under a separate Authorization.

### **II. SERVICES TO BE PROVIDED BY TKDA**

Based on TKDA's understanding of the Project, we propose to provide the following Architectural, and Civil, Electrical, Mechanical, and Structural Engineering services:

#### **C. PART C – CONSTRUCTION PHASE SERVICES (15 Months)**

During construction, our team will be an active resource for the OWNER to ensure the SRE Facility is constructed as designed. This begins at the pre-construction meeting, to establish a clear communication path with the Contractor and Subcontractors to ensure they are aware of contract requirements and project expectations. During the day-to-day of construction phase, we will review and approve submittals, perform survey verification, conduct material testing, coordinate with the OWNER and Contractor, answer Requests for Information (RFI), perform periodic construction observation, and provide inspection reports. We will review Contractor requests for payment and provide final punch-list inspection and close-out documentation.

1. Assist the OWNER in the execution of Construction Contract Documents.

2. Conduct the Preconstruction Conference (one trip by the Project Manager, Civil Engineer, and Architect)
  3. Consult with and advise the OWNER during construction and act as the OWNER'S representative as provided in the Contract Documents. (Construction consultation will be provided by the Project Manager, Senior Architect, Electrical Engineer, and Mechanical Engineer for up to 64 weeks of construction)
  4. Interpret plans and specifications during construction.
  5. Review and respond to Contractor Requests for Information (RFI). (Estimate based on response of up to 20 RFI's at 4 hours required per response.)
  6. Review required submittals, shop drawings and product data to determine compliance with the design requirements. (Estimate based on response of up to 90 submittals at 2 hours per response.)
  7. Prepare and provide Proposal Requests (PR) and Change Orders (CO) to Contractor for changes to the contract documents that may be necessary.
  8. Conduct construction progress meetings (Meetings to be attended by Project Manager. Estimate based on 64 weeks of construction with half the meetings on site and half virtual).
  9. Make site visits (up to 8 trips by the Civil Engineer, 18 trips by the Senior Architect, 1 trip by the Structural Engineer, 3 trips by the Mechanical Engineer, and 2 trips by the Electrical Engineer) to the construction site to observe the progress and quality of the executed work of the contractor and determine, in general, if such work is proceeding in accordance with the Contract Documents.
  10. Perform Construction Verification Surveys (up to 8 trips by the surveyor) to ensure compliance with Plans.
  11. Coordinate with contracted Construction Testing Company to schedule and complete material testing and special inspections in accordance with technical specifications.
  12. Architectural Supplemental Information (ASI) Creation & Review
  13. Foundation Design Confirmation and Final Design Coordination with Pre-Engineered Metal Building contractor
  14. Review payrolls of prime contractor, all subcontractors, and advise contractor of deficiencies. (Estimate based on 64 weeks of payrolls.)
  15. Review requests for partial payments and prepare applications for payments (Estimate based on preparation of up to 15 monthly payments.)
  16. Provide administrative assistance relative to state and federal airport funding. Administrative assistance includes, but is not limited to, preparation and submittal of Sponsors Quarterly Performance Reports to the FAA, and assistance with submittal of credit applications to MnDOT Aeronautics.
  17. Final Inspection (1 trip by Senior Architect, Electrical Engineer, Structural Engineer, and Mechanical Engineer.)
- D. PART D – CLOSEOUT PHASE SERVICES
1. Conduct As-Built Survey (1 trip by Surveyor)
  2. Prepare the Project record drawings and submit to OWNER.
  3. Review O&M Manuals
  4. Review Warranties
  5. Conduct 10-month Warranty Inspection (1 trip by Senior Architect)
  6. Prepare FAA Grant Closeout Report and submit to MnDOT and the FAA for approval. Assume two (2) grants for AIP and one (1) for AIG-BIL funding.

### III. ADDITIONAL SERVICES

If authorized in writing by the OWNER, we will furnish or obtain from others Additional Services of the types listed below which are not considered as basic services under this Proposal. Additional Services shall be billable on an Hourly Time and Materials basis and such billings shall be over and above any maximum amounts set forth in this Proposal.

- A. Registered land or right-of-way surveys, legal descriptions, or related services
- B. Preparation of DBE Program (beyond Contract-specific goals)
- C. Environmental Assessments other than CATEX.
- D. Professional Land Surveyor Services, other than those listed in SECTION II.
- E. Additional Site visits to Marshall, other than those required for services listed in SECTION II.

### IV. OWNER RESPONSIBILITIES

These responsibilities shall be as set forth in Article 9 of the Professional Services Agreement and as further described or clarified hereinbelow:

- A. Designate one individual to act as a representative with respect to the work to be performed, and such person shall have complete authority to transmit instructions, receive information, interpret and define policies, and make decisions with respect to critical elements pertinent to the Project. This individual shall be identified in the signature block area of this Proposal.
- B. Provide TKDA with access to the site as required to perform services listed in SECTION II.
- C. Provide reviews of materials furnished by TKDA in a reasonable and prompt manner so the Project schedule can be maintained.

### V. PERIOD OF SERVICE

We would expect to start our services promptly upon receipt of your written acceptance of this Proposal and will complete Section II Services in conjunction with the construction schedule. For purposes of this Proposal, we assume Construction Phases Services will be completed by November 1, 2025.

### VI. COMPENSATION

Compensation to TKDA for services provided as described in SECTION II of this Proposal shall be on an Hourly Time basis in an amount not to exceed **\$280,200**, as summarized below. Our detailed Project Fee Estimate is attached.

Section II.C: Construction Phase	\$266,400.00
Section II.D: Closeout Phase	\$13,800.00
<b>Total Not to Exceed Amount</b>	<b>\$280,200.00</b>

Payment shall be made in accordance with Article 4 of our Agreement.

The level of effort required to accomplish SECTION II services can be affected by factors which are beyond our control. Therefore, if it appears at any time charges for services rendered under SECTION II will exceed the above, we agree we will not perform services or incur costs which will result in billings in excess of such amount until we have been advised by you additional funds are available and our work can proceed.

### VII. CONTRACTUAL INTENT

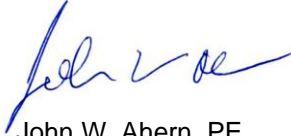
We thank you for the opportunity to submit this Proposal. We agree this letter will constitute an authorization under our Professional Services Agreement upon signature by an authorized official of the City of Marshall and the return of a signed original to us. This Proposal will be open for acceptance for **60** days, unless the provisions herein are

changed by us in writing prior to that time. Please feel free to contact Dan Sherer directly at 651.219.2224 or [daniel.sherer@tkda.com](mailto:daniel.sherer@tkda.com) if you have any questions.

Sincerely,



Daniel A. Sherer, PE  
Project Manager



John W. Ahern, PE  
Vice President–Aviation

Attachments: Project Fee Estimate  
2024 Rate Sheet  
AET Proposal

ACCEPTED FOR CITY OF MARSHALL

By: \_\_\_\_\_  
Signature Printed Name/Title Date

OWNER DESIGNATED REPRESENTATIVE:

\_\_\_\_\_  
Name/Title Phone Email

DAS:JWA:dad





## Project Fee Estimate

Client:		City of Marshall									Date:		2/8/2024	
Project:		Snow Removal Equipment (SRE) Facility									By:		DAS	
Task	Task Description	Estimated Person Hours Required										Total Hours	Total Dollars	
		Project Manager	Civil Engineer	Senior Architect	Architect	Electrical Engineer	Structural Engineer	Mechanical Engineer	Mechanical Technician	Surveyor	Admin			
Billing Rate/Hr x Multiplier		\$ 218	\$ 119	\$ 178	\$ 106	\$ 236	\$ 131	\$ 189	\$ 156	\$ 92	\$ 105			
<b>C CONSTRUCTION PHASE</b>														
1	Assist with Contract Documents	4										4	\$ 872	
2	Conduct Pre-Construction Conference	8	8	8								24	\$ 4,120	
3	Construction Consultation (64 weeks)	32	32	32		32	4	20	12			164	\$ 30,208	
4	Plan and Spec Interpretation (64 weeks)		32	12	22	32	4	36	12			150	\$ 25,028	
5	RFI Administration (20 RFIs)	12	15	12	22		5	10	4			80	\$ 12,038	
6	Contractor Submittal Reviews (90 submittals)	20	18	10	70	20	16	20	6			180	\$ 27,234	
7	Proposal Requests / Change Orders (8 assumed)	8	6	12	22	16	8	6	2			80	\$ 13,196	
8	Progress Meetings (32 meetings)	144		8								152	\$ 32,816	
9	Construction Observation (32 site visits)		96	136		20	10	44	12			318	\$ 51,850	
10	Construction Verification Surveys & Testing Coordination									96		96	\$ 8,832	
11	Coordinate Material Testing & Special Inspections	8	5									13	\$ 2,339	
12	ASI Creation & Review			4	8							12	\$ 1,560	
13	Foundation Design Confirmation						10					10	\$ 1,310	
14	Contractor Payroll Reviews	15									64	79	\$ 9,990	
15	Contractor Partial Payments	15										15	\$ 3,270	
16	Funding Administration Assistance	8										8	\$ 1,744	
17	Final Inspection			12		10	10		10			42	\$ 7,366	
SUBTOTAL HOURS		274	212	246	144	130	67	136	58	96	64	1,427		
SUBTOTAL COST		\$ 59,732	\$ 25,228	\$ 43,788	\$ 15,264	\$ 30,680	\$ 8,777	\$ 25,704	\$ 9,048	\$ 8,832	\$ 6,720		\$ 233,773	
<b>Expenses:</b>														
Travel & Subsistence (TS)												\$ 17,400		
Miscellaneous (MI)												\$ -		
Reproduction & Reprographics (RR)												\$ 400		
Subconsultant - Construction Testing (American Engineering Testing)												\$ 13,550		
Subconsultant Mark-up												10% \$ 1,355		
Subtotal Expenses												\$ 32,705		
Subtotal												\$ 266,478		
ROUNDED												\$ 266,400		
<b>D CLOSEOUT PHASE</b>														
1	As-Built Survey									12		12	\$ 1,104	
2	Record Drawings		8		24	4	4		4			44	\$ 5,588	
3	Review O&M Manuals			2		2		2				6	\$ 1,206	
4	Review Warranties			2		1		2				5	\$ 970	
5	Warranty Inspection			8								8	\$ 1,424	
6	FAA Grant Closeout (2 Grants)	8	4								8	20	\$ 3,060	
SUBTOTAL HOURS		8	12	12	24	7	4	4	4	12	8	95		
SUBTOTAL COST		\$ 1,744	\$ 1,428	\$ 2,136	\$ 2,544	\$ 1,652	\$ 524	\$ 756	\$ 624	\$ 1,104	\$ 840		\$ 13,352	
<b>Expenses:</b>														
Travel & Subsistence (TS)												\$ 400		
Miscellaneous (MI)												\$ -		
Reproduction & Reprographics (RR)												\$ -		
Subconsultant												\$ -		
Subconsultant Mark-up												10% \$ -		
Subtotal Expenses												\$ 400		
Subtotal												\$ 13,752		
ROUNDED												\$ 13,800		
<b>TOTAL</b>												\$ 280,230		
<b>TOTAL (ROUNDED)</b>												\$ 280,200		



**2024 SCHEDULE OF ACTUAL HOURLY BILLING RATES**

<u>Classification</u>	<u>Range of Direct Hourly Billing Rates*</u>		
Senior Management (CEO, Vice President)	\$ 67.00	to	\$ 100.00
Senior Registered Engineer, Architect, Landscape Architect, Senior Scientist, Senior GIS Analyst or Senior Planner	\$ 37.00	to	\$ 100.00
Engineering, Architectural, Planning, or GIS Specialist II	\$ 33.00	to	\$ 95.00
Engineering, Architectural, Planning, or GIS Specialist I	\$ 29.00	to	\$ 58.00
Registered Engineer, Architect, Landscape Architect, Planner, GIS Analyst, Professional Land Surveyor, Scientist, or Certified Interior Designer	\$ 23.00	to	\$ 71.00
Graduate Engineer, Planner, Interior Designer, Scientist, GIS Analyst, or Land Surveyor	\$ 23.00	to	\$ 50.00
Architectural Designer or Landscape Architectural Designer	\$ 23.00	to	\$ 42.00
Technician III	\$ 30.00	to	\$ 44.00 **
Technician II	\$ 21.00	to	\$ 40.00 **
Technician I	\$ 15.00	to	\$ 34.00 **

\* Rates effective until December 31, 2024.

\*\* For hours worked over 40 hours per week individuals are billed at one and one-half times the above rates.

*In addition to hourly charges, TKDA shall be reimbursed for direct expenses actually incurred. Unless otherwise approved by the Client, direct expenses for travel and subsistence will be billed at or up to applicable IRS and US GSA published rates. TKDA shall be reimbursed for subconsultant fees at the amount billed TKDA plus 10%.*

Notes:

1. Overhead Costs shall be calculated as the Direct Hourly Rate times TKDA's Overhead Multiplier Rate of 165.2%. This is slightly lower than our MnDOT audited rate.
2. For Hourly Rate Authorizations, Direct Rates will be subject to an Hourly Rate Multiplier of 3.05, which includes Overhead Costs and Fee (Profit).
3. For Hourly Cost Reimbursement Plus Fixed Fee Authorizations, the Fixed Fee shall be 15% of the Direct Salary Costs and Overhead Costs amount initially approved under the Authorization.

City of Marshall, MN

Mr. Daniel Sherer, PE  
TKDA  
444 Cedar Street, Suite 1500  
Saint Paul, MN 55101  
[daniel.sherer@tkda.com](mailto:daniel.sherer@tkda.com)



RE: Proposal for Construction Testing Services  
Southwest Minnesota Regional Airport SRE Facility  
Marshall, Minnesota  
AET #P-0030731

Dear Mr. Sherer:

Thank you for the opportunity to respond to your request for a proposal to perform engineering observations and testing services on the referenced project. American Engineering Testing, Inc., (AET) is pleased to provide this letter which presents our anticipated scope of services, our unit rates, and an estimated total cost to perform these services.

### **Geotechnical Information**

A geotechnical exploration program and analysis was performed for this project by AET. The results were presented in our Report of Geotechnical Exploration and Review, dated January 24, 2023, (AET #P-0011694). It was recommended in the report that the proposed building be supported by spread footings foundations. Reference should be made to the report and letter for more detailed information and recommendations.

### **Project Information**

We understand the proposed construction will be a new snow removal equipment (SRE) facility at the Southwest Minnesota Regional Airport in Marshall, Minnesota.

### **Scope of Services**

Based on discussions with you, and our review of the available plans and specifications, our anticipated scope of services is outlined below.

#### **Excavation Observations and Testing**

During excavation of the building, a Geotechnical Engineer or Engineering Assistant from our firm will make periodic visits to the site to perform the following services:

- Observe the soils exposed in the bottoms of the excavations.
- Perform shallow hand auger borings and hand cone penetrometer probes in the excavations.
- Evaluate the suitability of the soils to support structural loads and pavements.
- Document the elevations at the bottoms of the excavations.
- Document that adequate oversizing of the excavations is provided to support lateral loads from the footings.

During placement of fill in the building excavations, pavement areas, and the utility excavations, an Engineering Technician will visit the site on an intermittent basis to test the fill. The Engineering Technician will perform the following services:

- Compaction tests to evaluate the fill density using the sand cone or the nuclear density method.
- Standard Proctor tests for every different type of fill used.
- Sieve analysis tests of sand fill and Class 5 aggregate base.

A final report will be issued presenting the results of our excavation observations. Periodic reports will also be issued presenting the results of our soil compaction testing.

**1603 Halbur Road | Marshall, MN 56258**

**Phone (507) 532-0771 | (800) 972-6364 | Fax (651) 659-1379 | [teamAET.com](http://teamAET.com) | AA/EEO**

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### **Reinforcing Steel Observations**

Personnel from AET will observe the reinforcing steel placed in cast-in-place concrete structural elements for the building on a periodic basis, when requested by the Contractor. These observations will be performed by an Engineering Technician II. Our services will include the following:

- Review the most recent plans and specifications available at the jobsite.
- Observe that the correct number, size, alignment, and spacing of the bars is provided.
- Observe that the reinforcing steel bars are provided with proper cover from the formwork, ground surface, and future concrete elements.
- Observe that the bars are free of dirt, rust, scale, ice, or other deleterious materials that will reduce adhesion to the concrete.

Any discrepancies or deficiencies that are observed will be brought to the attention of the Contractor and/or their subcontractor.

Daily field reports of our observations will be available to the Contractor. The results of our observations will be provided in a formal report at the completion of our services.

AET does not perform surveying services, therefore, our observations of the reinforcing steel and PT tendons will be based on the positioning of the formwork by the Contractor. We will not be responsible for the exact locations of the formwork or the structural bolts or embedded items.

### **Concrete Testing**

Personnel from AET will perform testing of concrete on an intermittent basis, when requested by the Contractor. These services will be performed by ACI certified Engineering Technicians. On site visits when reinforcing steel is observed, we plan to have the same Engineering Technician also perform testing of the concrete. Our services will include the following:

- Document that the correct mix is delivered to the site by reviewing the delivery slips.
- Test the slump of the concrete.
- Test the air content of the concrete.
- Measure the temperature of the concrete.
- Compare the test results to the requirements of the project specifications.

Any discrepancies from the project specifications will be brought to the attention of the Contractor and/or their subcontractor. Daily field reports of our observations and testing will be available to the Contractor. The results of our observations will be provided in formal reports that are issued periodically.

During placement of the concrete, our Engineering Technicians will also cast test cylinders for compressive strength testing. Project specifications require that one set of cylinders be cast for every 50 cubic yards of each type of concrete placed each day. Each set will consist of four cylinders; one of which will be tested after 7 days and two which will be tested after 28 days. The fourth cylinder will be held in reserve for future testing, if required. AET will also pick up the cylinders from the site and return them to our laboratory for testing. The results of our compressive strength testing will be presented as they become available.

### **Structural Steel**

During erection of the structural steel frame, steel joists, and metal decking, AET will provide an ASNT certified Level II NDT Technician to perform periodic observations of the welded and bolted connections. These services will include the following:

- Observe bolted connections for compliance with Section 9a of the "Specification for Structural Joints using ASTM: A325 or ASTM: A490 Bolts" approved by the Research Council on Structural Connections.
- Observe welded connections for compliance with the requirements of Section 6 (steel frame) of the AWS "Structural Welding Code" D1.1 - 2010. Fillet welds will be visually observed for suitability. Full or partial penetration welds will be tested by ultrasonic or magnetic particle methods. Any nondestructive tests will be performed by ASNT Level II certified technicians.
- Observe roof deck welds and lap screw placement of the sheet steel roof decking for general compliance with the requirements of AWS D1.3 – 2008.
- Observe and test the shear studs welds for suitability and quality. In addition, some of the studs will be tested by bending them to an angle of about 15 degrees from vertical by striking them with a hammer.

Any deficiencies or deviations which are observed will be reported to personnel from the Contractor and/or their subcontractor. The results of our observations will be presented in a written report at the completion of the work.

#### **Estimated Fees**

Our services will be provided on a unit cost basis according to the unit rates provided in the attached Fee Schedule tabulation. Our monthly invoices will be determined by multiplying the number of personnel hours or tests by their respective unit rates. We have also estimated a total cost which we anticipate will be required to complete the previously described observations and testing services, are based on our past experience with similar projects. Our estimated total cost will be \$13,550.00. We refer you to the attached Fee Schedule tabulation for an itemization of how we arrived at this estimated cost.

We caution that this is only an estimated cost. Often, variations in the overall cost of the services occur due to reasons beyond our control, such as weather delays, changes in the contractor's schedule, unforeseen conditions or retesting of services. These variations will affect the actual invoice totals, either increasing or decreasing our total costs for the project from those estimated in this proposal. If more time or tests are required, additional fees may be needed to complete the project testing services. If less time or tests are needed, a cost savings will be realized. We will not, however, exceed the estimated total cost for the project without first obtaining your authorization.

#### **Terms and Conditions**

our Revised Subcontract Agreement dated January 2, 2006.

All AET Services are provided subject to the Terms and Conditions set forth in ~~the enclosed Master Service Agreement~~, which, upon acceptance of this proposal, are binding upon you as the Client requesting Services, and your successors, assignees, joint venturers and third-party beneficiaries. Please be advised that additional insured status is granted upon acceptance of the proposal.

#### **Acceptance**

AET requests written acceptance of this proposal in the Proposal Acceptance box below, but the following actions shall constitute your acceptance of this proposal together with the Terms and Conditions and Amendments: 1) issuing an authorizing purchase order for any of the Services described above, 2) authorizing AET's presence on site or 3) written or electronic notification for AET to proceed with any of the Services described in this proposal. Please indicate your acceptance of this proposal by signing below and returning a copy to us. When you accept this proposal, you represent that you are authorized to accept on behalf of the Client.



**General Remarks**

If you have any questions regarding this proposal, or if we can be of further assistance, please call me at (507) 532-0771.

Sincerely,

A handwritten signature in blue ink that reads 'Tom James'.

Tom James  
Manager – Marshall  
Phone: (507) 532-0771  
Fax: (651) 659-1379  
[tjames@teamAET.com](mailto:tjames@teamAET.com)  
Attachments:  
Fee Schedule Tabulation  
Master Service Agreement

**ACCEPTANCE AND AUTHORIZATION: AET Proposal No. P-0030731**

SIGNATURE: \_\_\_\_\_  
PRINTED NAME: \_\_\_\_\_  
COMPANY: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
PHONE NUMBER AND EMAIL: \_\_\_\_\_  
DATE: \_\_\_\_\_

**INVOICING INFORMATION (Provide Company AP Department Information, if present.)**

AP CONTACT NAME: \_\_\_\_\_  
BILLING/MAILING ADDRESS: \_\_\_\_\_  
AP PHONE NUMBER AND INVOICE EMAIL: \_\_\_\_\_  
P.O. NO./ PROJECT NO.: \_\_\_\_\_

PROJECT TESTING SERVICES FEE SCHEDULE  
 SW MN REGIONAL AIRPORT SRE FACILITY  
 1650 WEST COLLEGE DRIVE  
 MARSHALL, MN 56258  
 AET PROPOSAL No. P-0030731



SERVICE DESCRIPTION	PROJECT BUDGET		
	ESTIMATED UNITS	UNIT RATE	BUDGET AMOUNT
<b>Compaction Testing</b>			
Soil Density Testing - Technician II for soil compaction testing and reporting.	12 Hour	\$105.00	\$1,260.00
			<b>Section Subtotal: \$1,260.00</b>
<b>Subgrade/Base Proof Roll Observations &amp; Testing</b>			
Proof Roll Observations - Technician II for observations, consultation and reporting.	6 Hour	\$105.00	\$630.00
			<b>Section Subtotal: \$630.00</b>
<b>Reinforcing Steel Observations &amp; Concrete Testing</b>			
Reinforcing Steel & Concrete Testing - Technician II for observations of reinforcing steel and testing of concrete. (slump, air content, and temperature)	40 Hour	\$105.00	\$4,200.00
Concrete Cylinder Pickup - Technician II for driving to and from the site to pick up cast concrete cylinders.	4 Hour	\$105.00	\$420.00
ASTM C39 Concrete Compressive Strength - Curing, handling and testing of 4" x 8" or 6" x 12" concrete test cylinders (includes handling of non-tested cylinders).	40 Test	\$37.00	\$1,480.00
ASTM C78 Concrete Flexural Strength (third point loading)	6 Test	\$80.00	\$480.00
			<b>Section Subtotal: \$6,580.00</b>
<b>Non-Destructive Testing (NDT) Observations</b>			
Structural Steel Observations - Technician II for observations of field welded and bolted connections, consultation and report preparation.	6 Hour	\$105.00	\$630.00
			<b>Section Subtotal: \$630.00</b>
<b>Bituminous Observations &amp; Testing</b>			
Bituminous Density Testing - Technician II for nuclear density testing of bituminous without roll pattern observation.	8 Hour	\$105.00	\$840.00
ASTM D2726 Density of Bituminous - In Place thickness and density tests of bituminous core samples.	8 CORE	\$56.00	\$448.00
			<b>Section Subtotal: \$1,288.00</b>
<b>Laboratory Work</b>			
ASTM C136 Sieve Analysis of Aggregate (Coarse and Fine)	3 Test	\$137.00	\$411.00
ASTM D698 Standard Proctor	4 Test	\$184.00	\$736.00
ASTM D1557 Modified Proctor	2 Test	\$189.00	\$378.00
Preparation for Clay Proctor Sample	1 Hour	\$95.00	\$95.00
ASTM D4318 Atterberg Limits, Liquid Limit or Plastic Limit, Individual	1 Test	\$132.00	\$132.00
ASTM D2216 Water Content of Soil and Rock by Mass	2 Each	\$15.00	\$30.00
			<b>Section Subtotal: \$1,782.00</b>
<b>Project Management &amp; Coordination</b>			
Project Management - Engineering Assistant/Project Manager for coordination of AET personnel and activities, attending meetings (if requested), consultation and report preparation.	6 Hour	\$145.00	\$870.00
Project Administrator for report preparation, review, invoicing.	6 Hour	\$85.00	\$510.00
			<b>Section Subtotal: \$1,380.00</b>
			<b>ESTIMATED BUDGET \$13,550.00</b>

**PROJECT COST BREAKDOWN**  
**SRE BUILDING CONSTRUCTION AND SITE PREPARATION**  
**SOUTHWEST MINNESOTA REGIONAL AIRPORT - MARSHALL (MML)**  
**FEDERAL FISCAL YEAR 2024 GRANT APPLICATION**

ID	UNIT OF WORK	COSTS			FUNDING				
		TOTAL COST	AIP ELIGIBLE PERCENTAGE	AIP ELIGIBLE COST	FAA AIP 90.0%	FAA AIG (BIL) 90.0%	STATE AIP MATCH 0.0%	STATE 70.0%	SPONSOR Varies
1	ADMINISTRATIVE								
	Independent Fee Review	\$ 5,000.00	100.00%	\$ 5,000.00	\$ 4,500.00	\$ -	\$ -	\$ -	\$ 500.00
	City Administration	\$ 4,000.00	100.00%	\$ 4,000.00	\$ 3,600.00	\$ -	\$ -	\$ -	\$ 400.00
	Natural Gas Service	\$ 92,000.00	100.00%	\$ 92,000.00	\$ 82,800.00	\$ -	\$ -	\$ -	\$ 9,200.00
	<b>Subtotal Administrative</b>	<b>\$ 101,000.00</b>	<b>100.00%</b>	<b>\$ 101,000.00</b>	<b>\$ 90,900.00</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 10,100.00</b>
2	ENGINEERING								
	Bidding Phase Engineering	\$ 39,170.00	100.00%	\$ 39,170.00	\$ 35,253.00	\$ -	\$ -	\$ -	\$ 3,917.00
	Construction Phase Engineering (Building)	\$ 85,000.00	33.78%	\$ 28,713.00	\$ 25,841.70	\$ -	\$ -	\$ 39,400.90	\$ 19,757.40
	Construction Phase Engineering (Site)	\$ 195,200.00	100.00%	\$ 195,200.00	\$ -	\$ 175,680.00	\$ -	\$ -	\$ 19,520.00
	<b>Subtotal Engineering</b>	<b>\$ 319,370.00</b>	<b>82.38%</b>	<b>\$ 263,083.00</b>	<b>\$ 61,094.70</b>	<b>\$ 175,680.00</b>	<b>\$ -</b>	<b>\$ 39,400.90</b>	<b>\$ 43,194.40</b>
3	CONSTRUCTION								
	Building Construction	\$ 2,208,000.00	33.78%	\$ 745,862.40	\$ 671,276.16	\$ -	\$ -	\$ 1,023,496.32	\$ 513,227.52
	Site Work	\$ 655,700.00	100.00%	\$ 655,700.00	\$ -	\$ 590,130.00	\$ -	\$ -	\$ 65,570.00
	Concrete Pads	\$ 8,500.00	0.00%	\$ -	\$ -	\$ -	\$ -	\$ 5,950.00	\$ 2,550.00
	Landscaping	\$ 40,900.00	0.00%	\$ -	\$ -	\$ -	\$ -	\$ 28,630.00	\$ 12,270.00
	<b>Subtotal Construction</b>	<b>\$ 2,913,100.00</b>		<b>\$ 1,401,562.40</b>	<b>\$ 671,276.16</b>	<b>\$ 590,130.00</b>	<b>\$ -</b>	<b>\$ 1,058,076.32</b>	<b>\$ 593,617.52</b>
	<b>TOTAL COST</b>	<b>\$ 3,333,470.00</b>	<b>52.97%</b>	<b>\$ 1,765,645.40</b>	<b>\$ 823,270.86</b>	<b>\$ 765,810.00</b>	<b>\$ -</b>	<b>\$ 1,097,477.22</b>	<b>\$ 646,911.92</b>
				<b>Project Funding Shares</b>	<b>24.70%</b>	<b>22.97%</b>	<b>0.00%</b>	<b>32.92%</b>	<b>19.41%</b>
				Available FAA Entitlement Balance**	\$ 914,402.00	\$ 879,000.00			

\*FAA funding eligibility subject to change

Funding Balance \$ (91,131.14) \$ (113,190.00)

Notes:

- 1) No State AIP Match shown since state amount exceeds \$400,000 on AIP ineligible, in accordance with the Airport Funding Rates Letter for State FY 2024.
- 2) The City requests an exemption to the \$1.0M state limit on project funding, in accordance with the Airport Funding Rates Letter for State FY 2024.



03/23/2021 - Council authorized the first transfer of Airport Federal Entitlement Funds and authorized execution and filing of FAA Form 5100-110 for the transfer of \$150,000 of MML Airport 2021 Federal Entitlement Funds to Dodge Center, MN (TOB).
10/12/2021 - Council authorized acceptance of the Proposal with TKDA for a Predesign Study in the amount of \$35,000.00. <a href="#">SRE ARFF Pre Design Study - Proposal (signed).pdf</a>
03/08/2022 - Council authorized the second transfer of Airport Federal Entitlement Funds and authorized execution and filing of FAA Form 5100-110 for the transfer of \$150,000 of MML Airport 2022 Federal Entitlement Funds to Waseca, MN (ACQ).
04/26/2022 - Council authorized TKDA submittal of an FAA Grant Application in the amount of \$135,598.00. Total design cost in the request for grant funding was \$297,000.00. This total included \$7,000 in local project costs and \$35,000 reimbursement for the TKDA pre-design study.
05/10/2022 - City Council authorized acceptance of the Proposal with TKDA for Design Phase Services in the amount of \$255,000 with services under this proposal, contingent on receipt of the federal and State grant agreements. <a href="#">Marshall SRE Design Scope Letter 050222-xTKDA.pdf</a>
08/15/2022 - FAA Grant Agreement 3-27-0056-019-2022 received and electronically signed by Mayor and City Attorney.
09/13/2022 - City Council acknowledgement of FAA Grant Agreement 3-27-0056-019-2022 for Funding of Site and Building Design in the amount of \$135,598.00. <a href="#">MML-GLG-3-27-0056-019-2022-Grant Agreement (part 1) - signed.pdf</a>
09/27/2022 - Consider Resolution of Authorization to Execute MnDOT Grant Agreement No. 1051776 for funding of Site and Building Design in the amount of \$109,968.00. <a href="#">A4201-103 - MML -State Agreement -#23390525-v5.PDF</a>
10/20/2022 - Submission of 2023 Federal Grant Initiation Request to ensure eligible utilization of all Airport entitlements and indicating the project is planned to utilize both the airports AIP and AIG funding available in 2023. At the time of submission of Initiation Request, it was noted that the building design was just beginning, and the funding eligibility and prorates would be revisited prior to the grant application.
02/07/2023 - TKDA presentation of project to the Airport Commission. Commission member Ron Halgerson has served as the Airport Commission representative to the project to help review project plans and offer outside input to the project.
02/14/2023 - Project presented to Public Improvement/Transportation Committee (PI/T) for their information.
02/28/2023 - City Council authorization to advertise for bids.
04/03/2023 - Bids received. One bid was received from Sussner Construction, Inc. in the amount of \$4,346,000, which substantially exceeded the construction cost estimate of \$3,118,023 for construction costs. Total estimated project budget, including construction administration and special testing costs, was \$3,353,023. At the Airport Commission meeting on 04/04/2023, Airport Commission discussed and recommended a re-evaluation of the project scope, bidding requirements and potential cost control measures for the City's review/consideration.

04/25/2023 - PI/T recommends to City Council to reject the one bid received April 3, 2023 and authorize City staff to work with TKDA and the Airport Commission to re-evaluate the Project AP-003 bid package to ensure the project is more economical.
04/25/2023 - City Council rejected the bid received from Sussner Construction, Inc. for construction of the building. The bid received was substantially over the City's budget for the project. Council directed staff to work with TKDA and Airport Commission to re-evaluate the project AP-003 bid package with the goal of making the project more economical.
10/10/2023 - City Council authorized City staff to submit the federal grant initiation request for use of federal dollars on the Airport Snow Removal Equipment (SRE) Building Project.
10/24/2023 - City Council authorized execution of an Architectural and Engineering Services Agreement with TKDA for Bidding Phase Services for a lump sum amount of \$39,170. <a href="#">TKDA Architectural and Engineering Services SRE Building 10.24.23.pdf</a>
12/05/2023 - Project update presented to Airport Commission and PI/T.
12/12/2023 – PI/T reviews project and makes recommendation to Council.
12/12/2023 - City Council authorization to advertise for bids.
01/23/2024 – Bids received.
02/06/2024 – Airport Commission recommends award of bid to Sussner Construction, Inc. in the amount of \$2,913,100.00, per the recommendation from TKDA.

**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Presenter:</b>	Jason Anderson
<b>Meeting Date:</b>	Tuesday, February 13, 2024
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	ACTION
<b>Subject:</b>	Instrument Landing System (ILS) Replacement at the Airport - TKDA Professional Services Agreement
<b>Background Information:</b>	<p>In January 2023, the City received a letter from MnDOT regarding the replacement of the Instrument Landing System (ILS) at the Airport, which is owned by MnDOT. The ILS is a radio navigation system that provides short-range guidance to aircraft and allows them to approach a runway at night or in poor weather conditions. The ILS system has reached a point where the manufacturer will no longer service and repair equipment, and MnDOT would like to replace our system as soon as they are able. The project requires City participation, and the City is responsible for civil sitework and building costs, while MnDOT is responsible for covering the costs of the ILS equipment.</p> <p>In 2023, the City was asked by MnDOT to send a grant request letter for a civil site work construction project. Following Council authorization at the 2/14/23 meeting, city staff submitted a grant request letter for a project. MnDOT never responded to the grant request. Now, it seems as though MnDOT is ready to proceed with the project.</p> <p>The first step to moving this project forward at this time is to authorize an engineering contract with TKDA for engineering design services. Attached is a Professional Services Agreement with TKDA for engineering design services for the Airport ILS Replacement. With a City Council authorization in place, city staff will submit again to MnDOT for a grant to help cover costs.</p> <p>This item was presented to the Airport Commission at their meeting on 02/06/2024. The Airport Commission voted unanimously to recommend approval of the agreement with TKDA to the City Council.</p>
<b>Fiscal Impact:</b>	The cost included in the TKDA proposal is not to exceed \$94,400 for services that are identified in the included scope. City staff is anticipating a 70-30 cost split with MnDOT, resulting in a local cost of \$28,320. The 2024 capital budget includes the ILS project at a total cost of \$1,000,000, with \$300,000 included for local costs.
<b>Alternative/ Variations:</b>	No alternative actions recommended.
<b>Recommendations:</b>	that the Council authorize entering into a Professional Services Agreement with TKDA for the ILS Replacement at the Airport for an amount not-to-exceed \$94,400.00, per recommendation of the Airport Commission and contingent on MnDOT grant funding.



February 8, 2024

Mr. Jason R. Anderson, PE  
Director of Public Works/City Engineer  
City of Marshall  
344 West Main Street  
Marshall, MN 56258

Re: Proposal for Professional Engineering Services  
Runway 12 ILS Replacement – Planning and Design Phases  
Southwest Minnesota Regional Airport (MML)

Dear Mr. Anderson:

Pursuant to our Professional Services Agreement dated March 10, 2020, TKDA is hereby authorized to proceed with the Engineering Services in connection with the **Runway 12 Instrument Landing System (ILS) Replacement Project at the Southwest Minnesota Regional Airport (MML)** hereinafter called the Project. No Federal funds will be utilized for the financing of this Project, and therefore the Provisions of Attachment B of the Professional Services Agreement shall not apply to this Proposal. Hereinafter, **City of Marshall** is referred to as the OWNER.

**I. PROJECT DESCRIPTION**

The Minnesota Department of Transportation Office of Aeronautics (MnDOT Aeronautics) is planning to replace the existing Instrumented Landing System (ILS) on Runway 12, hereby known as the Project. The Project includes planning and design engineering for the following major items of work:

- Install new Runway 12 Glide Slope (GS) System
- Install new Runway 12 Localizer (LOC) System
- Install new Runway 12 GS Shelter
- Install new Runway 12 LOC Shelter
- Relocate existing Runway 30 MALSF Shelter
- Relocate electrical transformer
- Improve Runway Safety Area surface grading

The OWNER has requested that TKDA provide engineering assistance for the Project. Engineering design will consist of the following, to be completed as one construction project, funded in part by the State of Minnesota:

Planning and Engineering to design structural foundations, electrical services, and civil grading improvements associated with the installation of new ILS equipment.

**II. SERVICES TO BE PROVIDED BY TKDA**

Based on TKDA’s understanding of the Project, we propose to provide the following Planning and Civil, Electrical, and Structural Engineering services:

A. Project Formulation

1. Conduct Site Visit to evaluate existing ILS system (1 trip by Project Manager)
2. Perform a Siting Review of existing ILS system per the current ILS FAA Circulars and Orders to determine any non-standard conditions. The current applicable FAA Advisory Circulars and Orders as of January 2024 include:
  - AC 150/5220-23A Frangible Connections
  - AC 150/5300-13B Airport Design
  - AC 150/5370-10H Standards for Specifying Construction of Airports
  - AC 150/5370-2G Operational Safety on Airports During Construction
  - Order 6750.16E Siting Criteria for Instrument Landing Systems

- Order 6750.49B Maintenance of Instrumented Landing Systems (ILS) Facilities
- Order 8240.47D Determination of Instrumented Landing System (ILS) Glidepath Angle, Reference Datum Heights (RDH), and Achieved Reference Datum Heights (ARDH)

a. Known non-standard conditions include: LOC Shelter within Runway Object Free Area (ROFA)

3. Develop Project Scope and Schedule with OWNER
4. Conduct project kickoff meeting attended by design team
5. Obtain topographic survey of the Project site, including GS and LOC critical areas, equipment and shelter sites, and access roads.
6. Coordinate with subconsultant for geotechnical investigation (6 soil borings to 25-ft depth)
  - a. Prepare 1 subcontract
  - b. 1 meeting attended by Project Manager (virtual)
7. Conduct bi-weekly coordination meetings with FAA and MnDOT for findings (virtual)
  - c. Up to 5 meetings attended by Project Manager and Senior Electrical Engineer
8. Develop Exhibits showing existing and future ILS configurations
9. Submit 7460-1 Airspace Case, including the following points:
  - a. All equipment shelters – Four corners and height
  - b. Glide Slope (GS) Tower – Center of tower and height
  - c. Localizer (LOC) Antenna – Four corners and height
10. Prepare Categorical Exclusion Checklist (CATEX) and submit to the FAA Airport District Office (ADO)
11. Prepare Airport Layout Plan (ALP) Updates and/or validate with the FAA and MnDOT Aeronautics if any sheet updates are required
12. Evaluate ILS electrical service and coordinate with MMU
13. Evaluate MALSF system electrical and coordinate with MMU
14. Develop and Maintain Preliminary Project Schedule
15. Prepare Preliminary Cost Estimate for Funding
16. Conduct Project Cost Review Meeting with OWNER (Virtual)
17. Prepare MnDOT Grant Request Letter for Formulation and Design Phase

B. Design Phase Services

1. Prepare project scope and schedule for design
2. Conduct bi-weekly coordination meetings with FAA and MnDOT during design (virtual)
  - a. Up to 5 meetings attended by Project Manager and Senior Electrical Engineer
3. Final civil layout and grading design
  - a. ILS equipment layout
  - b. Access roads
  - c. Runway safety area grading to meet current FAA standards

4. Final Structural Foundation Design – Antennas
5. Final Structural Foundation Design – ILS Shelters
6. Final Structural Foundation Design – MALSF Shelter
7. Final Electrical Design – ILS System
8. Final Electrical Design – MALSF shelter
9. Prepare 60% Plans
10. Prepare 60% Specifications
11. Submit 60% Plans and Specifications to MnDOT and FAA for review
12. Prepare 100% Plans Bidding
  - a. Civil Engineering (shelter site design, access roads, foundation siting and elevations)
  - b. Structural Engineering (foundation design for all shelters, towers, and equipment pads)
  - c. Electrical Engineering (electrical distribution and equipment design, electrical utility coordination)
13. Prepare 100% Specifications for Bidding
14. Prepare Final Cost Estimate
15. Prepare Construction Safety and Phasing Plan (CSPP) and submit to the FAA ADO
16. Prepare Advertisement for Bids
17. Prepare Bid Package and post electronically for bidding on QuestCDN
18. Provide Bidding Assistance to Contractors
19. Conduct Pre-bid Conference
20. Issue Addenda
21. Prepare Bid Results and submit to OWNER and MnDOT Aeronautics
22. Prepare Recommendation for Contract Award
23. Airport Layout Plan (ALP) Update
24. Grant Closeout Services for Formulation and Design Phase
25. Prepare MnDOT Grant Request Letter for Construction Phase

### **III. ADDITIONAL SERVICES**

If authorized in writing by the OWNER, we will furnish or obtain from others Additional Services of the types listed below which are not considered as basic services under this Proposal. Additional Services shall be billable on an Hourly Time and Materials basis and such billings shall be over and above any maximum amounts set forth in this Proposal.

- A. Coordination of Flight Check, and/or any Reimbursable Agreements (RA) (to be flight checked by MnDOT)
- B. Commissioning of ILS (to be commissioned by MnDOT)
- C. Grading Design for GS and LOC Critical Areas, if needed.
- D. Environmental Assessments other than CATEX.
- E. Professional Land Surveyor Services, other than those listed in SECTION II.

- F. Additional Site visits to Marshall, other than those required for services listed in SECTION II.
- G. Construction phase engineering or testing services.

**IV. OWNER RESPONSIBILITIES**

These responsibilities shall be as set forth in Article 9 of the Professional Services Agreement and as further described or clarified hereinbelow:

- A. Designate one individual to act as a representative with respect to the work to be performed, and such person shall have complete authority to transmit instructions, receive information, interpret and define policies, and make decisions with respect to critical elements pertinent to the Project. This individual shall be identified in the signature block area of this Proposal.
- B. Provide TKDA with access to the site as required to perform services listed in SECTION II.
- C. Provide reviews of materials furnished by TKDA in a reasonable and prompt manner so the Project schedule can be maintained.
- D. Provide equipment and shelter plans, including loading and reaction information, as supplied by MnDOT Aeronautics.

**V. PERIOD OF SERVICE**

We would expect to start our services promptly upon receipt of your written acceptance of this Proposal and estimate to complete SECTION II services within six (6) months.

**VI. COMPENSATION**

Compensation to TKDA for services provided as described in SECTION II of this Proposal shall be on an Hourly Time basis in an amount not to exceed **\$94,400**, as summarized below. Our detailed Project Fee Estimate is attached.

Section II.A: Project Formulation	\$31,100.00
Section II.B: Design Phase Services	\$63,300.00
<b>Total Not to Exceed Amount</b>	<b>\$94,400.00</b>

Payment shall be made in accordance with Article 4 of our Agreement.

The level of effort required to accomplish SECTION II services can be affected by factors which are beyond our control. Therefore, if it appears at any time charges for services rendered under SECTION II will exceed the above, we agree we will not perform services or incur costs which will result in billings in excess of such amount until we have been advised by you additional funds are available and our work can proceed.

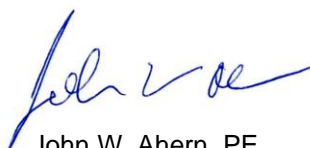
**VII. CONTRACTUAL INTENT**

We thank you for the opportunity to submit this Proposal. We agree this letter will constitute an authorization under our Professional Services Agreement upon signature by an authorized official of the City of Marshall and the return of a signed original to us. This Proposal will be open for acceptance for **60** days, unless the provisions herein are changed by us in writing prior to that time. Please feel free to contact Dan Sherer directly at 651.219.2224 or [daniel.sherer@tkda.com](mailto:daniel.sherer@tkda.com) if you have any questions.

Sincerely,



Daniel A. Sherer, PE  
Project Manager



John W. Ahern, PE  
Vice President–Aviation

Attachments: Project Fee Estimate  
2024 Rate Sheet  
AET Proposal

ACCEPTED FOR CITY OF MARSHALL

By: \_\_\_\_\_  
Signature Printed Name/Title Date

OWNER DESIGNATED REPRESENTATIVE:

\_\_\_\_\_  
Name/Title Phone Email

DAS:JWA:dad



Client:		City of Marshall										Date:	2/7/2024
Project:		Runway 12 Instrument Landing System Replacement										By:	DAS
Task	Task Description	Estimated Person Hours Required										Total Hours	Total Dollars
		Project Manager	Civil Engineer	Civil Technician	Senior Electrical Engineer	Electrical Technician	Structural Engineer	Structural Technician	Airport Planner	Surveyor	Admin		
		Billing Rate/Hr x Multiplier	\$ 218	\$ 119	\$ 117	\$ 226	\$ 113	\$ 162	\$ 140	\$ 122	\$ 92		
<b>A PROJECT FORMULATION</b>													
1	Conduct Site Visit	8										8	\$ 1,744
2	Perform Siting Review	1	2		2							5	\$ 908
3	Develop Project Scope with City	4			1						2	7	\$ 1,308
4	Project Kickoff Meeting	1	1	1	1	1	1					7	\$ 1,095
5	Topographic Survey and Base Maps			8							16	24	\$ 2,408
6	Coordinate Geotechnical Investigation	2	1								2	5	\$ 765
7	Conduct Bi-Weekly Meetings with FAA & MnDOT	5			5							10	\$ 2,220
8	Develop Exhibits of ILS configurations	2	4	8	2	4						20	\$ 2,752
9	Prepare 7460-1 airspace permit and submit to FAA	2	4									6	\$ 912
10	Prepare CATEX and submit to FAA		4									4	\$ 476
11	Prepare ALP Update and coordinate with FAA	1	4							8		13	\$ 1,670
12	Evaluate ILS Electrical Service				4							4	\$ 904
13	Evaluate MALSF Electrical Service				2							2	\$ 452
14	Develop Preliminary Project Schedule	2										2	\$ 436
15	Prepare Preliminary Cost Estimate	4	4		4		4					16	\$ 2,900
16	Project Cost Review meeting with City	1			1		1					3	\$ 606
17	Prepare MnDOT Grant Request Letter	2									1	3	\$ 541
SUBTOTAL HOURS		35	24	17	22	5	6	1	8	16	5	139	
SUBTOTAL COST		\$ 7,630	\$ 2,856	\$ 1,989	\$ 4,972	\$ 565	\$ 972	\$ 140	\$ 976	\$ 1,472	\$ 525		\$ 22,097
<b>Expenses:</b>													
Travel & Subsistence (TS)												\$ 580	
Miscellaneous (MI)												\$ -	
Reproduction & Reprographics (RR)												\$ -	
Subconsultant - Geotechnical Investigation												\$ 7,698	
Subconsultant Mark-up												10% \$ 770	
Subtotal Expenses												\$ 9,048	
<b>Subtotal</b>												<b>\$ 31,145</b>	
<b>ROUNDED</b>												<b>\$ 31,100</b>	
<b>B DESIGN PHASE</b>													
1	Prepare Design Scope and Schedule	2										2	\$ 436
2	Conduct Bi-Weekly Meetings with FAA & MnDOT	5			5							10	\$ 2,220
3	Final Civil Layout and Grading Design	2	8									10	\$ 1,388
4	Final Structural Foundation Design - Antennas						10					10	\$ 1,620
5	Final Structural Foundation Design - ILS Shelters						8					8	\$ 1,296
6	Final Structural Foundation Design - MALSF Shelter						4					4	\$ 648
7	Final Electrical Design - ILS System				24							24	\$ 5,424
8	Final Electrical Design - MALSF Shelter				10							10	\$ 2,260
9	Prepare 60% Plans	4	8	16	8	40	8	24				108	\$ 14,680
10	Prepare 60% Specifications	8			4		4				4	20	\$ 3,716
11	Submit 60% Documents to MnDOT & FAA	1	4									5	\$ 694
12	Prepare Final Plans (100%)	2	6	12	8	24	10	16				78	\$ 10,934
13	Prepare Final Specifications (100%)	4			4		4				4	16	\$ 2,844
14	Prepare Final Cost Estimate	2			2		2					6	\$ 1,212
15	Prepare CSPP and submit to FAA	2	8									10	\$ 1,388
16	Prepare Ad for Bids	1									1	2	\$ 323
17	Prepare Electronic Bidding on QuestCDN	1									2	3	\$ 428
18	Answer Bidding Questions	4			4		3					11	\$ 2,262
19	Conduct Pre-Bid Conference	4			1		1					6	\$ 1,260
20	Issue Addenda	2	4	8	2	4	2	4			2	28	\$ 3,846
21	Prepare Bid Tabulation & Submit to MnDOT	2										2	\$ 436
22	Prepare Recommendation for Award	1									1	2	\$ 323
23	Grant Closeout Services for Preliminary and Design	8									2	10	\$ 1,954
24	Prepare Grant Request for Construction	4									1	5	\$ 977
SUBTOTAL HOURS		59	38	36	72	68	56	44	-	-	17	390	
SUBTOTAL COST		\$ 12,862	\$ 4,522	\$ 4,212	\$ 16,272	\$ 7,684	\$ 9,072	\$ 6,160	\$ -	\$ -	\$ 1,785		\$ 62,569
<b>Expenses:</b>													
Travel & Subsistence (TS)												\$ 520	
Miscellaneous (MI)												\$ -	
Reproduction & Reprographics (RR)												\$ 250	
Subconsultant												\$ -	
Subconsultant Mark-up												10% \$ -	
Subtotal Expenses												\$ 770	
<b>Subtotal</b>												<b>\$ 63,339</b>	
<b>ROUNDED</b>												<b>\$ 63,300</b>	
<b>TOTAL</b>												<b>\$ 94,484</b>	
<b>TOTAL (ROUNDED)</b>												<b>\$ 94,400</b>	



**2024 SCHEDULE OF ACTUAL HOURLY BILLING RATES**

<u>Classification</u>	<u>Range of Direct Hourly Billing Rates*</u>		
Senior Management (CEO, Vice President)	\$ 67.00	to	\$ 100.00
Senior Registered Engineer, Architect, Landscape Architect, Senior Scientist, Senior GIS Analyst or Senior Planner	\$ 37.00	to	\$ 100.00
Engineering, Architectural, Planning, or GIS Specialist II	\$ 33.00	to	\$ 95.00
Engineering, Architectural, Planning, or GIS Specialist I	\$ 29.00	to	\$ 58.00
Registered Engineer, Architect, Landscape Architect, Planner, GIS Analyst, Professional Land Surveyor, Scientist, or Certified Interior Designer	\$ 23.00	to	\$ 71.00
Graduate Engineer, Planner, Interior Designer, Scientist, GIS Analyst, or Land Surveyor	\$ 23.00	to	\$ 50.00
Architectural Designer or Landscape Architectural Designer	\$ 23.00	to	\$ 42.00
Technician III	\$ 30.00	to	\$ 44.00 **
Technician II	\$ 21.00	to	\$ 40.00 **
Technician I	\$ 15.00	to	\$ 34.00 **

\* Rates effective until December 31, 2024.

\*\* For hours worked over 40 hours per week individuals are billed at one and one-half times the above rates.

*In addition to hourly charges, TKDA shall be reimbursed for direct expenses actually incurred. Unless otherwise approved by the Client, direct expenses for travel and subsistence will be billed at or up to applicable IRS and US GSA published rates. TKDA shall be reimbursed for subconsultant fees at the amount billed TKDA plus 10%.*

Notes:

1. Overhead Costs shall be calculated as the Direct Hourly Rate times TKDA's Overhead Multiplier Rate of 165.2%. This is slightly lower than our MnDOT audited rate.
2. For Hourly Rate Authorizations, Direct Rates will be subject to an Hourly Rate Multiplier of 3.05, which includes Overhead Costs and Fee (Profit).
3. For Hourly Cost Reimbursement Plus Fixed Fee Authorizations, the Fixed Fee shall be 15% of the Direct Salary Costs and Overhead Costs amount initially approved under the Authorization.

City of Marshall, MN

January 31, 2023



Mr. Daniel Sherer, PE  
TKDA  
444 Cedar Street, Suite 1500  
Saint Paul, MN 55101  
[daniel.sherer@tkda.com](mailto:daniel.sherer@tkda.com)

RE: Proposal for Geotechnical Services  
Proposed SW MN Regional Airport Runway Instrument Landing System Replacement  
Marshall, Minnesota  
AET #P-0030474

Dear Mr. Sherer:

American Engineering Testing, Inc. is pleased to submit a proposal for this project. In this proposal, we present our understanding of the project, an outline of the scope of services we are to provide, a fee schedule, and an estimate of charges for our services.

**Purpose**

The purpose of this geotechnical work is to explore the subsurface conditions at the site, and based on our characterization of the obtained data, to prepare a geotechnical engineering report presenting comments and recommendations to assist you and your design team in planning and construction.

**Project Information**

We understand that you are planning to replace a runway instrument landing system at the Southwest Minnesota Regional Airport in Marshall, Minnesota. The proposed structure will include antenna foundations and shelter buildings. The RFP provides the proposed design pressures and structure categories.

**Scope of Services**

***Field Exploration***

As requested by you, our subsurface exploration program will consist of the following:

- Perform six (6) standard penetration test borings (ASTM:D1586) to a depth of 25 feet each.
- Seal the boreholes per Minnesota Department of Health requirements.
- Dimension and document boring locations based on the existing surface features.
- Obtain surface elevations at each boring location based on provided/assumed benchmarks.

We have not had an opportunity to observe the project site; we assume that the proposed boring locations will be accessible to our truck mounted equipment. It is our understanding that TKDA will provide and stake the boring locations and elevations.

We will drill the borings using hollow stem augers or by rotary mud drilling, and sampling by the split-barrel method (ASTM D1586). Our crew will keep field logs noting the methods of drilling and sampling, the Standard Penetration Values (N-values, "blows per foot"), preliminary soil classification, and observed



groundwater levels. Representative portions of recovered samples will be sealed in jars to prevent moisture loss and submitted to our laboratory for review, testing and final classification. We will backfill the boreholes and soundings to comply with the Minnesota Department of Health Regulations.

The pavement/parking lot will be patched with bituminous/concrete. Even after backfilling, some sloughing of the backfill may occur, resulting in a potential tripping hazard to pedestrians. We assume that the property owner will backfill and repair any boreholes that may slough after our exploration is complete. AET cannot accept any liability associated with pedestrian injury. Accessing the boring locations may leave ruts in the ground. We assume that property owner will perform any site restoration work. We have not included a fee for site restoration in our cost estimate.

**Underground Utilities**

Before we drill, we will contact Gopher State One Call to locate public underground utilities. Gopher State One Call does not currently charge for this service, but they will not locate private underground utilities or structures. Examples of private utilities include, but are not limited to, propane lines, sewer laterals, storm sewer, sprinkler systems, site lighting, and electric and data lines between buildings. **The property owner is responsible for locating all private underground utilities and structures.** Please provide us with any maps, plans and records showing the location of all private utilities and structures.

We can provide you with names and contact information for private utility locators. These companies usually charge a fee for their services. Also, please note that private locators cannot guarantee that all private utilities will be located. For the private locator to be accurate and effective, the property owner must provide maps, plans and records showing the location of all private utilities and structures. The property owner must also provide a knowledgeable site representative to meet with the private locator and AET personnel.

AET shall be entitled to rely upon the accuracy of all location information supplied by any source. We will not be responsible for any damages to underground utilities or structures not located or incorrectly identified by the property owner, any maps, plans or records, or public or private utility locator providers.

***Laboratory Testing***

Our services will include index laboratory testing of selected soil samples to aid in judging engineering properties of the soils. The requested laboratory testing is as follows:

<u>Test</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Cost</u>
Moisture Content (ASTM:D2216)	30	\$15.00	\$450.00
Moisture Content/Density (ASTM:D7263)	2	\$70.00	\$140.00
Atterberg Limits (ASTM:D4318)	1	\$132.00	\$132.00
Grain Size Distribution w/o hydrometers (ASTM:D422)	--	\$110.00	\$--
Unconfined Compressive Strength (ASTM:D2166)	1	\$110.00	\$110.00
Grain Size Distribution w/hydrometers (ASTM:D422)	2	\$208.00	\$416.00
Standard Proctor (ASTM:D698)	--	\$184.00	\$--
		<b><u>Total Cost</u></b>	<b>\$1,248.00</b>



***Engineering Report***

Upon completion of the drilling and laboratory work, we will prepare a geotechnical report describing the subsurface conditions encountered and presenting our foundation recommendations for the runway instrument landing system. The report will also discuss earthwork recommendations. Our geotechnical engineering opinions and recommendations regarding the following:

- Grading procedures to prepare the area for structural support, including comments on the suitability of the on-site soils for reuse as fill.
- Foundation types and depths, including allowable soil bearing capacity and estimates of foundation settlement.
- Backfilling procedures, including material types and compaction requirements.
- Ground floor slab support, including recommendations on the need for a vapor or capillary water barrier.
- Comments on other items which may affect final performance or constructability, such as frost heave and drainage considerations.

**Insurance**

For the mutual protection of you and American Engineering Testing, we maintain both general and professional liability insurance. Certificates of such insurance can be provided at your request.

**Project Direction**

Services we perform on your project will be done under the direction of an experienced geotechnical engineer registered in the State of Minnesota.

**Fees**

The scope of work defined in this proposal will be performed on a time and materials basis in accordance with the attached schedule of fees. For the scope of work described above, the estimated cost will be as follows:

<b><u>Task</u></b>	<b><u>Cost</u></b>
Mobilization/Demobilization	No Charge
Clear Utilities/Layout soil borings	\$100.00
Soil Borings	\$4,500.00
MDH Sealing Record	\$150.00
Laboratory Testing	\$1,248.00
Report and Project Management	\$1,700.00
<b>TOTAL</b>	<b>\$7,698.00</b>

We would not exceed \$7,698.00 without prior authorization. If additional drilling is required for proper soil evaluation it would be charged at a unit rate of \$35/foot.

In the event the scope of our services needs to be revised due to unanticipated conditions or for proper evaluation, we will review such scope adjustments and the associated fees with you and receive your approval before proceeding.

**Minnesota Department of Health Fees**

Effective July 1, 2019, the Minnesota Department of Health (MDH) has changed the borehole sealing and notification requirements. For sites where borings are drilled to a depth of 15 feet or deeper, all



licensed drilling companies are required by law to grout the boreholes upon completion. For borings 25 feet in depth or deeper all licensed drilling companies must submit written notification to the MDH prior to drilling along with a fee of \$75. Projects that span multiple properties will require multiple notifications. The MDH also requires that a Sealing Record be submitted to the MDH, with a copy to you, after the borings are completed. The above fee estimate for our geotechnical services includes the MDH fee for the proposed scope of drilling; however, because final boring depths can change, for example, due to possible unanticipated poor soil conditions, the final MDH fee (including an administrative charge of \$75 per notification) will be added, if necessary, to our final invoice to you.

The MDH Notification and Sealing Record requires the Property Owner name and mailing address (the Property Owner will also receive a copy of the Sealing Record). Please provide this information below.

Property Owner's name/company name:

---

Property Owner's mailing address:

---

### **Performance Schedule**

Weather permitting; we anticipate drilling operations can begin within about three (3) to four (4) weeks after receiving authorization to proceed. Verbal results of the drilling activities can be obtained shortly after completion of the drilling. We anticipate the geotechnical report can be prepared within about one (1) week to two (2) weeks after completion of the field work. We are available to review special schedule needs with you.

### **Environmental Concerns**

This proposal is presented for engineering services to evaluate the structural properties of the soil at the specified site. This proposed does not cover environmental assessment of the site or environmental testing of the soil or groundwater. If you wish to have us provide these additional services, please contact us.

### **Terms and Conditions**

our Revised Subcontract Agreement dated January 2, 2006.

All AET Services are provided subject to the Terms and Conditions set forth in the ~~enclosed Master Service Agreement~~, which, upon acceptance of this proposal, are binding upon you as the Client requesting Services, and your successors, assignees, joint venturers and third-party beneficiaries. Please be advised that additional insured status is granted upon acceptance of the proposal.

### **Acceptance**

AET requests written acceptance of this proposal in the Proposal Acceptance box below, but the following actions shall constitute your acceptance of this proposal together with the Terms and Conditions and Amendments: 1) issuing an authorizing purchase order for any of the Services described above, 2) authorizing AET's presence on site or 3) written or electronic notification for AET to proceed with any of the Services described in this proposal. Please indicate your acceptance of this proposal by signing



below and returning a copy to us. When you accept this proposal, you represent that you are authorized to accept on behalf of the Client.

~~We have enclosed with this proposal a copy of the "Environmental/Geotechnical Service Agreement-Terms and Conditions." The terms contained in this attachment are incorporated herein and are an integral part of this contract for professional engineering services.~~

If you have any questions regarding our services, or need additional information, please do not hesitate to contact us.

Sincerely,  
**American Engineering Testing, Inc.**

Tom James  
Manager – Marshall  
Phone: 507-532-0771  
Fax: 651-659-1379  
Email: [tjames@teamaet.com](mailto:tjames@teamaet.com)

Gregory A. Guyer, PE  
Senior Engineer  
Phone: 507-387-2222  
Fax: 651-659-1379  
Email: [gguyer@teamaet.com](mailto:gguyer@teamaet.com)

TJ/GG/as

Attachments  
Master Service Agreement (15 pages)

**ACCEPTANCE AND AUTHORIZATION: AET Proposal No. P-0030474**

SIGNATURE: \_\_\_\_\_  
PRINTED NAME: \_\_\_\_\_  
COMPANY: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
PHONE NUMBER AND EMAIL: \_\_\_\_\_  
DATE: \_\_\_\_\_

**INVOICING INFORMATION (Provide Company AP Department Information, if present.)**

AP CONTACT NAME: \_\_\_\_\_  
BILLING/MAILING ADDRESS: \_\_\_\_\_  
AP PHONE NUMBER AND INVOICE EMAIL: \_\_\_\_\_  
P.O. NO./ PROJECT NO.: \_\_\_\_\_

**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Presenter:</b>	Pamela Whitmore
<b>Meeting Date:</b>	Tuesday, January 23, 2024
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	ACTION
<b>Subject:</b>	Consider Adoption of an Ordinance Amending Interim Cannabis Prohibition
<b>Background Information:</b>	<p>The City adopted Ordinance 23-015 on July 27, 2023 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. 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.</p> <p>Commercial businesses involved in limited manufacturing, and the transporting, or delivery and distribution of that infusion based lower potency hemp beverages 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 of THC related intoxicating products for off sale use by the public within the City of Marshall. 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. Opportunities exist for commercial businesses in the City to provide services involving the manufacturing, transporting, or delivery and distribution of lower potency hemp beverages; and that opportunities exist for commercial on-sale liquor licensed establishments to sell lower potency hemp beverages on their premises, all of which will benefit commerce in the City. The Legislative and Ordinance Committee met on January 9<sup>th</sup> and recommended that registration fees be waived during 2024 and a fee/registration process begin in 2025.</p>
<b>Fiscal Impact:</b>	
<b>Alternative/ Variations:</b>	
<b>Recommendations:</b>	To adopt Ordinance 24-002 Amending Ordinance 23-015 Interim Cannabis Prohibition to allow the manufacture of THC beverages by brewers and distilleries, and to allow on-site consumption of THC beverages of on-sale intoxicating liquor license holders and authorize its summary publication pursuant to MN Statute 412.191.



**ORDINANCE NO. 24-002**

**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 beverages 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 of THC related intoxicating products for off sale use by the public within the City of Marshall; 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 manufacturing, transporting, or delivery and distribution of lower potency hemp beverages; and that opportunities exist for commercial on-

sale liquor licensed establishments to sell lower potency hemp beverages on their premises, all of 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:

(1) ~~Other than as allowed in subparagraphs a, b, and c 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~~ Lower Potency Hemp Edibles 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 Edibles intended to be consumed as a beverage (“Lower Potency Hemp Beverages”) is allowed as an accessory use only at breweries and distilleries licensed as such under Minnesota Statutes Chapter 340A, as long as the manufacturing process for the beverages does not involve the cannabis plant. For purposes of this Section, accessory use is defined to mean not accounting for more than 50% of the production of total product produced at the brewery or distillery. 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. Exclusive liquor stores may sell Lower Potency Hemp Edibles, including Lower Potency Hemp Beverages. No off-sale of Lower-Potency Hemp beverage growers are allowed by breweries or distilleries.
- c. On-site consumption of Lower Potency Hemp Beverages is allowed at establishments that hold a current on-sale liquor license, licensed by the City pursuant to Minnesota Statutes Chapter 340A.
- d. Breweries or distilleries manufacturing Lower-Potency Hemp Beverages as an accessory use, and any licensed on-sale liquor establishment selling Lower-Potency Hemp Beverages, must be registered with the applicable state agency, which may include the State Office of Cannabis Management, or, where applicable, the Minnesota Department of Health, and will be subject to any future applicable licensing or registration requirements by the state or the City of Marshall. The breweries, distilleries, and on-sale liquor establishments subject to this Section must provide the City with proof of registration

with the applicable state agency, which generally is in the form of a copy of the agency's registration certificate.

- e. All manufacturing and sales authorized in this Section 3(a)(1) must adhere to all applicable City Code requirements, including being current on payments of all licensing fees, as well as in compliance with all applicable statutory requirements, including those in Minnesota Statutes, section 151.72 and Minnesota Statutes, chapter 342.
  - f. Businesses found to have violated this Ordinance may be prohibited from selling or manufacturing Lower-Potency Hemp Beverages.
- (2) 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 flower or Cannabis Products, as those terms are defined in Minnesota Statutes Chapter 342, within the jurisdictional boundaries of the City of the City of Marshall.
- (3) The City shall not process, or act on any application, site plan, building permit, or other zoning approval for a business, person, or entity covered herein, other than sales and limited manufacturing allowed under Section 3(a)(1) above. ~~proposing to engage in the sale of any Cannabinoid Products, including Cannabis Products, Lower Potency Hemp Edibles, or Hemp Derived Consumer Products.~~
- (4) 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,

**SUMMARY ORDINANCE NO. 24-002**

**AN ORDINANCE AMENDING INTERIM CANNABIS PROHIBITION ORDINANCE PROHIBITING CERTAIN CANNABINOID AND HEMP-DERIVED PRODUCTS AND ACTIVITIES IN THE CITY OF MARSHALL**

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

Section 1: City Code of Ordinances, Interim Cannabis Prohibition is hereby amended in summary as follows:

Commercial brewers and distilleries would be allowed to manufacture, transport, or deliver lower potency hemp beverages. On-site consumption of THC beverages would also be allowed at locations that possess an on-sale intoxicating liquor license issued by the city.

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. 24-002.

It is hereby directed that only the above Title and Summary of Ordinance No. 24-002 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 13<sup>th</sup> day of February 2024.

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

ATTEST:  
Steven Anderson  
City Clerk

<b>Presenter:</b>	Mayor Byrnes
<b>Meeting Date:</b>	Tuesday, February 13, 2024
<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>	

TO: Honorable Mayor and Members of the City Council; City Staff

FROM: Sharon Hanson, City Administrator

DATE: February 13, 2024

SUBJECT: Administrative Brief

**CITY ATTORNEY**

Some highlights from the office of City Attorney for the month of January:

- Attended meetings.
- Attended Legal Executive meeting.
- Reviewed contracts for Staff.
  - Working on rental agreements for ACC.
  - Review of MOU Redwood River One.
  - Work on environmental contract.
- Ordinances
  - Ordinance amending moratorium on retail sale of THC products.
- Work with staff and Attorney Sonsalla on EDA property questions.
- Answered questions related to bid documents.
- Answered questions on code violations.
- Worked collaboratively with MMU on updating Council on national PFAS litigation and available PFAS settlement.
- Worked with police department and administrative staff on police matters.
- Assisted with questions related to BCA.
- Assisted with HR questions.
- Assisted with various data requests and analysis of classifications of data.
- Worked on securing hearing officers.

Work of other K&G Attorneys:

- Attorney Gilchrist worked on ditch questions.
- Attorney Kantner reviewed environmental agreement.

**CITY PROSECUTOR:**

	ASSAULT	OPF VIOL.	DWI	OTHER ALCOHOL	TRAFFIC	THEFT	OTHER	TOTAL 2024	2023 Comparison
Prosecution	3		2		2	1	2	10	17
Dismissed									
Non-Prosecution	2						1	3	3
Refer to County						1		1	1

## **ADMINISTRATION**

- This past month continued planning regarding Juneteenth event, Diversity Equity and Inclusion Commission strategic planning, meeting with SMSU regarding World Fest.
- Worked with L&O and City Attorney on THC Interim Ordinance.
- Community Services Department items-software discussion, orientation of new Office Specialist employee Lauren Mellenthin, met with YMCA to discuss collaboration-a monthly meeting, discussed Sports Commission with CVB Director Cassi Weiss, assisted with Community Services Advisory Board meeting.
- The Aquatic Center Committee met with Stockwell to kick-off the design process with the following updated schedule: July Council request to advertise for bids, bid opening in August, bid award in September, construction start in October.
- Attended the following meetings: EDA Board mtg, virtually attended Coalition of Greater MN Cities Board meeting, and virtually attended League of MN Cities Board, Chamber 2030 MN presentation/mtg, MNSCU Executive Director of Workforce and Economic Development to discuss SMSU offerings that could benefit the business community, SW Administrator mtg in Redwood Falls, DEI Commission mtg, met with Brian Knochenmus for regular check-in with Mayor and EDA Director. Various other staff and personnel discussions.

## **Economic Development Authority**

- Solugen – Groundbreaking Ceremony is scheduled for April 11<sup>th</sup>. Staff continues to work with development team on workforce development, housing, and site development for the project.
- SWWC – Staff is completing plating and land transfer to prepare for Spring/Summer construction. Project has been approved by MDE.
- Family Dollar – Family Dollar is now open on East College Drive.
- East College Grant – Staff is finalizing grant agreements and awards.
- Workforce Development – Staff met with Shannon Bryant, Executive Director Workforce and Economic Development from Minn State, to discuss workforce development opportunities at SMSU.
- Tapestry – Staff is working with Tapestry Companies on a 2024 application for the MN Housing Tax Credit program for affordable housing project located in Parkway.

## **Human Resources**

- Staffing:
  - Office Specialist: The city welcomes Lauren Mellenthin as our new Office Specialist in the Community Services division.
  - Appraiser: the City will welcome Charlie Vos to the position beginning 03/04/2024.
  - Plant Operator: interviews will be held the week of February 12-16<sup>th</sup>.
  - CSO (part-time): interviews have been completed; HR is working with the hiring manager on candidate selection.
  - Temporary/seasonal: staffing for many positions in public works and community services is on-going.
- Safety: Select staff will receive training in our respiratory protection and spill prevention countermeasure control programs.

## **Clerk**

- The March 5<sup>th</sup> Presidential Primary will be held at the traditional polling place locations. Recruitment and training of election judges for March, August and November elections are underway.
- The Ways and Means Committee met to discuss the Interim Cannabis Prohibition Ordinance to allow manufacture of THC beverages and on-site consumption at locations that possess an on-sale liquor license issued by the city.

- Required Fire State Aid and Police State Aid information had been submitted to the Department of Revenue.
- Fire Service Contract Agreements have been sent to surrounding clerks for 2024-2025 protection.
- Advertisements for various boards and commissions were submitted to various media outlets.

#### **Finance**

- 2024 Bonding – Finance continues to work with Mikaela Huot of BakerTilly on potential bonding and anticipates additional materials being brought forward soon.
- 2023 Audit – Our auditors plan to be on site for audit fieldwork the week of May 13<sup>th</sup>.

#### **Assessing**

- No Report

#### **Liquor Store**

- January Financials: Sales \$483,294 +3.47%, Customer Count 14,303 +2.35%, Ticket Average \$33.79 + 1%. A good month for all financials. Considering the ‘Dry’ January message out there we ended up over last year. Weather has also been favorable for traffic.
- THC beverages/edibles and Non Alcoholic Beer & Wine have seen steady growth this past couple of months.

### **COMMUNITY PLANNING**

#### **Building Services / Planning & Zoning**

- About 200 open permits.
- A dental clinic and a new airport hangar are the largest projects under construction.
- Rental Ordinance ready for Council approval
- Sign ordinance is being reviewed.

### **PUBLIC WORKS DIVISION**

#### **Engineering**

- Project ST-001-2024: Chip Sealing on Various City Streets - Staff is currently working on the design and specifications for this project.
- Project ST-002-2024: Bituminous Overlay Project - Staff is currently working on the design and specifications for this project.
- Project ST-007: UCAP Bus Shelter Installations – Project plans are complete. Staff is waiting on final contract requirements from UCAP Transit for their MnDOT grant. Once received, staff will recommend advertisement for bids.
- Project ST-009: N. 3<sup>rd</sup> St./W. Lyon St. Reconstruction (R&G Construction Co.) –The Addison Parking lot will be reconstructed in the spring.
- Project ST-010: Lyon Circle Reconstruction Project – Order Preparation of Feasibility Report on 02/13/2024 City Council agenda.
- Project ST-012-2024: South Whitney Street Reconstruction Project (East College Drive to Jean Avenue) Bids to be received 02/22/2024 with anticipated award on 02/27/2024.

#### **Building Maintenance**

- No report

#### **Street Department**

- No report



## **Airport/Public Ways Maintenance**

- No report

## **Wastewater**

- The chloride variance has been approved by the EPA and the MPCA is working on issuing our new NPDES permit with an estimated effective date of March 1<sup>st</sup>, 2024.
- Working on updating all five Significant Industrial User agreements.
- New mechanical seal installed in final clarifier pump #3.
- Working on updating the Safety Data Sheets for the facility.
- Replaced a bad valve and reworked the piping on the chemical addition system.
- Staff have completed 270 preventative maintenance work orders in the last 30 days.
- Working on MPCA annual reports: Stormwater annual report and Phosphorus Implementation Plan annual report are being worked on.

## **PUBLIC SAFETY DIVISION**

### **FIRE DEPARTMENT**

- The Fire Department responded to twenty-four (24) calls for service. Total calls for service included:
  - Fire/CO2 Alarm (10)
  - Fire; Structure (12)
  - Medical Assist (0)
  - Vehicle Accident (2)
  - Other – Assist (0)

### **POLICE DEPARTMENT**

- The Marshall Police Department responded to a total of 762 calls for the month of January. 75 criminal offenses were reported with a total number of 33 adults arrested.

### **OFFICER'S REPORT**

- Alarms (20)
- Accidents (32)
- Alcohol involved incidents (1)
- Assaults (8)
- Domestic Assaults (21)
- Burglaries (4)
- Criminal Sexual Conduct (4)
- Damage to Property (1)
- Keys Locked in Vehicles (26)
- Loud Party (4)/ Public Disturbances (8)
- Thefts (22)
- Traffic Related Complaints (111)
- Vandalism (4)
- Warrant Pickups (8)
- Welfare Checks/Mental Health (38)

Officer Jonathon Monterosso continues to progress through the field training program. The goal is to have Officer Monterosso trained in all 4 phases of the FTO program and ready for solo patrol by the middle of March. The Bureau of Criminal Apprehension (BCA) continues to investigate the officer involved shooting incident from December 2023. We anticipate the BCA will turn over their fact finding case to the Lyon County Attorney during the next month.

## DETECTIVE REPORT

- A 35 year old Marshall woman and 40 year old Marshall man were arrested for malicious punishment of a child at the conclusion of an investigation.
- A 27 year old Marshall woman was arrested after the completion of a vulnerable adult abuse case and charged with assault.
- Two separate cases of Domestic Abuse No Contact Order Violations involving the same suspect were referred to the Lyon County Attorney's Office, who filed criminal complaints against the defendant.
- Six cases of criminal sexual conduct were investigated during the month.
- Three death investigations were completed.
- Two cases of electronic solicitation of children are under investigation.
- An identify theft case is under investigation.
- Two burglary cases are under investigation.
- Thirty-three child protection reports and nine reports from the Minnesota Adult Abuse Reporting Center were investigated in conjunction with Southwest Health and Human Services.
- Two pre-employment background investigations for Police Officer candidates were completed.

## MERIT CENTER

- In January, MN West held a Steam & Hot Water Boiler Course and is continuing CDL training utilizing the driving track at the MERIT Center.
- On January 2<sup>nd</sup> and 3<sup>rd</sup>. The Marshall Police Department utilized a classroom at the MERIT Center for meetings/debriefings.
- On January 3<sup>rd</sup>, the USDA/FSA conducted FSA District 5/PL PT Meeting with 11 attendees.
- January 4<sup>th</sup> the Marshall Leadership Academy conducted Public Safety Day with 34 attendees.
- From January 12<sup>th</sup> to January 14<sup>th</sup> North Star Training and Consulting conducted the second weekend of Firefighter I & II training with 39 attendees each day.
- From January 16<sup>th</sup> to January 18<sup>th</sup> ARMOR Training conducted Wind Turbine training, utilizing a classroom and the wind tower with 3 attendees the first day and 6 attendees for the last two days.
- On January 16<sup>th</sup> United Community Action Partnership conducted a meeting with 16 attendees.
- On December 16<sup>th</sup> Young Professionals through the Marshall Chamber of Commerce conducted their monthly meeting with 17 attendees.
- On December 16<sup>th</sup> Minnwest Bank conducted their annual meeting with 50 attendees.
- On January 17<sup>th</sup> Southwest Emergency Medical Services conducted their SWEMS Board meeting with 20 attendees.
- On January 18<sup>th</sup> ADM conducted their monthly safety training with 50 attendees. ADM will continue to utilize the MERIT Center monthly for this meeting.
- On January 19<sup>th</sup> and January 20<sup>th</sup> North Star Training and Consulting concluded the final weekend for Firefighter I & II training with 39 attendees each day.
- On January 24<sup>th</sup> the Southwest Healthcare Preparedness Coalition held their Coalition / SWRTAC Meeting with 12 attendees.
- On January 24<sup>th</sup> the SW Emergency Communication Board held their bi-monthly Radio Board Meeting with 35 attendees. They will continue to utilize the MERIT Center indefinitely.
- On January 26<sup>th</sup> North Star Training & Consulting conducted Firefighter I & II retesting with 13 attendees.
- The MERIT Center was utilized 15 out of 31 days with 23 reservations in January. There was a total of 541 attendees.

**MONTHLY REPORT OF ACTIVITY FOR MARSHALL POLICE For Month and Year ending January 2024 (YTD TOTALS)**

**OFFENSE/ARREST DATA**

	Offenses		Actual	Total Arrests/Excluding traffic	
	Reported	Unfounded	Offenses	Adult	Juvenile
January	75	0	75	33	0
February					
March					
April					
May					
June					
July					
August					
September					
October					
November					
December					

<b>YTD 2024</b>	<b>75</b>	<b>0</b>	<b>75</b>	<b>33</b>	<b>0</b>
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**Averages for all Activities (Calls for Service)**

	#Calls	Time in Hrs
	Total	Spent
January	762	347
February		
March		
April		
May		
June		
July		
August		
September		
October		
November		
December		
<b>YTD 2024</b>	<b>762</b>	<b>347</b>

Accidents	Jan.	Feb.	Mar.	April	May	June	July	Aug.	Sept	Oct.	Nov.	Dec.	YTD
Hit and Run	2												2
Property Damage	26												26
Personal Injury	3												3
Fatalities	1												1
<b>TOTAL 2024</b>	<b>32</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>32</b>

CITATIONS	Jan.	Feb.	Mar	Apr	May	June	July	Aug	Sept	Oct.	Nov.	Dec.	YTD
Citations	17												17
Parking Tickets	24												24

**Activities (Calls For Service)**

**\*High Hours Expended**

	Jan.	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct.	Nov.	Dec.	YTD
Alarms	20												20

Alcohol	1													1
Animal Bite	2													2
Animal Complaint	8													8
Assault	8													8
Assists	56													56
Auto Theft	0													0
Bike Found	1													1
Bike Theft	0													0
Burglary	4													4
Bus Violation	11													11
Check Forgery	0													0
Check Fraud	1													1
Civil Matters	8													8
Criminal Sex	4													4
Damage to Prp	1													1
Death Investigation	3													3
Domestics	21													21
Drugs/Narcotics	0													0
Family Matters	7													7
Fire Alarm	0													0
Gas Meal Assist	1													1
Gun Permits	6													6
Harassment	9													9
Intoxicated/Detox	0													0
Keys Locked In vehicles	26													26
Mental Health	12													12
Fraud	0													0
Parking Complaints	41													41
Party Loud Party	4													4
Pred - Sex Offender	0													0
Property Found	13													13
Public Disturbance	8													8
Pursuit	0													0
Runaway	7													7
Escort Funeral,other	7													7
Search Warrant	0													0
Suspicious Anything	15													15
Suspicious Vehicle	6													6
Tobacco Violation	4													4
Theft	22													22
Trains	0													0
Transport (Marshall PD etc)	2													2
Trespassing	5													5
Traffic Related Complaints	111													111
Unsecured Building	0													0
Vandalism	4													4
Violation of OFP	4													4
Warrant Pickups	8													8
Welfare Checks	27													27
Welfare Fraud	0													0
ERU Activated	0													0
Weapons Involved	2													2
<b>YTD 2024</b>	<b>500</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>500</b>

**OFFENSE ACTIVITY BY DAY OF WEEK**

	Mon	Tues	Wed	Thur	Fri	Sat	Sun
January	13	17	13	8	8	5	11
February							
March							
April							
May							
June							
July							
August							
September							
October							
November							
December							

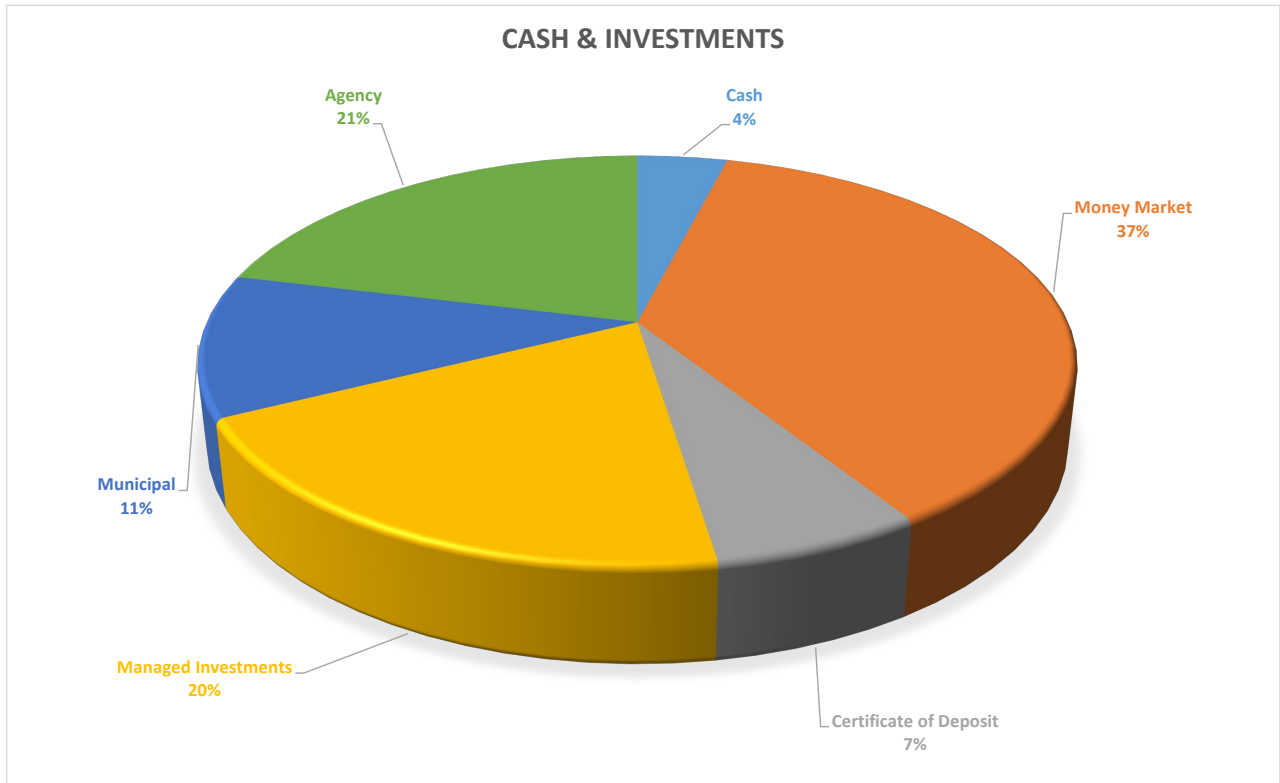
<b>YTD 2024</b>	13	17	13	8	8	5	11
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**DETECTIVE / INVESTIGATIONS ACTIVITIES**

	Jan.	Feb.	Mar	Apr	May	June	July	Aug	Sept	Oct.	Nov.	Dec.	YTD
Felonies	28												28
Gross Misdemeanors	36												36
Misdemeanors	19												19

**City of Marshall, Minnesota  
Cash & Investments  
1/31/2024**

	<u>Par Value</u>	<u>YTM Rate</u>
CASH & INVESTMENTS:		
Checking -Bremer	1,635,449.07	0.00%
Money Market - US Bank	8,239,328.15	5.24%
Money Market - Wells Fargo	115,775.15	5.24%
Money Market - 4M	6,839,932.30	5.22%
Agency - 4M	3,355,000.00	4.33%
Certificate of Deposit - Wells Fargo	1,470,000.00	4.36% Average
Investment Portfolio - General Fund	2,705,213.89	
Investment Portfolio - WW/SW Capital Reserve	3,615,242.70	
Investment Portfolio - Endowment Fund	1,912,366.62	
Municipal - US Bank	4,615,000.00	3.99% Average
Certificate of Deposit - US Bank	1,225,000.00	2.22% Average
Agency - US Bank	5,335,000.00	4.16% Average
<b>TOTAL CASH &amp; INVESTMENTS</b>	<u><u>41,063,307.88</u></u>	<u><u>3.86% Average YTM</u></u>





# MARSHALL

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

Applicant Name	Location	Description of Work	Valuation	Approved Date
ADELMANN CONSTRUCTION LLC	408 DONITA AVE	Interior Remodeling - ANY Work Inside, Except Fireplace	10000.00	01/19/2024
BABCOCK CONSTRUCTION	406 2ND ST S, 406 2ND ST S	Doors, Re-Siding	12082.00	01/31/2024
Bladholm Construction inc	1561 MADRID CIRCLE	New Building/House	425000.00	02/02/2024
Dustin Westover	1561 MADRID CIRCLE	Plumbing - New building	0.00	02/05/2024
Dustin Westover	1004 MAIN ST W	Both - Bathroom remodeling, Interior remodeling AND Air Conditioning, Furnace	17500.00	02/05/2024
Eric Mathiowetz	610 KATHRYN AVE	HVAC - Furnace	3800.00	02/01/2024
Eric Mathiowetz	709 SCOTT ST	HVAC - Furnace	6000.00	02/05/2024
Eric Mathiowetz	1106 BRUCE CIR	HVAC - Air Conditioning, Furnace	8700.00	02/05/2024
GESKE HOME IMPROVEMENT CO	1003 1ST ST S	Windows	800.00	02/02/2024
GESKE HOME IMPROVEMENT CO	715 NUESE LN	Doors	1600.00	02/02/2024
GESKE HOME IMPROVEMENT CO	400 WOODLAND WAY	Windows	4800.00	02/02/2024
HEYN BROTHERS CONSTRUCTION CORP	218 HIGH ST N	Re-Roofing	24000.00	01/24/2024
INDEPENDENT LUMBER OF MARSHALL INC	109 PARK AVE	Interior Remodeling - ANY Work Inside, Except Fireplace	3000.00	02/06/2024
kevin hart	1009 HACKBERRY DR	HVAC - Air Conditioning, Furnace	9200.00	02/07/2024
kevin hart	500 US HWY 59 N	HVAC - Air Conditioning, Furnace	30000.00	01/31/2024
Kevin V Goslar	227 RAINBOW DR	Plumbing - Water heater	1250.00	01/18/2024
Kevin V Goslar	304 HUDSON AVE	HVAC - Furnace	5000.00	02/07/2024
Mathew Henry Coequyt	311 LONDON RD	Both - New building AND Air Conditioning, Furnace	0.00	01/24/2024
Mathew Henry Coequyt	105 1ST ST S	Plumbing - Piping replacement	0.00	01/31/2024
Mathew Henry Coequyt	408 DONITA AVE	Plumbing - Bathroom remodeling, Piping replacement	3000.00	01/31/2024
Sussner Construction, Inc.	1004 MAIN ST W	Interior Remodeling - ANY Work Inside, Except Fireplace	220000.00	01/19/2024
WERNER/THOMAS D & MELANIE G/JT	307 HIGH ST N, 307 HIGH ST N	Interior Remodeling - ANY Work Inside, Except Fireplace, Windows	5000.00	02/02/2024



## Upcoming Meetings

### February

- 02/13 Public Improvement & Transportation Committee, 4:00 PM, City Hall
  - 02/13 Regular Meeting, 5:30 PM, City Hall
  - 02/27 Ways & Means Committee, 4:30 PM, City Hall
  - 02/27 Regular Meeting, 5:30 PM, City Hall
  - 02/29 Public Improvement & Transportation Committee, 5:30 PM, City Hall
- 

### March

- 03/05 Presidential Nomination Primary, Regular Polling Locations
- 03/12 Regular Meeting, 5:30 PM, City Hall
- 03/26 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

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## 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 17, 2024

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## 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.