



OPENING ITEMS

APPROVAL OF AGENDA

APPROVAL OF MINUTES

1. Consider Approval of the Minutes from September 12

AWARD OF BIDS

2. Consider Award of Bids for Rock Salt for Street Department
3. Project ST-034: Intersection Control Evaluation (ICE) for Intersection of Susan Drive and US 59 Frontage Road – Award of Proposal

CONSENT AGENDA

4. Consider Approval of a Raffle Permit for Ducks Unlimited
5. Consider Approval of a Raffle Permit for United Way
6. Consider Approval for a Temporary On-Sale Liquor License for Marshall Area Chamber of Commerce
7. Consider Approval for a Temporary On-Sale Liquor License for SMSU Gameday Roundup vs Moorhead
8. Consider Approval for a Temporary On-Sale Liquor License for SMSU Gameday Roundup vs Sioux Falls
9. Consider Approval for a Temporary Sunday Liquor License for The Gambler on New Years Eve
10. Consider Request of Prairie Home Hospice & Community Care for the Light Up the Night Parade on Friday, November 24, 2023
11. Consider Renewal of the Safety Management Services Agreement with MMUA
12. Consider Authorization to Declare Vehicles as Surplus Property
13. Declaration of Use Restriction for Independence Park as part of MN DNR Outdoor Recreation Grant
14. Consider Approval of the Bills/Project Payments

APPROVAL OF ITEMS PULLED FROM CONSENT

NEW BUSINESS

15. Tree City, Emerald Ash Borer Plan, Grant Updates
16. Consider Amendments to the Personnel Policy Manual
17. Project ST-004: Halbur Road Reconstruction Project - Consider Change Order No. 6 (Final) and Acknowledgement of Final Pay Request (No. 7)
18. Consider Approval of 2023-2024 Property/Casualty and Liability Insurance
19. Marshall Aquatic Center Update, 2023 Local Option Sales Tax Report

COUNCIL REPORTS

20. Commission/Board Liaison Reports
21. Councilmember Individual Items

STAFF REPORTS

22. City Administrator
23. Director of Public Works/City Engineer
24. City Attorney

INFORMATION ONLY

25. Public Housing Commission Minutes from July
26. Building Permits

MEETINGS

27. Upcoming Meetings

ADJOURN

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



CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Mayor Byrnes
Meeting Date:	Tuesday, September 26, 2023
Category:	APPROVAL OF MINUTES
Type:	ACTION
Subject:	Consider Approval of the Minutes from September 12
Background Information:	Enclosed are the minutes from the previous meetings.
Fiscal Impact:	
Alternative/ Variations:	Staff encourages City Council Members to provide any suggested corrections to the minutes in writing to City Clerk, Steven Anderson, prior to the meeting.
Recommendations:	That the minutes from the meeting held on September 12th 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, September 12, 2023**

The regular meeting of the Common Council of the City of Marshall was held September 12, 2023, at City Hall, 344 West Main Street. The meeting was called to order at 5:30 P.M. by Mayor Robert Byrnes. In addition to Byrnes the following members were in attendance: Steven Meister, Amanda Schroeder, John Alcorn, James Lozinski and See Moua-Leske. Absent: Craig Schafer. Staff present included: Sheila Dubs, Human Resource Manager; 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; Dean Coudron, Public Ways Supervisor; Quentin Brunsvold, Fire Chief; Scott Truedson, Wastewater Supervisor; Ilya Gutman, Plans Examiner; and Steven Anderson, City Clerk.

The Pledge of Allegiance was recited at this time.

There was a consensus to operate under the current agenda.

Consider Approval of the Minutes from August 22nd and August 29th

There were no requests to amend the minutes.

Motion made by Councilmember Meister, Seconded by Councilmember Alcorn to approve the minutes from meetings held on August 22nd and 29th. Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

Award of Quotation for Track Skidloader for the Street Department

Jason Anderson, Director of Public Works/City Engineer, explained that bid proposals were taken with and without undercarriage suspension that included a trade-in of the existing 2007 unit. Staff recommended that the award go to Titan Machinery for the 2024 Case TV370B Track Skidloader in the amount of \$77,617.40, less trade-in of \$22,000 for a net purchase price of \$55,617.40. \$60,000 was budgeted for this item in 2023. Councilmember Lozinski mentioned that the Equipment Review Committee did not meet but had given Coudron permission to go forward with the specifications needed for the city. Councilmember Meister asked for clarification on what the undercarriage suspension was used for. It was explained that the suspension allows workers to use the machine for longer periods of time and helps lessen the wear on the machine when it is in use.

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

- Consider Approval of a Raffle Permit for SMSU
- Consider Approval of a Raffle Permit for the United Way of Southwest Minnesota
- MOU Between City of Marshall and Southwest Minnesota State University
- Consider Striping Adjustments on C Street and North Bruce Street
- Consider Approval of the Bills/Project Payments

Adoption of Ordinance Section 18-2 Key Box

Ilya Gutman gave background information on the ordinance. These boxes contain keys and documentation that may be vital for the fire department or police in case of fire or other emergencies, as it will facilitate quick and easy access to buildings and orientation within the building after gaining access. At times the fire department is forced to break the front door or window to enter the building in cases of fire alarms. The addition of the key box could aid in less damage being caused by emergency personnel. The Legislative and Ordinance Committee recommended approval of the new ordinance section. Councilmember Lozinski clarified that this was not intended to be a retroactive ordinance and will only be enforced on new building or when a major remodel occurs.

Motion made by Councilmember Lozinski, Seconded by Councilmember Meister to adopt Ordinance 23-021 adding Section 18-2 Required Key Box. Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

Update on the Wastewater Facility NPDES Draft Permit and Chloride Reduction Grant

Scott Truedson provided an update to council on the NPDES draft permit. The Wastewater Facility has been operating under an expired NPDES permit since 2019 while awaiting reissuance of a new permit from the Minnesota Pollution Control Agency (MPCA). On 4/1/2022, the WWTF received a New Limits Notification letter from the MPCA which outlined new discharge requirements. Since receiving the new limit notification letter, city staff has partnered with Bolton & Menk and Flaherty & Hood (through the Minnesota Environmental Science and Economic Review Board - MESERB) to hold discussions with the MPCA regarding new permit limits. The city and Bolton & Menk staff have met multiple times with the MPCA to discuss the new limits and our ability to reasonably comply with the requirements of the limits. On September 1st the WWTF received a draft permit and were informed to make any comments to the MPCA by October 2nd, prior to the permit being released for the 60-day public review period. The city and Bolton & Menk staff are working on reviewing the draft permit to identify any issues prior to replying to the MPCA.

WWTF staff with the assistance of Bolton & Menk worked with the MPCA to loosen the restrictions on the water softener rebate program. Previously the rebate required a licensed contractor to adjust water softeners or new installations. Staff recommended to allow homeowners to do the water softener adjustments themselves and the homeowners would need to show that chloride numbers have reduced to obtain the \$500 rebate. A rebate could also be obtained if a homeowner or business opted to remove their water softener.

Motion made by Councilmember Lozinski, Seconded by Councilmember Moua-Leske to accept the update for the NPDES Draft Permit and to allow city staff to modify the water softener rebate program to encourage more participation. Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

Project ST-001-2023: Bituminous Chip Sealing on Various City Streets - Consider Change Order No. 2 (Final) and Acknowledgement of Final Pay Request (No. 2)

Change Order No. 2 (Final) resulted in a contract decrease amount of \$59,932.65 and a total contract amount of \$168,018.00. The original contract/low bid amount was \$225,430.05. The difference between the final contract amount and the original contract/low bid amount was \$57,412.05. The actual authorized contract amount by the City Council at their meeting on February 28, 2023, was for an amount not-to-exceed the 2023 budgeted amount of \$170,000.00.

Motion made by Councilmember Moua-Leske, Seconded by Councilmember Alcorn to accept Change Order No. 2 and acknowledgement of Final Pay Request No. 2. Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

Project ST-032: Lot 2, Block 1, Schwan's Corp I Addition Parking Lot Improvements Project (Ralco) – Change Order No. 3 (Final) and Acknowledgement of Final Pay Request (No. 2)

This project consisted of the installation of a new 6” concrete pavement surface over the existing, in-place, aggregate base section. To accommodate the new pavement surface, the existing bituminous pavement surface was removed, and the spot-removal of existing curb and gutter was completed as needed to ensure positive drainage. The existing curb and gutter and drainage structures remained in-place to the maximum extent practicable. Additional aggregate was added to the in-place aggregate base section as needed to ensure proper grade on the new parking lot surface. Additional curb and gutter and concrete sidewalk replacement was completed as needed on the southeast side of the parking lot area to provide better definition between the parking and walking areas, and to promote positive drainage. The items on Change Order No. 3 (Final Reconciling Change Order) for the project are the result of final measurements and changes in item quantities during construction. All work has been completed in accordance with the specifications.

Change Order No. 3 (Final) resulted in a contract increase in the amount of \$4,134.01 and the final contract amount was \$227,811.76. The original contract amount was \$221,243.20. The difference between the final contract amount and the original contract amount was \$6,568.56 which equated to a 2.97% contract overrun. The amount fits within the Council-approved 5% project contingency for these types of projects.

Motion made by Councilmember Moua-Leske, Seconded by Councilmember Schroeder to accept Change Order No. 3 and acknowledgement of Final Pay Request No. 2. Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

Project ST-015: MnDOT 2025 College Drive Reconstruction Project - Consider Amendment Number 1 to the Proposal from SRF Consulting Group, Inc. for Design of City Utilities

The original proposal was approved by City Council on February 8, 2022. The scope of the original proposal included the design of 3,600 feet of sanitary sewer replacement/relocation and 2,800 feet of watermain replacement/relocation. Per SRF, as the project had progressed, SRF had been asked to include additional lengths of sanitary sewer and watermain to the project and additional services as follows: Provide design services and permitting as outlined in the original scope of work for an additional length of approximately 1,535 feet of sanitary sewer (an increase of 55%). Provide design services and permitting as outlined in the original scope of work for an additional 3,310 feet of water main (an increase of 92%). Relocate the proposed location of the new watermain from the north side to the south side of College Drive. Since the original proposal the project had changed three times. Assistance Engineer Eric Hanson worked with MnDOT and SRF on a not-to-exceed amount of \$35,108 for the amendment. Councilmember Meister asked what options were available if the work does end up exceeding the \$35,108 agreed upon amount. Anderson indicated that the city could always pick up the project work in-house and move forward.

Motion made by Councilmember Schroeder, Seconded by Councilmember Alcorn to accept Amendment Number 1 with SRF Consulting Group for Project ST-015. Voting Yea: Mayor Byrnes, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske. Voting Nay: Councilmember Meister, Councilmember Lozinski. The motion **Carried. 4-2.**

Project ST-032: Lot 2, Block 1, Schwan's Corp I Addition Parking Lot Improvements Project (Ralco) - Consider Resolution Adopting Assessment

The project consisted of the installation of a new 6” concrete pavement surface over the existing, in-place, aggregate base section. To accommodate the new pavement surface, the existing bituminous pavement surface was removed, and the spot-removal of existing curb and gutter was completed as needed to ensure positive drainage. The existing curb, gutter and drainage structures remained in-place to the maximum extent practicable. Additional aggregate was added to the in-place aggregate base section as needed to ensure proper grade on the new parking lot surface. Additional curb and gutter and concrete sidewalk replacement was completed as needed on the southeast side of the parking lot area to provide better definition between the parking and walking areas, and to promote positive drainage. Knochenmus Enterprises had requested the repaving of the parking lot during 2023 and the concrete construction project will be

100% assessed to the owner, Knochenmus Enterprises, LLC. Per Item 6 of the Petition and Waiver Agreement, such proposed assessment in the amount of \$264,261.64 shall be payable in equal annual principal installments extending over a period of eight (8) years and shall bear interest at a rate of 5.27%. Councilmember Lozinski noted the city has an agreement with Knochenmus to lease the parking lot for public use.

Motion made by Councilmember Meister, Seconded by Councilmember Schroeder to adopt Resolution 23-065 authorizing special assessment Project ST-032 to parcel 27-792002-0 in the amount of \$264,261.64. Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

Consider Resolution Adopting Preliminary 2024 Levy

E.J. Moberg, Director of Administrative Services, presented the preliminary levy. The proposed property tax levy for 2024 would be \$8,988,670, which is an increase of 9.9%. The City Council must adopt its proposed property tax levy for taxes payable year 2024 and have staff certify that amount to the home county auditor on or before October 2nd (September 30th is on a Saturday). The proposed property tax levy certified should be the taxing jurisdiction’s proposed property tax levy for all purposes, including debt service. The final property tax levy cannot exceed the proposed property tax levy except because of one or more of the allowable “add-on” levies authorized within the state. The City Council is required to hold a public meeting for the proposed levy and must notify the County Auditor/Treasurer of the date, location and start time so it may be included in the parcel-specific notice. The resolution also states the city will hold the truth-in-taxation meeting at 6:00 PM on Tuesday, December 5th at City Hall.

Motion made by Councilmember Alcorn, Seconded by Councilmember Moua-Leske to adopt Resolution 23-064 approving the preliminary 2024 tax levy. Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

Commission/Board Liaison Reports

Brynes	No report.
Schafer	Absent.
Meister	No report.
Schroeder	No report.
Alcorn	No report.
Moua-Leske	No report.
Lozinski	No report.

Councilmember Individual Items

Councilmember Lozinski gave his annual fall speech to be on the lookout for pedestrians, as school had started.

Councilmember Moua-Leske invited the public to attend Welcoming Week at Justice Park on September 19th.

Mayor Byrnes informed everyone that the Minnesota Municipal Utilities Association (MMUA) held their annual lineman rodeo in Marshall.

City Administrator

Absent. No report.

Director of Public Works/City Engineer

The City of Marshall was recently audited for the MS4 permit. The Joint Airport Zoning Board met on new proposed zoning and that project will be moving forward. Project updates were given for the following projects: downtown parking, West Lyon Street, Channel Parkway, and the Legion Field Phase II Pond.

City Attorney

Was in constant communication with Jim Marshall regarding the new law with School Resource Officers in schools.

Administrative Brief

There were no questions on the Administrative Brief.

Information Only

There were no questions on the Information Only items.

Upcoming Meetings

There were no questions on the Upcoming Meetings.

Adjourn

At 6:11 PM Motion made by Councilmember Meister, Seconded by Councilmember Lozinski to adjourn the meeting.

Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 6-0.**

Attest:

City Clerk

Mayor

**CITY OF MARSHALL
AGENDA ITEM REPORT**

Presenter:	Jason Anderson
Meeting Date:	Tuesday, September 26, 2023
Category:	AWARD OF BIDS
Type:	ACTION
Subject:	Consider Award of Bids for Rock Salt for Street Department
Background Information:	Proposals were received for 500 ton of #7 rock salt for the Street Department on September 1, 2023. Five bids and one “unable to bid” were received as shown on the following page. The low bid was received from BlackStrap, Inc. of Neligh, Nebraska, in the amount of \$90.24/ton for a total of \$45,120.00.
Fiscal Impact:	The 2023 Street Department budget included \$45,000 for the purchase of winter road salt and \$8,500 for winter sand. The Street Department does not require an order of sand for this season.
Alternative/ Variations:	No alternative actions recommended.
Recommendations:	that the Council award the bid for 500 ton of #7 Rock Salt for the Street Department to BlackStrap, Inc. of Neligh, Nebraska, in the amount of \$90.24/ton for a total of \$45,120.00.

CITY OF MARSHALL, MN
#7 Rock Salt - 500 Ton
2023-2024 Season

Bid form mailed on: 08/24/2023
Bid to be returned by: 09/01/2023
City Council Award on: 09/26/2023
Notification of bid by: 09/29/2023
Delivery of items: Beginning 10/09/2023 - Done by 11/30/2023

Bidder	Price Per Ton	Total Price
Action Companies, LLC		
BlackStrap, Inc.	\$90.24	\$45,120.00
Cargill Salt	"Unable to bid" submitted	"Unable to bid" submitted
Central Salt LLC	\$93.47	\$46,735.00
Compass Minerals <i>North American Salt Co.</i>	\$110.86	\$55,430.00
Double D Gravel, Inc.		
Holicky Bros., Inc	\$119.00	\$59,500.00
Hutchinson Salt Company		
Independent Salt Company		
Johnson Feed, Inc.	\$93.19	\$46,595.00
Mills & Miller, Inc.		
Morton Salt		
SaltXchange		
Timm's Trucking		

2011 250 ton - \$62.00 - Johnson Feed	2016 400 ton - \$68.00 - Johnson Feed	2021 250 ton - \$81.50 - Mills & Miller
2012 300 ton - \$62.00 - Johnson Feed	2017 500 ton - \$68.40 - Black Strap Inc.	2022 350 ton - \$89.26 - Johnson Feed, Inc.
2013 350 ton - \$71.09 - Cargill Salt	2018 550 ton - \$81.18 - Black Strap Inc.	2023 500 ton - \$90.24 - BlackStrap, Inc.
2014 375 ton - \$80.00 - Johnson Feed	2019 500 ton - \$82.00 - Mills & Miller	
2015 400 ton - \$70.00 - Mills & Miller	2020 500 ton - \$75.48 - Black Strap Inc.	

**CITY OF MARSHALL
AGENDA ITEM REPORT**

Presenter:	Jason Anderson
Meeting Date:	Tuesday, September 26, 2023
Category:	NEW BUSINESS
Type:	INFO/ACTION
Subject:	Project ST-034: Intersection Control Evaluation (ICE) for Intersection of Susan Drive and US 59 Frontage Road – Award of Proposal
Background Information:	<p>The intersection of Susan Drive just east of US 59/Main Street is an important and busy intersection in our community. The intersection is quite wide and there are numerous travel lanes designated on each leg of the intersection. The intersection is further troubled by the “free” movements into the intersection coming off Main Street.</p> <p>The City Engineering Department has been interested in seeking proposals from a consulting engineering firm to help analyze the intersection and to perform an Intersection Control Evaluation (ICE). The purpose of the evaluation will be to recommend geometric solutions for this intersection that improve traffic flow and safety for all users of the intersection. Staff budgeted \$30,000 for this work in the 2023 engineering budget.</p> <p>At the August 14, 2023 meeting of the Public Improvement/Transportation Committee, City staff received concurrence from the PI/T Committee to seek proposals from engineering consultants to perform and ICE and to offer some design options for geometric improvement at the intersection to help improve traffic flow and safety for all users of the intersection.</p> <p>On September 15th, proposals were received from SEH and Bolton & Menk to perform this work. The proposals were sent to members of the PI/T Committee for review as well. After review and grading, the highest scoring and lowest cost proposal was submitted by Bolton & Menk in the amount of \$33,773.85.</p> <p>This item was presented to the Public Improvement/Transportation Committee at their meeting this afternoon.</p>
Fiscal Impact:	The Engineering Department budget includes \$30,000 for this work. The low proposal was submitted in the amount of \$33,773.85.
Alternative/ Variations:	No alternative actions recommended.
Recommendations:	that the City Council award the proposal for the Intersection Control Evaluation (ICE) for Intersection of Susan Drive and US 59 Frontage Road to Bolton & Menk, Inc. of Mankato, Minnesota, in the amount of \$33,773.85.



CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Steven Anderson
Meeting Date:	Tuesday, September 26, 2023
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider Approval of a Raffle Permit for Ducks Unlimited
Background Information:	Ducks Unlimited of Lyon County will be holding their annual banquet on October 13, at the Marshall Golf Club. Gambling permits are issued by the State of MN but require local approval before submittal.
Fiscal Impact:	
Alternative/ Variations:	None recommended.
Recommendations:	To approve the LG220 Application for Exempt Permit.

LG220 Application for Exempt Permit

An exempt permit may be issued to a nonprofit organization that:

- conducts lawful gambling on five or fewer days, and
- awards less than \$50,000 in prizes during a calendar year.

If total raffle prize value for the calendar year will be \$1,500 or less, contact the Licensing Specialist assigned to your county by calling 651-539-1900.

Application Fee (non-refundable)

Applications are processed in the order received. If the application is postmarked or received 30 days or more before the event, the application fee is **\$100**; otherwise the fee is **\$150**.

Due to the high volume of exempt applications, payment of additional fees prior to 30 days before your event will not expedite service, nor are telephone requests for expedited service accepted.

ORGANIZATION INFORMATION

Organization Name: Ducks Unlimited Southwest MN Chapter 7 Previous Gambling Permit Number: X-42006-22-022

Minnesota Tax ID Number, if any: _____ Federal Employer ID Number (FEIN), if any: _____

Mailing Address: 214 W College Dr

City: Marshall State: MN Zip: 56258 County: Lyon

Name of Chief Executive Officer (CEO): Hunter Kontz

CEO Daytime Phone: 5078290777 CEO Email: hunter.kontz.du@gmail.com
(permit will be emailed to this email address unless otherwise indicated below)

Email permit to (if other than the CEO): _____

NONPROFIT STATUS

Type of Nonprofit Organization (check one):

Fraternal Religious Veterans Other Nonprofit Organization

Attach a copy of one of the following showing proof of nonprofit status:

(DO NOT attach a sales tax exempt status or federal employer ID number, as they are not proof of nonprofit status.)

A current calendar year Certificate of Good Standing
Don't have a copy? Obtain this certificate from:
MN Secretary of State, Business Services Division
60 Empire Drive, Suite 100
St. Paul, MN 55103
Secretary of State website, phone numbers:
www.sos.state.mn.us
651-296-2803, or toll free 1-877-551-6767

IRS income tax exemption (501(c)) letter in your organization's name
Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS toll free at 1-877-829-5500.

IRS - Affiliate of national, statewide, or international parent nonprofit organization (charter)
If your organization falls under a parent organization, attach copies of both of the following:
1. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling; and
2. the charter or letter from your parent organization recognizing your organization as a subordinate.

GAMBLING PREMISES INFORMATION

Name of premises where the gambling event will be conducted (for raffles, list the site where the drawing will take place): Marshall Golf Club

Physical Address (do not use P.O. box): 800 Country Club Drive

Check one:

City: Marshall Zip: 56258 County: Lyon

Township: _____ Zip: _____ County: _____

Date(s) of activity (for raffles, indicate the date of the drawing): 10/13/2023

Check each type of gambling activity that your organization will conduct:

Bingo Paddlewheels Pull-Tabs Tipboards Raffle

Gambling equipment for bingo paper, bingo boards, raffle boards, paddlewheels, pull-tabs, and tipboards must be obtained from a distributor licensed by the Minnesota Gambling Control Board. EXCEPTION: Bingo hard cards and bingo ball selection devices may be borrowed from another organization authorized to conduct bingo. To find a licensed distributor, go to www.mn.gov/gcb and click on **Distributors** under the **List of Licensees** tab, or call 651-539-1900.

LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT (required before submitting application to the Minnesota Gambling Control Board)

CITY APPROVAL
 for a gambling premises located within city limits

The application is acknowledged with no waiting period.

The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days (60 days for a 1st class city).

The application is denied.

Print City Name: Marshall

Signature of City Personnel: _____

Title: _____

Date: _____

The city or county must sign before submitting application to the Gambling Control Board.

COUNTY APPROVAL
 for a gambling premises located in a township

The application is acknowledged with no waiting period.

The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days.

The application is denied.

Print County Name: _____

Signature of County Personnel: _____

Title: _____

Date: _____

TOWNSHIP (if required by the county)

On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within the township limits. (A township has no statutory authority to approve or deny an application, per Minn. Statutes, section 349.213.)

Print Township Name: _____

Signature of Township Officer: _____

Title: _____

Date: _____

CHIEF EXECUTIVE OFFICER'S SIGNATURE (required)

The information provided in this application is complete and accurate to the best of my knowledge. I acknowledge that the financial report will be completed and returned to the Board within 30 days of the event date.

Chief Executive Officer's Signature: _____

(Signature must be CEO's signature; designee may not sign)

Date: _____

Print Name: _____

REQUIREMENTS

Complete a separate application for:

- all gambling conducted on two or more consecutive days; or
- all gambling conducted on one day.

Only one application is required if one or more raffle drawings are conducted on the same day.

Financial report to be completed within 30 days after the gambling activity is done:

A financial report form will be mailed with your permit. Complete and return the financial report form to the Gambling Control Board.

Your organization must keep all exempt records and reports for 3-1/2 years (Minn. Statutes, section 349.166, subd. 2(f)).

Mail application with:

_____ a copy of your proof of nonprofit status; and

_____ application fee (non-refundable). If the application is postmarked or received 30 days or more before the event, the application fee is **\$100**; otherwise the fee is **\$150**. Make check payable to **State of Minnesota**.

To: Minnesota Gambling Control Board
 1711 West County Road B, Suite 300 South
 Roseville, MN 55113

Questions?
 Call the Licensing Section of the Gambling Control Board at 651-539-1900.

Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process the application. Your organization's name and address will be public information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to Board members, Board staff whose work requires access to the information; Minnesota's Department of Public Safety; Attorney General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.

This form will be made available in alternative format (i.e. large print, braille) upon request.

An equal opportunity employer



CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Steven Anderson
Meeting Date:	Tuesday, September 26, 2023
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider Approval of a Raffle Permit for United Way
Background Information:	<p>The United Way of Lyon County will be holding a raffle at Brau Brother Brewery on January 26, 2024.</p> <p>Gambling permits are issued by the State of MN but require local approval before submittal.</p>
Fiscal Impact:	
Alternative/ Variations:	None recommended.
Recommendations:	To approve the LG220 Application for Exempt Permit.

An exempt permit may be issued to a nonprofit organization that:

- conducts lawful gambling on five or fewer days, and
- awards less than \$50,000 in prizes during a calendar year.

If total raffle prize value for the calendar year will be \$1,500 or less, contact the Licensing Specialist assigned to your county by calling 651-539-1900.

Application Fee (non-refundable)

Applications are processed in the order received. If the application is postmarked or received 30 days or more before the event, the application fee is **\$100**; otherwise the fee is **\$150**.
 Due to the high volume of exempt applications, payment of additional fees prior to 30 days before your event will not expedite service, nor are telephone requests for expedited service accepted.

ORGANIZATION INFORMATION

Organization Name: United Way of Southwest Minnesota Previous Gambling Permit Number: N/A
 Minnesota Tax ID Number, if any: _____ Federal Employer ID Number (FEIN), if any: 41-6023143
 Mailing Address: PO Box 41
 City: Marshall State: MN Zip: 56258 County: Lyon
 Name of Chief Executive Officer (CEO): Meg Louwagie
 CEO Daytime Phone: 507-929-2273 CEO Email: meg.louwagie@unitedwayswmn.org
(permit will be emailed to this email address unless otherwise indicated below)
 Email permit to (if other than the CEO): _____

NONPROFIT STATUS

Type of Nonprofit Organization (check one):
 Fraternal Religious Veterans Other Nonprofit Organization

Attach a copy of one of the following showing proof of nonprofit status:

(DO NOT attach a sales tax exempt status or federal employer ID number, as they are not proof of nonprofit status.)

A current calendar year Certificate of Good Standing
 Don't have a copy? Obtain this certificate from:
 MN Secretary of State, Business Services Division Secretary of State website, phone numbers:
 60 Empire Drive, Suite 100 www.sos.state.mn.us
 St. Paul, MN 55103 651-296-2803, or toll free 1-877-551-6767

IRS income tax exemption (501(c)) letter in your organization's name
 Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS toll free at 1-877-829-5500.

IRS - Affiliate of national, statewide, or international parent nonprofit organization (charter)
 If your organization falls under a parent organization, attach copies of both of the following:
 1. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling; and
 2. the charter or letter from your parent organization recognizing your organization as a subordinate.

GAMBLING PREMISES INFORMATION

Name of premises where the gambling event will be conducted (for raffles, list the site where the drawing will take place): Brau Brothers Brewing Company
 Physical Address (do not use P.O. box): 910 E Main Street
 Check one:
 City: Marshall Zip: 56258 County: Lyon
 Township: _____ Zip: _____ County: _____
 Date(s) of activity (for raffles, indicate the date of the drawing): January 26, 2024
 Check each type of gambling activity that your organization will conduct:
 Bingo Paddlewheels Pull-Tabs Tipboards Raffle

Gambling equipment for bingo paper, bingo boards, raffle boards, paddlewheels, pull-tabs, and tipboards must be obtained from a distributor licensed by the Minnesota Gambling Control Board. EXCEPTION: Bingo hard cards and bingo ball selection devices may be borrowed from another organization authorized to conduct bingo. To find a licensed distributor, go to mn.gov/gcb and click on **Distributors** under the **List of Licensees** tab, or call 651-539-1900.

LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT (required before submitting application to the Minnesota Gambling Control Board)

**CITY APPROVAL
for a gambling premises
located within city limits**

The application is acknowledged with no waiting period.

The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days (60 days for a 1st class city).

The application is denied.

Print City Name: _____

Signature of City Personnel: _____

Title: _____ Date: _____

The city or county must sign before submitting application to the Gambling Control Board.

**COUNTY APPROVAL
for a gambling premises
located in a township**

The application is acknowledged with no waiting period.

The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days.

The application is denied.

Print County Name: _____

Signature of County Personnel: _____

Title: _____ Date: _____

TOWNSHIP (if required by the county)
On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within the township limits. (A township has no statutory authority to approve or deny an application, per Minn. Statutes, section 349.213.)

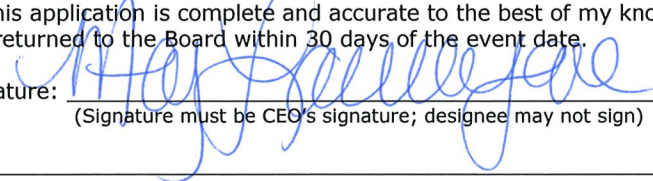
Print Township Name: _____

Signature of Township Officer: _____

Title: _____ Date: _____

CHIEF EXECUTIVE OFFICER'S SIGNATURE (required)

The information provided in this application is complete and accurate to the best of my knowledge. I acknowledge that the financial report will be completed and returned to the Board within 30 days of the event date.

Chief Executive Officer's Signature:  Date: 9.19.23

(Signature must be CEO's signature; designee may not sign)

Print Name: Meg Louwagie

REQUIREMENTS **MAIL APPLICATION AND ATTACHMENTS**

Complete a separate application for:

- all gambling conducted on two or more consecutive days; or
- all gambling conducted on one day.

Only one application is required if one or more raffle drawings are conducted on the same day.

Financial report to be completed within 30 days after the gambling activity is done:
A financial report form will be mailed with your permit. Complete and return the financial report form to the Gambling Control Board.

Your organization must keep all exempt records and reports for 3-1/2 years (Minn. Statutes, section 349.166, subd. 2(f)).

Mail application with:

_____ a copy of your proof of nonprofit status; and

_____ application fee (non-refundable). If the application is postmarked or received 30 days or more before the event, the application fee is **\$100**; otherwise the fee is **\$150**. Make check payable to **State of Minnesota**.

To: Minnesota Gambling Control Board
1711 West County Road B, Suite 300 South
Roseville, MN 55113

Questions?
Call the Licensing Section of the Gambling Control Board at 651-539-1900.

Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process the application. Your organization's name and address will be public information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to Board members, Board staff whose work requires access to the information; Minnesota's Department of Public Safety; Attorney General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.



CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Steven Anderson
Meeting Date:	Tuesday, September 26, 2023
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider Approval for a Temporary On-Sale Liquor License for Marshall Area Chamber of Commerce
Background Information:	<p>The Marshall Area Chamber of Commerce will be hosting the Taste of Marshall event at the Red Baron Arena on October 2, 2023.</p> <p>All Temporary Liquor Licenses require municipal approval and final approval from the Alcohol and Gambling Enforcement Division.</p>
Fiscal Impact:	
Alternative/ Variations:	None recommended.
Recommendations:	To approve the temporary on-sale liquor license for MACC on October 2, 2023.



Minnesota Department of Public Safety
 Alcohol and Gambling Enforcement Division
 445 Minnesota Street, Suite 222, St. Paul, MN 55101
 651-201-7500 Fax 651-297-5259 TTY 651-282-6555
**APPLICATION AND PERMIT FOR A 1 DAY
 TO 4 DAY TEMPORARY ON-SALE LIQUOR LICENSE**

Name of organization Date organized Tax exempt number

Address City State Zip Code

Name of person making application Business phone Home phone

Date(s) of event Type of organization Club Charitable Religious Other non-profit

Organization officer's name City State Zip Code

Organization officer's name City State Zip Code

Organization officer's name City State Zip Code

Organization officer's name City State Zip Code

Location where permit will be used. If an outdoor area, describe.
 Red Baron Arena & Expo
 1651 Victory Dr. - Marshall, MN - Taste of Marshall

If the applicant will contract for intoxicating liquor service give the name and address of the liquor license providing the service.
 No

If the applicant will carry liquor liability insurance please provide the carrier's name and amount of coverage.
 No

APPROVAL

APPLICATION MUST BE APPROVED BY CITY OR COUNTY BEFORE SUBMITTING TO ALCOHOL AND GAMBLING ENFORCEMENT

 City or County approving the license

 Date Approved

 Fee Amount

 Permit Date

 Date Fee Paid

 City or County E-mail Address

 City or County Phone Number

 Signature City Clerk or County Official

 Approved Director Alcohol and Gambling Enforcement

CLERKS NOTICE: Submit this form to Alcohol and Gambling Enforcement Division 30 days prior to event.

**ONE SUBMISSION PER EMAIL, APPLICATION ONLY.
 PLEASE PROVIDE A VALID E-MAIL ADDRESS FOR THE CITY/COUNTY AS ALL TEMPORARY PERMIT APPROVALS WILL BE SENT
 BACK VIA EMAIL. E-MAIL THE APPLICATION SIGNED BY CITY/COUNTY TO AGE.TEMPORARYAPPLICATION@STATE.MN.US**



CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Steven Anderson
Meeting Date:	Tuesday, September 26, 2023
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider Approval for a Temporary On-Sale Liquor License for SMSU Gameday Roundup vs Moorhead
Background Information:	<p>The Southwest Minnesota State University Foundation will be hosting a Gameday Round event at the RA Parking lot on October 21, 2023.</p> <p>All Temporary Liquor Licenses require municipal approval and final approval from the Alcohol and Gambling Enforcement Division.</p>
Fiscal Impact:	
Alternative/ Variations:	None recommended.
Recommendations:	To approve the temporary on-sale liquor license for SMSU on October 21, 2023.



Minnesota Department of Public Safety
Alcohol and Gambling Enforcement Division
 445 Minnesota Street, Suite 1600, St. Paul, MN 55101
 651-201-7507 TTY 651-282-6555
APPLICATION AND PERMIT FOR A 1 DAY
TO 4 DAY TEMPORARY ON-SALE LIQUOR LICENSE

Name of organization		Date of organization	Tax exempt number
Southwest Minnesota State University Foundation		10/17/1963	82-13114
Organization Address (No PO Boxes)	City	State	Zip Code
1501 State Street	Marshall	MN	56258
Name of person making application		Business phone	Home phone
Nathan Polfliet		507-537-6285	605-695-5664
Date(s) of event	Type of organization <input type="checkbox"/> Microdistillery <input type="checkbox"/> Small Brewer		
Saturday, October 21, 2023	<input type="checkbox"/> Club <input type="checkbox"/> Charitable <input type="checkbox"/> Religious <input checked="" type="checkbox"/> Other non-profit		
Organization officer's name	City	State	Zip Code
Nathan Polfliet, Executive Director	Marshall	MN	56258
Organization officer's name	City	State	Zip Code
		MN	
Organization officer's name	City	State	Zip Code
		MN	

Location where permit will be used. If an outdoor area, describe.
 SMSU Campus 1501 State Street Marshall MN RA parking lot area

If the applicant will contract for intoxicating liquor service give the name and address of the liquor license providing the service.

If the applicant will carry liquor liability insurance please provide the carrier's name and amount of coverage.
 North Risk Partners 2,000,000 / 2,000,000

APPROVAL

APPLICATION MUST BE APPROVED BY CITY OR COUNTY BEFORE SUBMITTING TO ALCOHOL AND GAMBLING ENFORCEMENT

City or County approving the license	Date Approved
Fee Amount	Permit Date
Event in conjunction with a community festival <input type="checkbox"/> Yes <input type="checkbox"/> No	
Current population of city	City or County E-mail Address
Please Print Name of City Clerk or County Official	Signature City Clerk or County Official

CLERKS NOTICE: Submit this form to Alcohol and Gambling Enforcement Division 30 days prior to event

No Temp Applications faxed or mailed. Only emailed.

ONE SUBMISSION PER EMAIL, APPLICATION ONLY.

PLEASE PROVIDE A VALID E-MAIL ADDRESS FOR THE CITY/COUNTY AS ALL TEMPORARY PERMIT APPROVALS WILL BE SENT BACK VIA EMAIL. E-MAIL THE APPLICATION SIGNED BY

COUNTY TO AGE.TEMPORARYAPPLICATION@STATE.MN.US



CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Steven Anderson
Meeting Date:	Tuesday, September 26, 2023
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider Approval for a Temporary On-Sale Liquor License for SMSU Gameday Roundup vs Sioux Falls
Background Information:	<p>The Southwest Minnesota State University Foundation will be hosting a Gameday Round event at the RA Parking lot on November 11, 2023.</p> <p>All Temporary Liquor Licenses require municipal approval and final approval from the Alcohol and Gambling Enforcement Division.</p>
Fiscal Impact:	
Alternative/ Variations:	None recommended.
Recommendations:	To approve the temporary on-sale liquor license for SMSU on November 11, 2023.



Minnesota Department of Public Safety
 Alcohol and Gambling Enforcement Division
 445 Minnesota Street, Suite 1600, St. Paul, MN 55101
 651-201-7507 TTY 651-282-6555
**APPLICATION AND PERMIT FOR A 1 DAY
 TO 4 DAY TEMPORARY ON-SALE LIQUOR LICENSE**

Name of organization: Southwest Minnesota State University Foundation
 Date of organization: 10/17/1963
 Tax exempt number: 82-13114

Organization Address (No PO Boxes): 1501 State Street
 City: Marshall State: MN Zip Code: 56258

Name of person making application: Nathan Polfliet
 Business phone: 507-537-6285 Home phone: 605-695-5664

Date(s) of event: Saturday, November 11, 2023
 Type of organization: Microdistillery Small Brewer
 Club Charitable Religious Other non-profit

Organization officer's name: Nathan Polfliet, Executive Director
 City: Marshall State: MN Zip Code: 56258

Organization officer's name: _____
 City: _____ State: MN Zip Code: _____

Organization officer's name: _____
 City: _____ State: MN Zip Code: _____

Location where permit will be used. If an outdoor area, describe.
 SMSU Campus 1501 State Street Marshall MN RA parking lot area

If the applicant will contract for intoxicating liquor service give the name and address of the liquor license providing the service.

If the applicant will carry liquor liability insurance please provide the carrier's name and amount of coverage.
 North Risk Partners 2,000,000 / 2,000,000

APPROVAL
 APPLICATION MUST BE APPROVED BY CITY OR COUNTY BEFORE SUBMITTING TO ALCOHOL AND GAMBLING ENFORCEMENT

City or County approving the license
 Fee Amount
 Event in conjunction with a community festival Yes No
 Current population of city

Date Approved
 Permit Date
 City or County E-mail Address

Please Print Name of City Clerk or County Official

Signature City Clerk or County Official

CLERKS NOTICE: Submit this form to Alcohol and Gambling Enforcement Division 30 days prior to event

No Temp Applications faxed or mailed. Only emailed.

ONE SUBMISSION PER EMAIL, APPLICATION ONLY.

PLEASE PROVIDE A VALID E-MAIL ADDRESS FOR THE CITY/COUNTY AS ALL TEMPORARY

PERMIT APPROVALS WILL BE SENT BACK VIA EMAIL. E-MAIL THE APPLICATION SIGNED
 COUNTY TO AGE.TEMPORARYAPPLICATION@STATE.MN.US



CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Steven Anderson
Meeting Date:	Tuesday, September 26, 2023
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider Approval for a Temporary Sunday Liquor License for The Gambler on New Years Eve
Background Information:	<p>SLB Enterprises dba as The Gambler is normally closed on Sundays and wishes to be open for one Sunday this year which would fall on New Years Eve.</p> <p>All Temporary Liquor Licenses require municipal approval and final approval from the Alcohol and Gambling Enforcement Division.</p>
Fiscal Impact:	
Alternative/ Variations:	None recommended.
Recommendations:	To approve the temporary Sunday liquor license for The Gambler on December 31, 2023.

76689 - ADDING SUNDAY SALES



Minnesota Department of Public Safety
Alcohol and Gambling Enforcement Division (AGED)
445 Minnesota Street, Suite 1600, St. Paul, MN 55101
Telephone 651-201-7507 Fax 651-297-5259 TTY 651-282-6555

Certification of an On Sale Liquor License, 3.2% Liquor license, or Sunday Liquor License

Cities and Counties: You are required by law to complete and sign this form to certify the issuance of the following liquor license types: 1) City issued on sale intoxicating and Sunday liquor licenses 2) City and County issued 3.2% on and off sale malt liquor licenses

Name of City or County Issuing Liquor License Marshall License Period From: To: 12/31

Circle One: New License License Transfer (former licensee name) Suspension Revocation Cancel (Give dates)

License type: (check all that apply) On Sale Intoxicating Sunday Liquor 3.2% On sale 3.2% Off Sale

Fee(s): On Sale License fee: \$ Sunday License fee: \$ 3.2% On Sale fee: \$ 3.2% Off Sale fee: \$

Licensee Name: SLB Enterprises DOB Social Security # (corporation, partnership, LLC, or Individual)

Business Trade Name The Gambler Business Address 303 W Main St City Marshall

Zip Code 56258 County Lyon Business Phone 507-532-3957 Home Phone

Home Address City

Licensee's Federal Tax ID # Licensee's MN Tax ID# (To apply call IRS 800-829-4933)

If above named licensee is a corporation, partnership, or LLC, complete the following for each partner/officer:

Bjorklund, Shauna

Partner/Officer Name (First Middle Last) DOB Social Security # Home Address

Partner/Officer Name (First Middle Last) DOB Social Security # Home Address

Partner/Officer Name (First Middle Last) DOB Social Security # Home Address

Intoxicating liquor licensees must attach a certificate of Liquor Liability Insurance to this form. The insurance certificate must contain all of the following:

- 1) Show the exact licensee name (corporation, partnership, LLC, etc) and business address as shown on the license. 2) Cover completely the license period set by the local city or county licensing authority as shown on the license.

Yes No During the past year has a summons been issued to the licensee under the Civil Liquor Liability Law?

Workers Compensation Insurance is also required by all licensees: Please complete the following:

Workers Compensation Insurance Company Name: Policy #

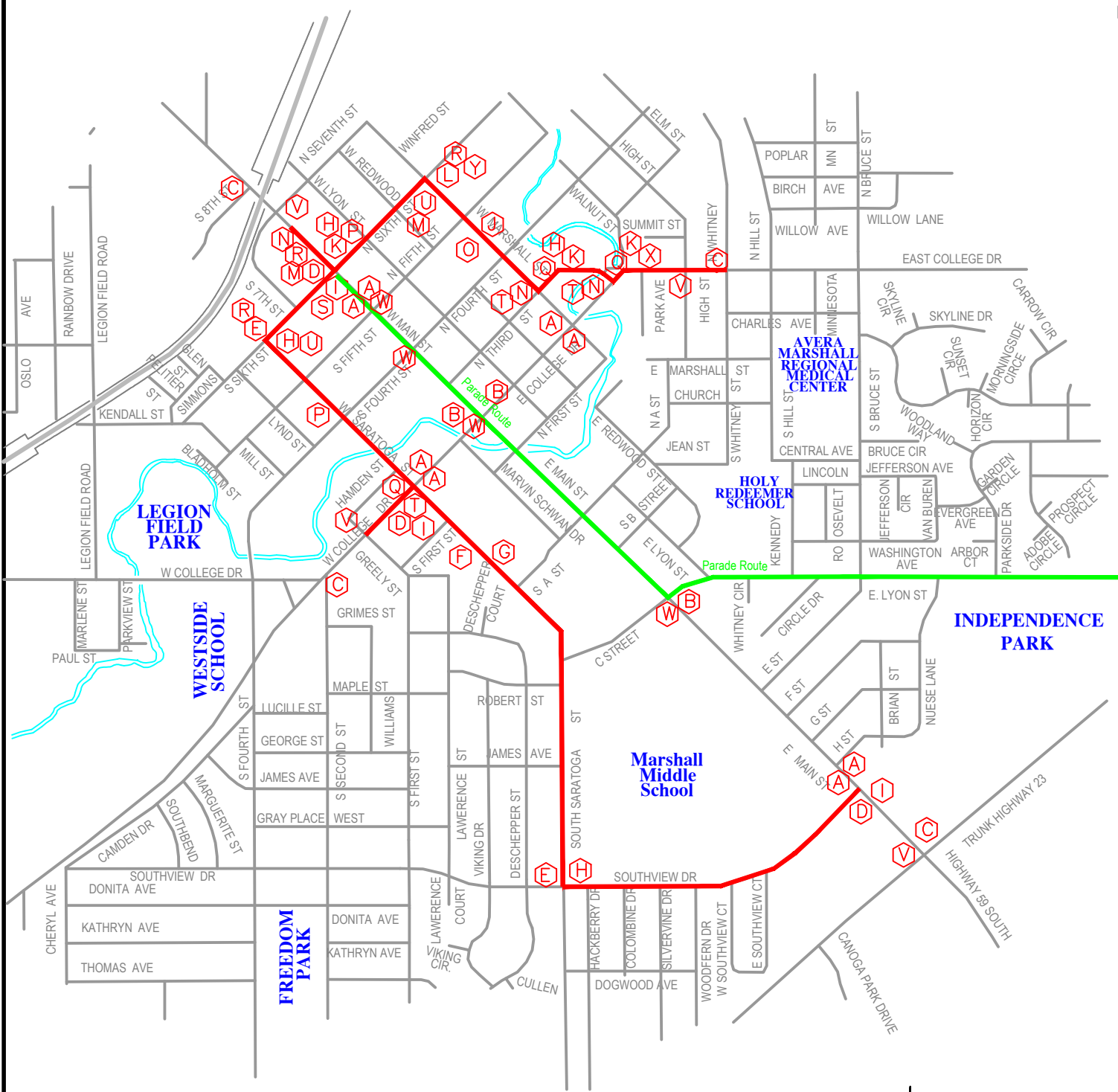
I Certify that this license(s) has been approved in an official meeting by the governing body of the city or county.

City Clerk or County Auditor Signature Date (title)

**CITY OF MARSHALL
AGENDA ITEM REPORT**

Presenter:	Jason Anderson
Meeting Date:	Tuesday, September 26, 2023
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider Request of Prairie Home Hospice & Community Care for the Light Up The Night Parade on Friday, November 24, 2023.
Background Information:	<p>The City has received a request from Prairie Home Hospice & Community Care for street closure on Main Street (US 59) from North 6th Street to E. Lyon Street and E. Lyon Street from E. Main Street to Parkside School near Adobe Road from 5:00 pm-7:30 pm for the Light Up The Night Parade to be held on Friday, November 24, 2023.</p> <p>The parade will start at North 5th Street (Wooden Nickel corner) and proceed down Main Street (US59) to East Lyon Street and then down East Lyon Street toward Independence Park ending at Parkside Elementary.</p> <p>A copy of the parade route/detour map is attached.</p> <p>Upon approval of the City Council, the request will be forwarded to Mn/DOT for their approval of the State permit.</p>
Fiscal Impact:	None.
Alternative/ Variations:	No alternative actions recommended.
Recommendations:	that the Council authorize the Light Up The Night Parade to be held on Friday, November 24, 2023, subject to Mn/DOT approval of detour and issuance of permit.

DETOUR SIGNING PLAN




Red Line: CITY OF MARSHALL DETOUR ROUTE
Green Line: PARADE ROUTE

THIS MAP SHOWS DETOUR ROUTE CLOSURES ON STATE AND US HIGHWAYS. 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 THIS PROJECT SHALL BE THE RESPONSIBILITY OF THE CITY OF MARSHALL. TRAFFIC CONTROL DEVICES SHALL HAVE RETROREFLECTIVE SHEETING.

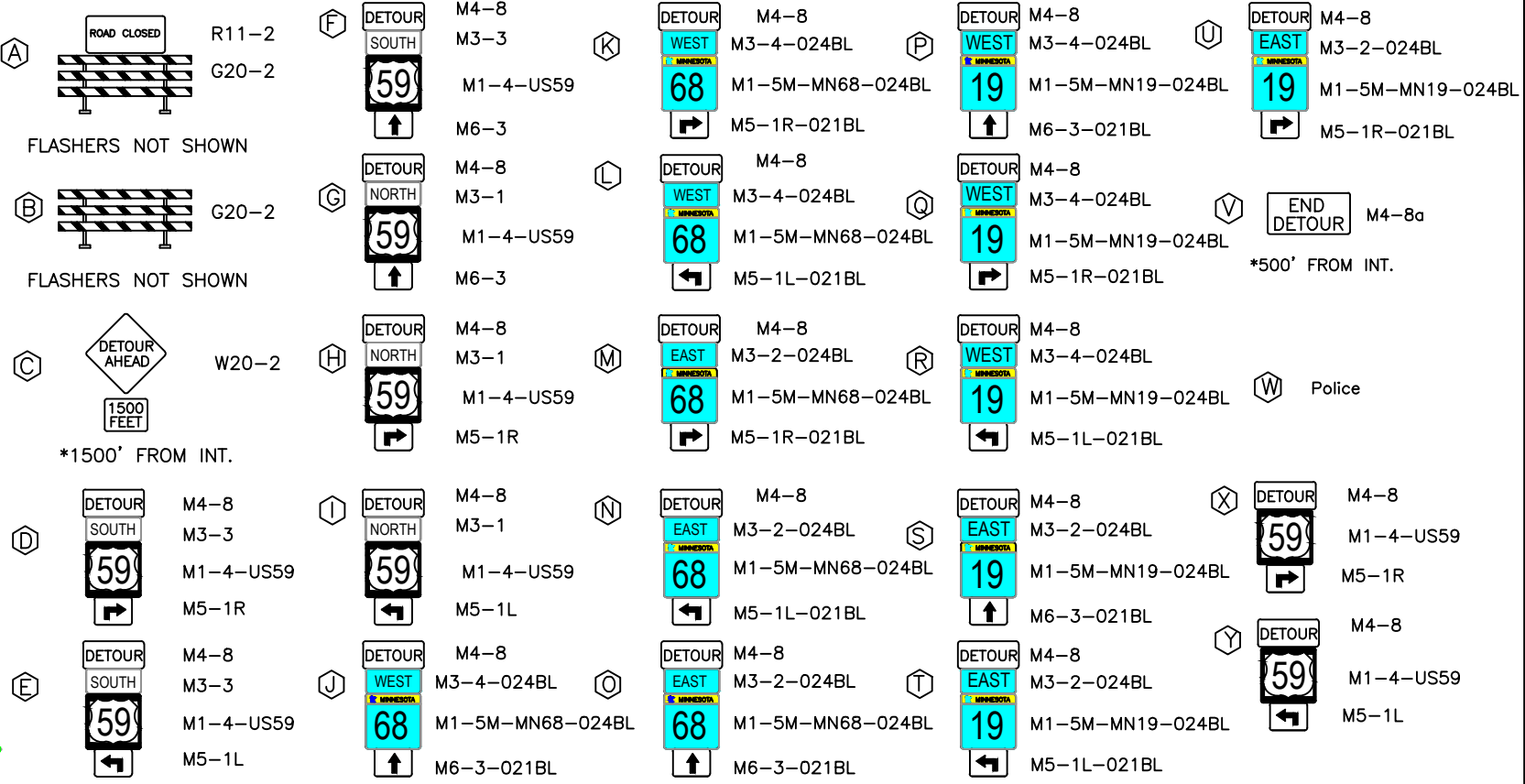
Item 10.



CITY ENGINEERS OFFICE
 344 WEST MAIN STREET
 MARSHALL, MINNESOTA
 56258

CITY OF MARSHALL
 LYON COUNTY
 MINNESOTA

NOT TO SCALE



SIGN	SIGN NO.	QUANTITY	SIZE	COLOR	FLASHERS
	TYPE III BARRICADE	11	60"x48"	ORANGE ON WHITE	19
	R11-3	8	60"x30"	BLACK ON WHITE	
	W20-2	4	36"x36"	BLACK ON ORANGE	
	M1-4	16	24"x24"	BLACK ON WHITE	
	M1-5M-MN68-024BL	11	24"x24"	WHITE AND GOLD ON BLUE	
	M1-5M-MN19-024BL	14	24"x24"	WHITE AND GOLD ON BLUE	
	W20-100P	4	30"x24"	BLACK ON ORANGE	
	M3-2-024BL	12	24"x24"	WHITE ON BLUE	
	M3-4-024BL	13	24"x24"	WHITE ON BLUE	
	M5-1R-021BL	10	21"x15"	WHITE ON BLUE	
	M5-1L-021BL	10	21"x15"	WHITE ON BLUE	
	M6-3-021BL	5	21"x15"	WHITE ON BLUE	
	M4-8	41	24"x12"	BLACK ON ORANGE	
	M4-8a	4	24"x18"	BLACK ON ORANGE	

SIGN	SIGN NO.	QUANTITY	SIZE	COLOR
	M3-1	8	24"x24"	BLACK ON WHITE
	M3-3	6	24"x24"	BLACK ON WHITE
	M5-1R	8	21"x15"	BLACK ON WHITE
	M5-1L	6	21"x15"	BLACK ON WHITE
	M6-3	2	21"x15"	BLACK ON WHITE

Light up the Night Parade

Detour Plan

REVISIONS	
DATE	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 11/09/2022	S.P. NO.
DRAWN BY G.J.S.	SHEET Page 26

**CITY OF MARSHALL
AGENDA ITEM REPORT**

Meeting Date:	Tuesday, September 26, 2023
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider renewal of the Safety Management Services Agreement with MMUA
Background Information:	<p>The City has partnered with the Minnesota Municipal Utilities Association (MMUA) to provide safety programming services for 23 years, since 2000. Attached for your consideration is a renewal agreement to continue these safety programming services.</p> <p>MMUA is currently in the process of transitioning from their current October 1-September 30 cycle to a calendar year cycle of January 1-December 31, which is more commonly used by the communities they provide services for---this will allow us to better budget for the safety services. The renewal term for this agreement will cover 15 months of service from October 1, 2023 – December 31, 2024. The renewal cost is \$34,150, an increase of \$8,131 over the 15-month period. Thereafter, the agreement will continue automatically for successive 12-month calendar year periods.</p> <p>Marshall is a Tier 2 community, receiving 2 service days of safety programming per month. Our assigned MMUA Safety Coordinator provides excellent safety services to our city. The costs for program services are allocated across the General Fund, Wastewater, Library, Red Baron Arena & Expo, MERIT Center, and Tall Grass Liquor funds.</p> <p>Staff recommend approval of the renewal.</p>
Fiscal Impact:	\$34,150 over the 15-month agreement period.
Alternative/ Variations:	None recommended.
Recommendations:	to approve renewal of the Safety Management Services Agreement with MMUA



*To unify, support, and serve
as a common voice for municipal utilities*

September 15, 2023

Dear Valued Member,

Thank you for your support and on-going participation in MMUA's Safety Management Program.

As mentioned in the letter we sent out earlier this month, we will be adjusting our fiscal year beginning in 2025; therefore, all agreements will be dated and in force from October 1, 2023, through December 31, 2024. Going forward, contracts will automatically renew annually on January 1 unless amended. We hope this will be a more convenient process in the future.

Included with this letter is the contract. Please sign and return it to Larry Pederson at MMUA with a copy of your certificate of insurance that meets the requirements as indicated in Part IV of the contract. Upon receipt of these items, we will send you the fully executed contract.

Also enclosed please find our Overview of Safety Management Tiers. If you are interested in adding days of service to your contract, please let us know at your earliest convenience.

If you have questions, please contact me at 612-802-8474.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Willetts".

Mike Willetts
Director of Training and Safety
Cell: 612-802-8474
mwilletts@mmua.org

NOTE: The enclosed agreement was updated slightly to correct typographical and spacing issues from the one that was emailed to you on September 16.

3131 Fernbrook Lane N., Suite 200 | Plymouth, MN 55447-5337

Phone 763.551.1230 Toll-Free 800.422.0119 Fax 763.551.0459



SERVICES AGREEMENT

Date: September 15, 2023

Contract No. 166-2024

Safety Management Services

This Services Agreement (the "Agreement") is made as of October 1, 2023, between the Minnesota Municipal Utilities Association (MMUA) and the City of Marshall, each a "Party" and collectively, the "Parties."

PART I – Scope of Services

PART II – Duration / Amendment / Renewal

PART III – Obligations

PART IV – Standard Terms and Conditions

The terms of this Agreement are hereby accepted by the Parties.

City of Marshall

Minnesota Municipal Utilities Association

By

By

Title

Title

Chief Executive Officer

Date

Date

PO #

PART I – SCOPE OF SERVICES

MMUA will provide/deliver for the term of this Agreement:

1. The services of a person engaged by MMUA, in the capacity of Regional Safety Coordinator.
2. The assigned Regional Safety Coordinator will:
 - a. Plan, organize and/or conduct regular monthly safety meetings at City of Marshall.
 - b. Develop and maintain a standard safety management record keeping and reporting system at City of Marshall.
 - c. The record system will include (check those covered by this Agreement):
 - Required OSHA records
 - Required DOT records
 - Required ADA records
 - Provide written program
 - Provide annual site inspection
 - Provide interpretation and clarification of OSHA rules.
 - d. Visit City of Marshall unless circumstances lend a different location approved by City of Marshall management (collectively, the "Services").
 - Tier service level: 2
 - Number of days per year: 24
3. The Services will be provided in the following departments:
 - a. _____ # of employees _____
 - b. _____ # of employees _____
 - c. _____ # of employees _____
 - d. _____ # of employees _____
 - e. _____ # of employees _____

PART II – TERM/ RENEWAL/ AMENDMENT

1. TERM/RENEWAL: This Agreement shall remain in force from October 1, 2023 until December 31, 2024. Thereafter, it shall continue automatically for successive twelve-month calendar year periods unless terminated by either Party providing written notice at least sixty (60) days in advance of the end of the then-current term.
2. AMENDMENT: This Agreement may be amended or modified upon the mutual agreement of both Parties but only if in writing, signed by the Parties, dated, and appended to this Agreement.

PART III – OBLIGATIONS

1. COMPENSATION: For the Services, City of Marshall shall pay MMUA an annual fee of \$27,319.95 in the first year. Such compensation shall be due and payable according to the selected payment terms below.

Payment terms for the fee agreed to above shall be based on one of the following options (select one):

- Full 15-month payment (October 1, 2023 to December 31, 2024) (\$34,150.00), contract amount will be billed on an annual basis thereafter, consistent with the amount communicated by MMUA each September as described below.
- Annual payment (\$27,319.95)
- Quarterly payments (\$6,830.00 each)

For any term less than twelve (12) full calendar months, the fee shall be a portion of the annual fee, pro-rated based on the number of calendar months or partial calendar months in which the Services are provided as a percentage of twelve (12).

For years after the first year, the annual fee will be adjusted to reflect the cost of the Services for the coming twelve-month period. This fee will be set by the MMUA Board of Directors and provided to City of Marshall in a written notice within 30 days of the Board's action.

2. OTHER CITY OBLIGATIONS:

- Provide workspace for Regional Safety Coordinator when on-site.
- Provide clerical support for Regional Safety Coordinator.
- Schedule participation of employees in regular safety meetings.
- Provide the required training for employees as recommended by the Regional Safety Coordinator.
- Provide to MMUA in a timely manner any information MMUA indicates is needed to perform the services hereunder. MMUA may rely on the accuracy of information provided by City of Marshall and its representatives.
- Provide annual written evaluation of services of MMUA and its Regional Safety Coordinator.

3. MMUA OBLIGATIONS:

- Employ, assign, and supervise Regional Safety Coordinator.
- Plan, organize, and/or conduct regular monthly safety meetings on-site.
- Develop and maintain a standard safety management record keeping and reporting system on-site, including required OSHA records, required DOT records, required ADA records, and maintenance of safety manuals.
- Monitor safety training/certificate/licensure requirements, and recommend needed training.
- Prepare or oversee the preparation of required state and federal reports related to OSHA, DOT, and ADA compliance.
- Document safety meetings and training provided.
- Provide a standard interpretation of laws, rules, and regulations pertaining to safety management.

PART IV – STANDARD TERMS AND CONDITIONS

1. **INDEPENDENT CONTRACTOR:** In performing the Services, MMUA is an independent contractor and shall not be considered an employee, agent, partner, joint venturer, or representative of City of Marshall for any purpose.
2. **STANDARD OF CARE:** City of Marshall acknowledges that MMUA undertakes to provide the Services to City of Marshall as a member of MMUA and, similarly to other members of MMUA, consistent with its nonprofit purpose and that in so doing, MMUA affords to City of Marshall a convenience, cost savings, and efficiency otherwise not available to City of Marshall from other service providers. City of Marshall acknowledges that MMUA will exercise its best efforts to perform the Services in accordance with current rules and practices but also acknowledges that the ultimate responsibility for an interpretation of law lies with City of Marshall and its attorney and that the application of such law and of the appropriate methods and practices also lies with City of Marshall in the exercise of its best judgment with reasonable and due regard for the safety of its employees and other third persons. MMUA assumes no responsibility under this Agreement other than to render the Services in good faith. It shall not be responsible for any action of City of Marshall, its agents, or employees.
3. **SCOPE AND SCHEDULE CHANGES:** The fees agreed to in Part III constitute MMUA's estimate of the effort and charges required to perform the Services. Any services not expressly set forth in this Agreement are excluded from the obligations of MMUA. If MMUA is delayed in performing the Services by any act of war, force majeure, or other circumstance beyond its control, then the schedule of performance shall be extended for the number of days as the occurrence delays performance, and the compensation limits under the Agreement shall be equitably adjusted, if necessary, to compensate MMUA for any additional costs due to the delay.
4. **BENEFICIARY.** The Services are solely for the benefit of City of Marshall. Nothing contained in this Agreement shall create any duties, liabilities, or obligations on the part of MMUA toward any person other than City of Marshall.
5. **FINANCING CHARGES FOR LATE PAYMENTS:** If City of Marshall fails to pay undisputed invoiced amounts within thirty (30) days after delivery of invoice, additional charges shall become due and payable at a rate of 1½ percent per month (or the maximum percentage allowed by law, whichever is lower) on the unpaid amounts. All payments shall first be credited against any accrued interest. If City of Marshall fails to pay invoiced amounts within sixty (60) days after delivery of invoice, MMUA in its sole discretion may suspend the Services without incurring any liability or waiving any right established hereunder or by law.
6. **WORK PRODUCT:** City of Marshall shall preserve and protect MMUA's proprietary and copyright interests, rights, and privileges with respect to works of general application provided by MMUA to City of Marshall. The Parties may use and duplicate materials developed by MMUA specifically for City of Marshall pursuant to this Agreement without obligation of royalty or first seeking consent.
7. **INSURANCE:** Each Party shall procure and maintain at its own expense the following minimum insurance coverages to be in force for the duration of this Agreement:

- a. General Liability. Commercial General Liability Insurance in a minimum amount of \$1,000,000 per occurrence; \$2,000,000 annual aggregate. The policy shall cover liability arising from premises, operations, products-completed operations, personal injury, advertising injury, and contractually assumed liability. Each Party shall endorse as additional insureds the other Party, its respective elected and appointed officials, employees, and agents, on its policy.
 - b. Automobile Liability. Business automobile liability insurance, including owned, hired, and non-owned automobiles, with a minimum combined single liability limit of \$1,000,000 per occurrence.
 - c. Professional (Errors and Omissions) Liability. Professional Liability Insurance for all claims a Party may become legally obligated to pay resulting from any actual or alleged negligent act, error, or omission related to this Agreement. Each Party shall carry the following minimum limits: \$1,000,000 per occurrence; \$2,000,000 annual aggregate. If such insurance is discontinued, extended reporting period/tail coverage must be obtained by the Party to fulfill this requirement.
 - d. Workers' Compensation. Each Party shall maintain Workers' Compensation insurance for all its respective employees in accordance with the statutory requirements of the State of Minnesota and/or the state(s) in which City of Marshall is legally obligated to carry such insurance. Each Party shall also carry Employers' Liability Coverage with minimum limits as follows:
 - \$500,000 – Bodily Injury by Disease per employee
 - \$500,000 – Bodily Injury by Disease aggregate
 - \$500,000 – Bodily Injury by Accident
 - e. Additional Insurance Conditions.
 - i. Each Party shall deliver to the other Party a Certificate of Insurance as evidence that the above coverages are in full force and effect no later than the first day on which service is to commence or December 31, 2023, whichever comes later.
 - ii. The insurance requirements may be met through any combination of primary and umbrella/excess insurance. In that case, the other Party must be named as an additional insured on any umbrella/excess policy held by the other in fulfillment of this requirement.
 - iii. The policies held by each Party shall be primary insurance and non-contributory to any other valid and collectible insurance available with respect to any claim arising out of the Services.
8. MUTUAL INDEMNIFICATION: To the fullest extent permitted by law, each Party shall defend, indemnify, and hold harmless the other Party, its respective employees, officials, and agents from and against all claims, actions, damages, losses, and expenses, including reasonable attorney fees and costs, arising out of the other Party's negligence, performance, or failure to perform its obligations under this Agreement. The indemnification obligation shall apply to subcontractor(s), or anyone directly or indirectly employed or hired by a Party, or anyone for whose acts the Party may be liable. The obligations in this section shall survive the completion or termination of this Agreement.

9. DISPUTE RESOLUTION: In the event that a dispute arises between the Parties as to the interpretation or performance of this Agreement, then upon written request of either Party, representatives with settlement authority for each Party shall meet and confer in good faith to resolve the dispute. If the Parties are unable to resolve the dispute, they shall make every effort to settle the dispute through mediation or other alternative dispute resolution methods. If the Parties are unable to resolve the dispute through these methods, either Party may commence an action in Hennepin County District Court.
10. ENTIRE AGREEMENT; HEADINGS: This Agreement constitutes the entire understanding and agreement of the Parties, and any and all prior agreements, oral discussions, understandings, and representations are hereby terminated and canceled in their entirety and are of no further force and effect. Headings are for convenience and are not a part of this Agreement.
11. CHOICE OF LAW: The laws of the state of Minnesota shall govern the validity of this Agreement, the construction of its terms, and the interpretation of the rights and duties of the Parties.
12. ASSIGNMENT: This Agreement will inure to the benefit of the Parties hereto and shall be binding on them and their respective legal representatives, successors, and assigns. Provided, however, neither Party hereto may assign any of its rights herein to any person without the prior written consent of the other Party.
13. DRAFTING: The Parties agree that they participated equally in, and are jointly responsible for, the drafting of this Agreement. In the event of any dispute, any ambiguity in this Agreement shall not be construed against either Party.
14. COUNTERPARTS: This Agreement may be executed in counterpart copies by the Parties and each counterpart, when taken together with the other, shall be deemed one and the same executed Agreement.

Overview of Safety Management Tiers

	Tier 1 - Compliance/Mentorship	Tier 2 - Competency	Tier 3 - Comprehensive
Options	6 Service Days Per Year (Every Other Month)	1 - 3 Service Days Per Month	> 3 Service Days Per Month
Time	1. Written Safety Manual Development and Maintenance - AWAIR - Bloodborne Pathogens - Confined Spaces Entry and Rescue - Employee Right to Know - Emergency Action Plan and Preparedness - Excavation and Trenching - Lockout/Tagout - Fall Protection - Personal Protective Equipment 2. Group Employee Training (in person or virtual) 3. Annual Safety Training Calendar 4. Standardized Safety Program Filing and File Management	1. Written Safety Manual Development and Maintenance - AWAIR - Bloodborne Pathogens - Confined Spaces Entry and Rescue - Employee Right to Know - Emergency Action Plan and Preparedness - Excavation and Trenching - Lockout/Tagout - Fall Protection - Personal Protective Equipment 2. Group Employee Training (in person or virtual) 3. CPR/AED/First Aid Training 4. Annual Safety Training Calendar 5. Standardized Safety Program Filing and File Management 6. Facility Safety Audit - Mock OSHA Inspection with Report 7. Worksite Safety Audit - Mock OSHA Inspection with Report 8. Worksite Training 9. Safety Grant Development and Support 10. Accident Investigation 11. OSHA Inspection Support Services 12. Limited Classic Training - Choose up to 5 options from MMUA's list of Classic Training Options	1. Written Safety Manual Development and Maintenance - AWAIR - Bloodborne Pathogens - Confined Spaces Entry and Rescue - Employee Right to Know - Emergency Action Plan and Preparedness - Excavation and Trenching - Lockout/Tagout - Fall Protection - Personal Protective Equipment 2. Group Employee Training (in person or virtual) 3. CPR/AED/First Aid Training 4. Annual Safety Training Calendar 5. Standardized Safety Program Filing and File Management 6. Facility Safety Audit - Mock OSHA Inspection with Report 7. Worksite Safety Audit - Mock OSHA Inspection with Report 8. Worksite Training 9. Safety Grant Development and Support 10. Accident Investigation 11. OSHA Inspection Support Services 12. Unlimited Classic Training - Choose an unlimited number of options from MMUA's list of Classic Training Options 13. Unlimited Technical Training - Choose an unlimited number of options from MMUA's list of Technical Training Options

*Included offerings are subject to number of days contracted. MMUA's role as a safety partner does not guarantee compliance or competency.

**CITY OF MARSHALL
AGENDA ITEM REPORT**

Meeting Date:	Tuesday, September 26, 2023																																																																																																
Category:	CONSENT AGENDA																																																																																																
Type:	ACTION																																																																																																
Subject:	Consider Authorization to Declare Vehicles as Surplus Property																																																																																																
Background Information:	As part of our agreement with Enterprise replacement vehicles can be sold through auction through Enterprise Fleet Management with pick up and delivery handled by their employees																																																																																																
Fiscal Impact:	<p>These vehicles will/have been auctioned by Enterprise. The 2003 Dodge Caravan might have resulted in a net loss for the city if auctioned by Enterprise and will be listed for sale through the Parks Department.</p> <hr/> <table border="1"> <tr> <td>Airport</td> <td>1GCEC14Z7NE182656 1GTHK24U23E2</td> <td></td> <td>1992</td> <td>Chevrolet</td> <td>Silverado 1500</td> </tr> <tr> <td>Airport</td> <td>79156</td> <td>White</td> <td>2003</td> <td>GMC</td> <td>Sierra 2500HD</td> </tr> <tr> <td>Street</td> <td>1GCEC14W1YZ3</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Department</td> <td>17844</td> <td>Red</td> <td>2000</td> <td>Chevrolet</td> <td>Silverado 1500</td> </tr> <tr> <td>Engineering</td> <td>1FTSW21586EB</td> <td>Silver or</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Engineering</td> <td>61897</td> <td>White</td> <td>2006</td> <td>Ford</td> <td>F-250</td> </tr> <tr> <td>Engineering</td> <td>1GCHK23U56F2</td> <td>Silver or</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Park</td> <td>26936</td> <td>White</td> <td>2006</td> <td>Chevrolet</td> <td>Silverado 2500HD</td> </tr> <tr> <td>Maintenance</td> <td>1GCHK23U66F2</td> <td>Green or</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Street</td> <td>25231</td> <td>Black</td> <td>2006</td> <td>Chevrolet</td> <td>Silverado 2500HD</td> </tr> <tr> <td>Department</td> <td>1GCHK29U34E3</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Street</td> <td>40556</td> <td>Red</td> <td>2004</td> <td>Chevrolet</td> <td>Silverado 2500HD</td> </tr> <tr> <td>Department</td> <td>1GCHC24K97E5</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Department</td> <td>68987</td> <td>Red</td> <td>2007</td> <td>Chevrolet</td> <td>Silverado 2500HD</td> </tr> <tr> <td>Community</td> <td>1D4GP24333B2</td> <td>Silver or</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Services</td> <td>60771</td> <td>White</td> <td>2003</td> <td>Dodge</td> <td>Grand Caravan</td> </tr> </table>	Airport	1GCEC14Z7NE182656 1GTHK24U23E2		1992	Chevrolet	Silverado 1500	Airport	79156	White	2003	GMC	Sierra 2500HD	Street	1GCEC14W1YZ3					Department	17844	Red	2000	Chevrolet	Silverado 1500	Engineering	1FTSW21586EB	Silver or				Engineering	61897	White	2006	Ford	F-250	Engineering	1GCHK23U56F2	Silver or				Park	26936	White	2006	Chevrolet	Silverado 2500HD	Maintenance	1GCHK23U66F2	Green or				Street	25231	Black	2006	Chevrolet	Silverado 2500HD	Department	1GCHK29U34E3					Street	40556	Red	2004	Chevrolet	Silverado 2500HD	Department	1GCHC24K97E5					Department	68987	Red	2007	Chevrolet	Silverado 2500HD	Community	1D4GP24333B2	Silver or				Services	60771	White	2003	Dodge	Grand Caravan
Airport	1GCEC14Z7NE182656 1GTHK24U23E2		1992	Chevrolet	Silverado 1500																																																																																												
Airport	79156	White	2003	GMC	Sierra 2500HD																																																																																												
Street	1GCEC14W1YZ3																																																																																																
Department	17844	Red	2000	Chevrolet	Silverado 1500																																																																																												
Engineering	1FTSW21586EB	Silver or																																																																																															
Engineering	61897	White	2006	Ford	F-250																																																																																												
Engineering	1GCHK23U56F2	Silver or																																																																																															
Park	26936	White	2006	Chevrolet	Silverado 2500HD																																																																																												
Maintenance	1GCHK23U66F2	Green or																																																																																															
Street	25231	Black	2006	Chevrolet	Silverado 2500HD																																																																																												
Department	1GCHK29U34E3																																																																																																
Street	40556	Red	2004	Chevrolet	Silverado 2500HD																																																																																												
Department	1GCHC24K97E5																																																																																																
Department	68987	Red	2007	Chevrolet	Silverado 2500HD																																																																																												
Community	1D4GP24333B2	Silver or																																																																																															
Services	60771	White	2003	Dodge	Grand Caravan																																																																																												
Alternative/Variations:																																																																																																	
Recommendations:	That these vehicles be declared as surplus property by the City of Marshall.																																																																																																



CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Preston Stensrud, Park and Recreation Superintendent
Meeting Date:	Tuesday, September 26, 2023
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Declaration of Use Restriction for Independence Park as part of MN DNR Outdoor Recreation Grant
Background Information:	In 2022 the City of Marshall was awarded an Outdoor Recreation Grant by the MN DNR to install inclusive playground equipment at Independence Park. The project has been completed as part of the reimbursement process and grant contract fulfillment a Declaration of Use Restriction is required.
Fiscal Impact:	N/A
Alternative/Variations:	N/A
Recommendations:	Approve the Declaration of Use Restriction for Independence Park

DECLARATION OF USE RESTRICTION

THIS DECLARATION OF USE RESTRICTION effective this _____ day of _____, 2023 (the “Effective Date”), is made by the undersigned owner of the Restricted Parcel (hereinafter referred to as the “Declarant”).

WITNESSETH:

RECITALS

- A. Declarant is the owner of the Restricted Parcel (defined below); and
- B. Declarant desires to place a use restriction on a portion of the Restricted Parcel.

NOW, THEREFORE, THE DECLARANT HEREBY DECLARES AND IMPOSES THE FOLLOWING:

- 1. Recitals. The Recitals set forth above are incorporated by this reference.
- 2. Definitions.
 - a. “Declarant” means the owner of the Restricted Parcel.
 - b. “Restricted Parcel” means the property legally described on the attached Exhibit A.

3. Use Restriction. In order to comply with the State of Minnesota Grant Contract Agreement (OR23-012), the Declarant does hereby impose the following restrictions on the portion of the Restricted Parcel that is outlined on the attached Exhibit B:

- a. The portion of the Restricted Parcel that is outlined on the attached Exhibit B shall be permanently managed and maintained for public outdoor recreation use.
- b. The Declarant shall not at any time convert any portion of the park area that is outlined on the attached Exhibit B to uses other than public outdoor recreation use without the prior written approval of the State acting through its Commissioner of Natural Resources.

4. Restriction Runs with the Land. The use restriction imposed by this instrument constitutes a covenant running with the land and, as such, will be binding upon the owners from time-to-time of the Restricted Parcel and their respective successors and assigns.

5. Severability. If any provision of this instrument is invalid, illegal or incapable of being enforced by any law or public policy, all other provisions of this declaration will remain in full force and effect.

[SIGNATURES ON FOLLOWING PAGE(S)]

IN WITNESS WHEREOF, the Declarant has caused this Declaration of Use Restriction to be executed on or as of the day and year first above written.

DECLARANT:

CITY OF MARSHALL

By: _____
Robert Byrnes
Its: Mayor

By: _____
Steven Anderson
Its: Clerk

STATE OF MINNESOTA)
) ss.
COUNTY OF LYON)

This instrument was acknowledged before me on _____, 2023, by Robert Byrnes and Steven Anderson, the Mayor and Clerk, respectively, of the City of Marshall, a Minnesota municipal corporation on behalf of the City.

NOTARIAL STAMP OR SEAL (OR
OTHER TITLE OR RANK)

SIGNATURE OF NOTARY PUBLIC OR
OTHER OFFICIAL

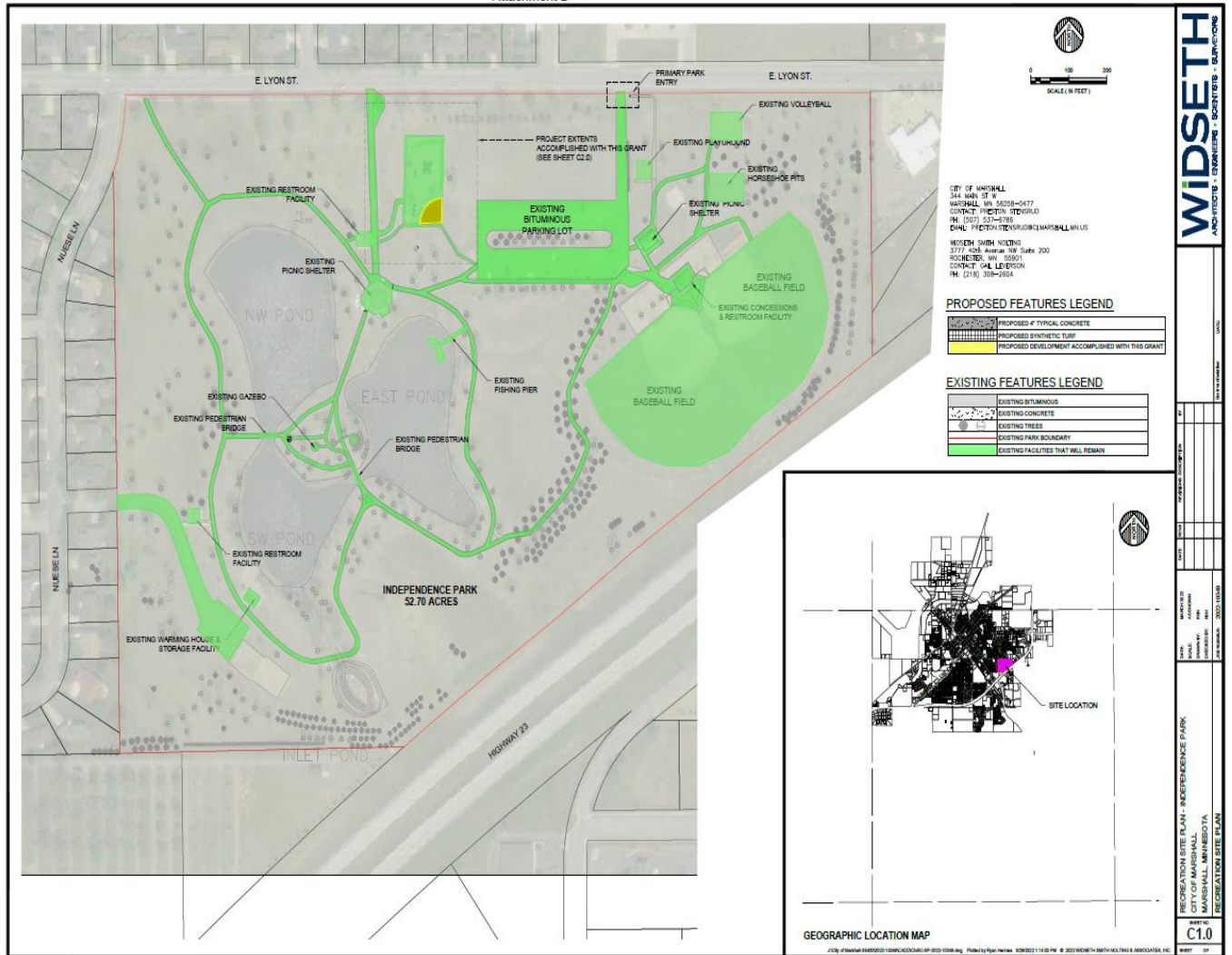
THIS DOCUMENT WAS DRAFTED BY:
Kennedy & Graven, Chartered (SJS)
Fifth Street Towers
150 South Fifth Street, Suite 700
Minneapolis, MN 55402
(612) 337-9300

EXHIBIT A
LEGAL DESCRIPTION OF THE RESTRICTED PARCEL

That part of the Northwest Quarter (NW ¼) of Section Ten (10), Township One Hundred Eleven North (111N), Range Forty-one West (41), County of Lyon, State of Minnesota described as follows; Beginning at a point 662.35 feet East of the Northwest corner of said Section 10; thence South approximately 1,471 feet to the North line of the Holy Redeemer Cemetery; thence East and on the extension of the North line of said cemetery to the Northwesterly right-of-way line of Trunk Highway No. 23; thence Northeasterly on the Northwesterly right-of-way line of Trunk Highway No. 23 to the North-South Quarter line of said Section 10; thence North on said North-South Quarter line to the North Section line of said Section 10; thence West on the North Section line of said Section 10 to the point of beginning, containing approximately 51 acres.

EXHIBIT B

Portion of the Restricted Parcel that is Subject to the Declaration (shown in yellow)



**CITY OF MARSHALL
AGENDA ITEM REPORT**

Presenter:	Karla Drown
Meeting Date:	Tuesday, September 26, 2023
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider approval of the bills/project payments
Background Information:	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
Fiscal Impact:	
Alternative/ Variations:	
Recommendations:	The following bills and project payments be authorized for payment.



Marshall, MN

Council Check Report

By Vendor Name

Date Range: 09/15/2023 - 09/26/2023

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP-REG AP						
4549	A & B BUSINESS, INC	09/15/2023	EFT	0.00	2,421.15	14174
0542	ABRA AUTOBODY AND GLASS INC	09/15/2023	Regular	0.00	535.00	123330
6128	ACTION COMPANY LLC	09/15/2023	EFT	0.00	656.00	14175
0566	ALERT-ALL CORPORATION	09/22/2023	EFT	0.00	741.00	14225
6417	ALLIED BLACKTOP COMPANY	09/15/2023	Regular	0.00	8,400.90	123331
0578	AMAZON CAPITAL SERVICES	09/15/2023	EFT	0.00	156.89	14176
0578	AMAZON CAPITAL SERVICES	09/22/2023	EFT	0.00	259.78	14226
0581	AMERICAN ENGINEERING TESTING, INC	09/22/2023	EFT	0.00	1,157.00	14227
0658	AP DESIGN, INC. / NICHOLAS J SCHWARZ OR JILI	09/22/2023	EFT	0.00	198.95	14228
0630	ARCTIC GLACIER	09/15/2023	Regular	0.00	648.65	123332
6883	AT&T MOBILITY II LLC	09/15/2023	Regular	0.00	38.23	123333
0674	BARGEN, INC.	09/22/2023	EFT	0.00	10,878.95	14229
7152	BAYCOM INC	09/15/2023	EFT	0.00	8,264.00	14177
0688	BELLBOY CORPORATION	09/22/2023	EFT	0.00	2,752.70	14230
0689	BEND RITE CUSTOM FABRICATION, INC.	09/22/2023	Regular	0.00	284.76	123361
0699	BEVERAGE WHOLESALERS, INC.	09/15/2023	Regular	0.00	36,310.65	123334
0699	BEVERAGE WHOLESALERS, INC.	09/22/2023	Regular	0.00	33,665.58	123362
0724	BOLTON & MENK INC	09/15/2023	EFT	0.00	5,908.00	14178
0018	BORDER STATES INDUSTRIES, INC.	09/22/2023	EFT	0.00	139.07	14231
3829	BRAU BROTHERS	09/15/2023	EFT	0.00	373.00	14179
4457	BREAKTHRU BEVERAGE MINNESOTA WINE & SF	09/15/2023	Regular	0.00	7,391.74	123335
4457	BREAKTHRU BEVERAGE MINNESOTA WINE & SF	09/22/2023	Regular	0.00	8,449.06	123363
0728	BUFFALO RIDGE CONCRETE INC	09/15/2023	EFT	0.00	129.20	14180
0728	BUFFALO RIDGE CONCRETE INC	09/22/2023	EFT	0.00	318.00	14232
6744	C&L DISTRIBUTING	09/22/2023	EFT	0.00	2,106.36	14233
6791	CAPITAL ONE	09/15/2023	Regular	0.00	65.62	123337
6791	CAPITAL ONE	09/22/2023	Regular	0.00	325.81	123365
0802	CARLSON & STEWART REFRIGERATION, INC.	09/22/2023	EFT	0.00	1,441.37	14234
0815	CATTOOR OIL COMPANY, INC	09/15/2023	EFT	0.00	3,289.50	14181
2034	CHANGE FUND	09/22/2023	Regular	0.00	8.72	123366
0836	CHARTER COMMUNICATIONS, LLC	09/15/2023	EFT	0.00	104.20	14182
0836	CHARTER COMMUNICATIONS, LLC	09/15/2023	EFT	0.00	69.98	14183
5733	CLARITY TELECOM, LLC	09/15/2023	EFT	0.00	347.74	14184
5733	CLARITY TELECOM, LLC	09/22/2023	EFT	0.00	2,861.22	14235
0919	CRYSTEEL TRUCK EQUIPMENT INC	09/22/2023	EFT	0.00	17,255.75	14236
0934	D & G EXCAVATING INC	09/15/2023	EFT	0.00	13,311.49	14185
0934	D & G EXCAVATING INC	09/22/2023	EFT	0.00	160.00	14237
3819	DACOTAH PAPER CO	09/15/2023	EFT	9.93	983.37	14186
7102	DAHLHEIMER BEVERAGE	09/22/2023	EFT	0.00	1,499.69	14238
5731	DOLL DISTRIBUTING LLC	09/15/2023	EFT	0.00	16,560.15	14187
5731	DOLL DISTRIBUTING LLC	09/22/2023	EFT	0.00	20,199.35	14239
4126	DOOM & CUYPER CONSTRUCTION	09/15/2023	EFT	0.00	26,401.45	14188
1020	DUININCK, INC.	09/22/2023	EFT	0.00	1,267,409.37	14240
1037	ECOWATER SYSTEMS	09/15/2023	EFT	0.00	32.25	14189
5651	ELECTRO-CHEMICAL DEVICES INC	09/15/2023	EFT	0.00	415.66	14190
7181	ENTERPRISE FLEET MANAGEMENT TRUST	09/20/2023	Bank Draft	0.00	13,784.14	DFT0003278
6700	EYEMED VISION CARE	09/15/2023	Regular	0.00	593.64	123338
1090	FASTENAL COMPANY	09/15/2023	EFT	0.00	20.95	14191
1090	FASTENAL COMPANY	09/22/2023	EFT	0.00	262.24	14241
1158	GALLS INC	09/22/2023	EFT	0.00	126.49	14242
6421	GMNP	09/15/2023	Regular	0.00	1,500.00	123342
6478	GOPHER STATE ONE CALL	09/22/2023	EFT	0.00	216.00	14243
1199	GRAHAM TIRE AND AUTOMOTIVE SERVICES	09/15/2023	EFT	0.00	436.42	14192
1199	GRAHAM TIRE AND AUTOMOTIVE SERVICES	09/22/2023	EFT	0.00	357.93	14244

Council Check Report

Date Range: 09/15/2023 - 09/26/2023

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
1201	GRAINGER INC	09/15/2023	EFT	0.00	384.28	14193
1201	GRAINGER INC	09/22/2023	EFT	0.00	802.21	14245
6127	GRANDVIEW VALLEY WINERY, INC	09/22/2023	Regular	0.00	1,236.00	123367
1215	GREENWOOD NURSERY	09/15/2023	EFT	0.00	450.00	14194
1256	HAWKINS INC	09/22/2023	EFT	0.00	3,707.64	14246
6430	HEARTLAND ELECTRIC, INC	09/15/2023	Regular	0.00	8,438.12	123343
1268	HELENA CHEMICAL COMPANY	09/15/2023	Regular	0.00	511.07	123344
1271	HENLE PRINTING COMPANY	09/15/2023	EFT	0.00	11,429.77	14195
1325	ICMA RETIREMENT TRUST #300877	09/15/2023	EFT	0.00	50.00	14196
7218	ILLINOIS CASUALTY COMPANY	09/22/2023	Regular	0.00	2,217.00	123368
6536	INNOVATIVE OFFICE SOLUTIONS, LLC	09/22/2023	EFT	0.00	190.62	14247
1358	INTERNAL REVENUE SERVICE	09/15/2023	Bank Draft	0.00	27,774.76	DFT0003269
1358	INTERNAL REVENUE SERVICE	09/15/2023	Bank Draft	0.00	23,186.10	DFT0003270
1358	INTERNAL REVENUE SERVICE	09/15/2023	Bank Draft	0.00	8,379.50	DFT0003271
1399	JOHNSON BROTHERS LIQUOR COMPANY	09/15/2023	EFT	0.00	17,389.97	14197
1399	JOHNSON BROTHERS LIQUOR COMPANY	09/22/2023	EFT	0.00	14,655.78	14249
2036	JOHNSON BROTHERS LIQUOR COMPANY	09/15/2023	EFT	0.00	5,315.88	14198
2036	JOHNSON BROTHERS LIQUOR COMPANY	09/22/2023	EFT	0.00	8,237.64	14250
5447	JOHNSON BROTHERS LIQUOR COMPANY	09/15/2023	EFT	0.00	328.20	14199
5447	JOHNSON BROTHERS LIQUOR COMPANY	09/22/2023	EFT	0.00	906.75	14248
3564	KESTELOOT ENTERPRISES, INC	09/22/2023	EFT	0.00	462.80	14251
4511	KRUSE BUICK PONTIAC GMC, INC	09/15/2023	EFT	0.00	852.13	14200
7260	LABAT, ALYSSA	09/15/2023	Regular	0.00	40.00	123345
7354	LALEMAN, BRUCE	09/22/2023	Regular	0.00	279.05	123369
3653	LANGUAGE LINE SERVICES	09/15/2023	EFT	0.00	689.78	14201
0255	LESAGE, TOM	09/22/2023	Regular	0.00	650.00	123370
7353	LINGEN, JOSHUA ANTHONY	09/22/2023	Regular	0.00	400.00	123371
1508	LOCKWOOD MOTORS INC	09/15/2023	EFT	0.00	14.60	14202
6759	LORENZ MANUFACTURING CO	09/22/2023	Regular	0.00	62.70	123372
7177	LOUWAGIE, BRANDON MICHAEL	09/15/2023	EFT	0.00	333.24	14203
6858	LYNCH, MICHAEL	09/22/2023	Regular	0.00	600.00	123373
1531	LYON COUNTY AUDITOR-TREASURER	09/22/2023	EFT	0.00	132.84	14252
1545	LYON COUNTY HIGHWAY DEPARTMENT	09/15/2023	EFT	0.00	11,950.26	14204
1555	LYON LINCOLN ELECTRIC COOPERATIVE INC	09/15/2023	Regular	0.00	41.17	123346
7349	MAJESTIC POND ASSOCIATION	09/15/2023	Regular	0.00	50.00	123347
6849	MARRON, ARLENE	09/15/2023	Regular	0.00	50.00	123348
1604	MARSHALL AREA CHAMBER OF COMMERCE	09/15/2023	EFT	0.00	510.00	14205
1604	MARSHALL AREA CHAMBER OF COMMERCE	09/22/2023	EFT	0.00	15.00	14253
1606	MARSHALL AREA FINE ARTS COUNCIL	09/22/2023	EFT	0.00	3,994.00	14254
1616	MARSHALL CONVENTION & VISITORS BUREAU	09/22/2023	EFT	0.00	300.00	14255
1623	MARSHALL INDEPENDENT, INC	09/22/2023	Regular	0.00	30.00	123374
5813	MARSHALL LUMBER CO	09/15/2023	EFT	0.00	67.03	14206
5813	MARSHALL LUMBER CO	09/22/2023	EFT	0.00	441.27	14256
1633	MARSHALL MUNICIPAL UTILITIES	09/22/2023	EFT	0.00	9,539.92	14257
3545	MARSHALL RADIO	09/15/2023	EFT	0.00	1,150.00	14207
7352	M-B COMPANIES, INC	09/22/2023	Regular	0.00	874.59	123375
7358	MCKITTRICK, HAYDEN	09/22/2023	Regular	0.00	9,452.54	123376
7077	MEDSURETY, LLC	09/15/2023	Bank Draft	0.00	10,152.62	DFT0003263
7077	MEDSURETY, LLC	09/15/2023	Bank Draft	0.00	6,687.92	DFT0003268
7077	MEDSURETY, LLC	09/15/2023	Bank Draft	0.00	312.52	DFT0003277
7077	MEDSURETY, LLC	09/22/2023	Bank Draft	0.00	208.33	DFT0003279
7077	MEDSURETY, LLC	09/22/2023	Bank Draft	0.00	2,083.30	DFT0003280
4980	MENARDS INC	09/22/2023	EFT	0.00	77.25	14258
1818	MINNESOTA DEPARTMENT OF REVENUE	09/15/2023	Bank Draft	0.00	11,612.61	DFT0003272
1818	MINNESOTA DEPARTMENT OF REVENUE	09/15/2023	Bank Draft	0.00	66,059.00	DFT0003276
1797	MINNESOTA FIRE SERVICE CERTIFICATION BOARD	09/15/2023	Regular	0.00	918.75	123349
1808	MINNESOTA MUNICIPAL UTILITIES ASSOC	09/15/2023	EFT	0.00	6,504.75	14208
7355	MINNESOTA RUGBY REFEREE SOCIETY	09/22/2023	Regular	0.00	50.00	123377
1824	MINNESOTA STATE FIRE CHIEFS ASSOCIATION	09/15/2023	Regular	0.00	1,300.00	123350
3669	MINNESOTA STATE RETIREMENT SYSTEM	09/15/2023	Bank Draft	0.00	8,636.52	DFT0003266
1813	MN POLLUTION CONTROL AGENCY	09/15/2023	Regular	0.00	23.00	123351

Council Check Report

Date Range: 09/15/2023 - 09/26/2023

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
1864	MONTES ELECTRIC INC	09/15/2023	Regular	0.00	3,829.36	123352
1887	MTI DISTRIBUTING INC	09/22/2023	EFT	0.00	446.80	14259
1945	NORM'S GTC	09/15/2023	Regular	0.00	37.51	123354
1945	NORM'S GTC	09/22/2023	Regular	0.00	498.58	123378
1986	NORTH CENTRAL INTERNATIONAL, INC	09/22/2023	EFT	0.00	199.00	14260
1946	NORTH CENTRAL LABS	09/15/2023	EFT	0.00	954.75	14209
7230	NORTHERN STATES SUPPLY, INC	09/15/2023	EFT	0.00	328.09	14210
6463	OFFICE OF MNIT SERVICES	09/22/2023	Regular	0.00	709.62	123379
5891	ONE OFFICE SOLUTION	09/22/2023	EFT	0.00	253.68	14261
1243	PATZERS INC	09/22/2023	EFT	0.00	120.72	14262
2026	PEPSI COLA BOTTLING OF PIPESTONE MN INC	09/22/2023	EFT	0.00	94.50	14263
2028	PERA OF MINNESOTA REG	09/15/2023	Bank Draft	0.00	54,497.05	DFT0003264
2049	PLUNKETTS PEST CONTROL INC	09/15/2023	EFT	0.00	41.82	14211
3557	POMP'S TIRE SERVICE, INC.	09/22/2023	EFT	0.00	9,691.20	14264
6166	PULVER MOTOR SVC, LLC	09/15/2023	EFT	0.00	80.00	14212
7322	QUADIENT FINANCE USA, INC	09/15/2023	Regular	0.00	902.00	123355
2112	R AND G CONSTRUCTION COMPANY	09/22/2023	EFT	0.00	905,592.55	14265
5732	RITE	09/22/2023	EFT	0.00	2,346.98	14266
6684	ROLLING FORKS VINEYARDS, LLC	09/15/2023	EFT	0.00	312.00	14213
5867	ROUND LAKE VINEYARDS & WINERY	09/22/2023	EFT	0.00	100.00	14267
2201	RUNNING SUPPLY, INC	09/15/2023	EFT	0.00	92.02	14214
2201	RUNNING SUPPLY, INC	09/22/2023	EFT	0.00	361.96	14268
5995	SHADES OF THE PAST OF MARSHALL INC	09/15/2023	Regular	0.00	50.00	123356
6251	SHRED RIGHT	09/22/2023	EFT	0.00	40.00	14269
4009	SKY PRINTING, INC.	09/15/2023	Regular	0.00	754.00	123357
6963	SLEEPY EYE BREWING COMPANY LLC	09/15/2023	EFT	0.00	166.80	14215
6963	SLEEPY EYE BREWING COMPANY LLC	09/22/2023	EFT	0.00	83.40	14270
6735	SMALL LOT COOP, LLC	09/15/2023	Regular	0.00	1,734.76	123358
4855	SOUTHERN GLAZER'S	09/15/2023	EFT	0.00	13,847.51	14216
4855	SOUTHERN GLAZER'S	09/22/2023	EFT	0.00	8,753.43	14271
2309	SOUTHWEST COACHES INC	09/15/2023	EFT	0.00	650.00	14217
2311	SOUTHWEST GLASS CENTER, INC	09/22/2023	EFT	0.00	65.00	14272
2318	SOUTHWEST SANITATION INC.	09/15/2023	EFT	0.00	3,868.97	14218
7357	SULLIVAN, SUE	09/22/2023	Regular	0.00	700.00	123380
7350	SWENSON, JEANNIE	09/15/2023	Regular	0.00	50.00	123359
6137	TEIGS LAWN CARE & LANDSCAPING, LLC	09/22/2023	Regular	0.00	100.00	123381
4734	TESSMAN COMPANY	09/22/2023	EFT	0.00	2,380.00	14273
6890	THE CINCINNATI INSURANCE COMPANY	09/22/2023	Regular	0.00	58,491.00	123382
0875	THE COMPUTER MAN INC	09/15/2023	EFT	0.00	1,975.00	14219
1193	THE PROPHET CORPORATION	09/15/2023	EFT	0.00	256.48	14220
4338	THERMAL PROCESSING SYSTEMS, INC	09/15/2023	EFT	0.00	5,843.47	14221
6389	TOWNE & COUNTRY EXCAVATING LLC	09/22/2023	EFT	0.00	324,178.00	14274
3342	TRUEDSON, SCOTT	09/22/2023	EFT	0.00	500.00	14275
7036	US BANK	09/22/2023	EFT	0.00	30,900.00	14276
4489	VERIZON WIRELESS	09/15/2023	EFT	0.00	35.01	14222
4489	VERIZON WIRELESS	09/22/2023	EFT	0.00	440.13	14277
4489	VERIZON WIRELESS	09/22/2023	EFT	0.00	39.02	14278
2538	VIKING COCA COLA BOTTLING CO.	09/15/2023	EFT	0.00	274.70	14223
2538	VIKING COCA COLA BOTTLING CO.	09/22/2023	EFT	0.00	388.95	14279
4594	VINOCOPIA INC	09/22/2023	EFT	0.00	1,111.00	14280
5961	WAYNE'S TRACTOR REPAIR	09/22/2023	Regular	0.00	8.59	123384
7351	WKU LAUNCH PAD, INC.	09/15/2023	Regular	0.00	1,385.00	123360

Council Check Report

Date Range: 09/15/2023 - 09/26/2023

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
2632	ZIEGLER INC	09/15/2023	EFT	0.00	54.90	14224

Bank Code AP Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	94	48	0.00	194,692.77
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	13	13	0.00	233,374.37
EFT's	195	107	9.93	2,827,974.07
	302	168	9.93	3,256,041.21

All Bank Codes Check Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	94	48	0.00	194,692.77
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	13	13	0.00	233,374.37
EFT's	195	107	9.93	2,827,974.07
	302	168	9.93	3,256,041.21

Fund Summary

Fund	Name	Period	Amount
999	POOLED CASH FUND	9/2023	3,256,041.21
			3,256,041.21

CITY OF MARSHALL, MINNESOTA
 PRIOR AND CURRENT YEARS CONSTRUCTION CONTRACTS
 9/26/2023

PROJECT #:	Coding	DATE	CONTRACTOR:	ORIGINAL CONTRACT AMOUNT:	CHANGE ORDERS	CURRENT CONTRACT AMOUNT	2020 Prior Payments	2021 Prior Payments	2022 Prior Payments	2023 Prior Payments	PYMTS THIS MEETING:	RETAINAGE	BALANCE:	PERCENT COMPLETE		
CH1	494-43300-55120	11/12/2019	City Hall Renovation	Brennan Companies	5,030,200.00	749,360.00	5,779,560.00								100.00%	
ST-004	480-43300-55170	2/22/2022	Haibur Road Reconstruction	Duininck, Inc	1,142,009.72	27,473.66	1,169,483.38	3,039,722.04	2,661,221.96	66,794.00		11,822.00	-		100.00%	
ST-006 (Z79)	495-43300-55130	5/10/2022	School Pedestrian Crossing Improvements	Duininck, Inc	480,250.35	15,028.32	495,278.67			1,068,756.45	42,723.29	11,227.07	46,776.57		96.00%	
ST-001	101-43300-53425	2/28/2023	Chip Seals	Allied Blacktop Company	165,497.40	2,520.60	168,018.00			376,682.76	118,595.91	-	-		100.00%	
ST-002	495-43300-55170	3/14/2023	Bituminous Overlay on Various City Streets	Duininck, Inc	887,990.20	(127,964.47)	760,025.73				159,617.10	8,400.90	-		100.00%	
ST-008	401-43300-55170	3/14/2023	Channel Parkway Pavement Replacement	Duininck, Inc	1,374,151.96		1,374,151.96			607,166.93		31,956.15	120,902.65		84.09%	
ST-009	481-43300-55170	3/14/2023	W. Lyon Street/N. 3rd Street Reconstruction	R & G Construction Co.	3,845,497.31	18,033.35	3,863,530.66				1,790,443.74	905,592.55	141,896.65	1,025,597.72	73.45%	
SWM-002	630-49600-55170	3/14/2023	Legion Field Road Stormwater Study: Phase 2	Towne & Country Excavating LLC	703,749.60	10,774.88	714,524.48				229,367.41	324,178.00	29,133.97	131,845.10	81.55%	
PK-092	481-45200-55120	4/11/2023	Amateur Sports Center Shelter & Storage-Ball Field	Doom & Cuyper's Construction, Inc.	171,642.00		171,642.00					26,401.45	1,389.55	143,851.00	16.19%	
AP-007	480-43400-55170	2022	Crack Filling w/Sealcoat	City Staff - Street/Airport	75,000.00		75,000.00			51,540.63			23,459.37		68.72%	
ST-032	481-43300-53425	7/11/2023	L2,BLK1, Schwans Corp I Addition Prkng Lot Improv	D & G Excavating, Inc.	221,243.20	6,568.56	227,811.76				214,500.27	13,311.49	-	-	100.00%	
							14,097,231.74	701,794.90	14,799,026.64	3,039,722.04	2,661,221.96	1,563,773.84	2,542,234.88	293,970.15	1,535,689.12	



CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Preston Stensrud, Park and Recreation Superintendent
Meeting Date:	Tuesday, September 26, 2023
Category:	NEW BUSINESS
Type:	INFO
Subject:	Tree City, Emerald Ash Borer Plan, Grant Updates
Background Information:	Recently staff have submitted a DNR grant for assistance with the city's Emerald Ash Borer (EAB) Plan. In addition, the city is a designated Tree City. Preston Stensrud will provide an update on these topics.
Fiscal Impact:	N/A
Alternative/Variations:	N/A
Recommendations:	N/A

Background on Emerald ash borer

Emerald ash borer (EAB) is a nonnative, invasive beetle from Asia that invades and kills ash trees (*Fraxinus* spp.). Minnesota is home to nearly one billion ash trees and as ash trees have no immune response against EAB, this pernicious beetle will eventually kill all ash trees in Marshall. As of December 2020, EAB has not been discovered in Marshall or in Lyon County. Notably, EAB has been identified in Nobles County and Brown County which are currently under an EAB quarantine (MDA). The locations of these two identifications are both approximately 60 miles from the City of Marshall.

EAB spreads slowly on its own, moving approximately one mile annually (ISU). EAB migrates rapidly to new locations by moving in infested firewood and logs to un-infested areas. At this time, EAB has not been discovered in Lyon County. Unfortunately, this destructive pest will eventually arrive in Lyon County and Marshall, whether it is by slow spread or by human transport.

The life cycle of EAB takes place mostly below the bark of an ash tree. Adults lay eggs on the bark and the beetle larvae burrow into the cambium. The larvae feed by tunneling in the wood, creating “S”-shaped larval trails and cutting off the flow of nutrients throughout the tree. The larvae overwinter in the tree and emerge in spring as adult beetles. Once the larvae have begun feeding on the ash tree, the tree will likely die within 1-3 years. Dead ash trees are unpredictable, unstable, and not structurally sound. An infected ash tree can pose dangers to its surroundings and should be properly removed during the winter season.

Course of action for the removal of public ash trees

Marshall’s public tree makeup is roughly 20% ash with the percentage expected to increase when the public tree inventory has been finished. The tree inventory completed in fall of 2020 counted 744 ash trees in the city’s parks, public areas, and public schools. Since ash trees are a sizeable part of Marshall’s tree population, it is necessary to have a preparedness plan in place for when EAB arrives.

Many cities and counties with an EAB preparedness plans have put a variety of ash tree replacement programs in place that suit the needs of that location and its community. The City of Worthington is removing 10% of its ash tree population every winter for ten years and plans to commit to replacing up to 75 trees a year. The Minneapolis Parks and Recreation Board removes up to 20% of its boulevard ash trees in a single season with scheduled replacements taking place (MPRB). The City of Plymouth is removing all ash trees located on the boulevards and providing residents with free replacements trees.

The City of Marshall plans to remove 10% of its ash trees annually during the winter season in a 10-year removal plan. Based on the City’s 2020 tree inventory, approximately 75 ash trees will

be removed in a single season from public areas. It is estimated to cost \$850 for the removal of each ash tree, totaling \$637,500 to remove the ash trees in public areas. If EAB is found in Marshall, the removal of the ash trees will be focused on the infected trees and the surrounding ash trees until cleared. Removal will be designated on a priority removal basis. Ash trees that appear stressed or are in poor condition will be marked for priority removal. All ash trees in public areas will be removed during the 10-year removal plan regardless of tree health.

Replacement of ash trees on public property

The City of Marshall Parks Department will facilitate the replacement tree plantings in the public areas. Due to the high number of plantings needed to increase diversity while replacing the ash tree population, it is recommended that the City of Marshall create a Tree Advisory Board. The members of the Tree Advisory Board (TAB) will be comprised of residents of Marshall who are willing to take on roles and responsibilities to preserve their community's urban forest. TAB members will be required to complete the Tree Stewards program hosted by the City of Marshall and the University of Minnesota.

Responsibilities of TAB members will include the following:

- Tree identification and tree health
- Properly planting trees and mulching the trees
- Knowing the different types of nursery trees and planting maintenance needs
- Using proper watering devices
- Identifying common tree diseases and pests, such as EAB
- Assist in determination of acceptable planting varieties

In addition to these responsibilities required in the University of Minnesota Tree Stewards program, TAB members will take on a leadership role in the City of Marshall. The TAB members will act as a link between the Parks Department and the community. TAB members may provide basic tree information to members of the community or direct them to City employees who will be able to help with any further questions.

TAB members will assist the Parks Department by marking all ash trees for removal based on a provided map of inventoried ash trees. They will also aid in tree plantings in public areas to replace the ash tree population.

References

<https://mnag.maps.arcgis.com/apps/webappviewer/index.html?id=63ebb977e2924d27b9ef0787ecedf6e9> DNR EAB map

<https://www.dnr.state.mn.us/invasives/terrestrialanimals/eab/index.html> DNR EAB website

<https://hortnews.extension.iastate.edu/emerald-ash-borer> ISU Extension

<https://blog.davey.com/2016/03/does-emerald-ash-borer-treatment-work/#:~:text=When%20applied%20correctly%2C%20EAB%20treatment%20is%2085%20to%2095%20percent%20effective.&text=Three%20years%20later%2C%20more%20than,show%20no%20signs%20of%20infestation>. Davey Tree Expert Company

https://www.minneapolisparcs.org/park_care_improvements/invasive_species/terrestrial_invasive_species/emerald_ash_borer/#:~:text=Canopy%20Replacement%20Plan%20for%20Ash%20Trees&text=Proactively%20removing%20trees%20before%20they,once%20to%20minimize%20the%20impact. Minneapolis Parks & Recreation Board

<https://www.dglobe.com/news/4450949-worthington-planning-ahead-emerald-ash-borer>
Worthington

<https://www.plymouthmn.gov/departments/parks-recreation/forestry/trees/emerald-ash-borer/eab-tree-replacement-private-trees> Plymouth plan

City of Marshall Tree Planting List

Prairie Dream Birch	Gladiator Flowering Crab
Royal Frost Birch	Prairiefire Flowering Crab
Whitespire Birch	Royal Raindrops Flowering Crab
Prairie Expedition Elm	Snowdrift Flowering Crab
Princeton Elm	Spring Snow Flowering Crab
St. Croix Elm	Royal Star Magnolia
Hackberry	Merrill Magnolia
Kentucky Coffee Tree	
Espresso Kentucky Coffee Tree	
Littleleaf Linden	
Shamrock Linden	
Frontyard Linden	
American Linden	
Skyline Locust	
Sunbrust Locust	
Burr Oak	
Heritage Oak	
Majestic Skies Northern Pin Oak	
Northern Pin Oak	
Curly Willow	
Laurel Leaf Willow	
Quaking Aspen	
Swedish Aspen	

ReLeaf Community Forestry Grants

2023 Application



Please refer to the Request for Applications (RFA) when completing this application.

Submit this form, along with required attachments, to ucf.dnr@state.mn.us by Sep. 18, 2023. Checklist:

- Application Form (filled out, guided by the RFA)
- Budget Form (Attachment A)
- 3-Year Tree Maintenance Plan, *if planting trees* (Attachment B)
- Species Selection and Stock List, *if planting trees* (follow guidelines in RFA)
- EAB Management Plan, *if already completed*
- Letter of Support, *if collaborating with an outside organization* (any format acceptable)

Local Unit of Government (LUG)	City of Marshall
Project Coordinator	Preston Stensrud
Coordinator Title	Park & Recreation Superintendent
Address	344 West Main Street
City, State, Zip	Marshall, MN 56258
County	Lyon
Coordinator Email	preston.stensrud@ci.marshall.mn.us
Coordinator Phone Number	507-537-6786
Grant Amount Requested	\$329,080.00
Cash Match (refer to RFA for match guidance)	\$0
In-Kind Match	\$0
Total Project Cost (Grant Amount + Match)	\$329,080.00

Have you received a DNR community forestry grant in the past? Yes No Don't Know

Is this application limited to serving a community, or communities, with populations less than 20,000? Yes No

(To encourage applications from smaller communities across Minnesota, points will be awarded to grants that serve communities with populations less than 20,000)

Project Overview and Need (30 points; 2,050 character maximum including spaces) *Provide a summary of the project, why this funding is needed, what project work will not happen without these grant funds, and expected outcomes. Include a description of project locations (citywide project, boulevards, specific parks, etc.). A successful application will demonstrate a readiness to take on a project of the proposed scope and size, and will prioritize emerald ash borer, and/or the preservation and maintenance/increase of canopy cover.*

The City of Marshall is the county seat of Lyon County and recently discovered and confirmed the arrival of Emerald Ash Borer in our community in June of 2023. Since this discovery, word has spread throughout the community and surrounding areas, the city has been receiving calls and emails daily from concerned citizens about options for their ash trees.

The City of Marshall would like to accomplish several objectives with this grant funding that simply wouldn't be possible due to budget constraints.

Focus #1: Tree removals and plantings in right-of-ways in low-income areas of our community. We would remove 75 unhealthy ash trees on the right-of-way with those posing any safety risks being our first priority. These removals would be done using City of Marshall staff. We would propose to plant 2 new trees for each tree removed. In the event a property owner is not wanting new trees on the right-of-way of their property, the remaining trees would be planted in various parks. Maintenance trimming and pruning will also be done on healthy trees. Currently 635 ash trees on City right-of-way in Marshall.

Focus #2: Offering reimbursements for tree removals including the stumps of ash trees on low-income property as well as reimbursement for planting new, approved, trees. These residents would be required to show proof of the work done as well as receipts and inspection of sites. We understand tree care can be expensive and place a burden on these residents and well as pose potential hazards if the trees aren't removed.

Focus #3: Provide educational opportunities for our residents to become more engaged in tree care by offering reimbursement for anyone interested in becoming a Tree Inspector through the U of MN program.

Focus #4: Treatment of healthy ash trees in our parks by City staff. Goal of 100 trees per year, treated every other year.

Project Timeline (15 points; 2,600 character maximum including spaces) *Describe the approximate project schedule showing intermediate steps and milestones for activities described in this application or required by the RFA. A successful timeline will provide specific dates, is easy to comprehend, and will follow EAB best management practices.*

If the City of Marshall is selected for this grant we would be prepared to start ash tree removals on right-of-ways in January 2024 and all removals will be completed during the winter months when EAB isn't active and following the EAB best practices. These removals will continue each winter until completion of proposed 75 removals ideally by April 2026 but could potentially continue into winter of '26-'27 if needed.

All new tree plantings would be done in the late fall of each year using diverse varieties that are know to perform well in our community to be completed no later than the fall of 2026. The goal would be to plant 50 new trees in the fall of 2024, 2025, and 2026 for a total of 150 trees and maintaining our 2:1 ratio of new trees planted to ash trees removed.

For the removals on low-income properties for reimbursements, we would provide them information on best practices for the removals as well as the plantings and provide them information on contractors and species types that perform well in Marshall soils. All sites would be inspected upon the request for reimbursement by property owners.

We are working towards ash tree conservation as part of an integrated approach to managing emerald ash borer, including possible treatments for significant trees. Treatments of ash trees in the parks would be done mostly in the spring (May) of each year starting in 2024 with the goal to complete 100 selected ash trees each year using ArborMectin (emamectin benzoate) by certified staff. These treatments would be maintained on a 2 year timeline to maintain resistance to Emerald Ash Borer in selected trees.

Any community members wanted to become Tree Inspectors we would be very flexible in the timing and only reimburse upon successful completion of the course.

Project Budget Explanation (10 points; 2,200 character maximum including spaces)

Provide additional remarks to clarify the budget request. Provide an explanation of how you are funding portions of your project that are not eligible with grant dollars. A successful budget will provide specific dollar amounts for anticipated use, be financially realistic, and cost effective. Budget attachment will be correctly calculated. Projects that plant more trees than they remove will score higher.

-The City of Marshall is seeking a total of \$329,080.00 in grant funding to remove 75 unhealthy ash trees on right-of-ways, treat healthy ash trees in parks, plant 150 new trees on public property, promote our citizens to become more knowledgeable on identify trees and the importance of them, and providing information and public outreach to our community. The cost estimated cost to remove 75 large, unhealthy ash trees by city staffing is \$638 per tree including removal, stump grinding, and leveling for a total of \$47,850. The anticipated cost to plant 150 new diverse species of trees 1.5" in caliper by city staff is \$319.80 including the purchase of the tree and labor to plant, mulch, and water at time of planting. The total cost of new planting on public property is \$47,970.

-Tree reimbursements for removals and new plantings on low-income properties would be capped at 400 ash tree removals at \$200 per tree for a total of \$80,000. New plantings to stay with our 2:1 ratio equates to 800 new trees planted at \$100 per tree for a total of \$80,000.

-Treatment of 100 park trees per year by staff would be \$43.15 per tree averaging 90mL of product per tree and staff time for a total of \$4,315.00 per year x 4 years = \$17,260.00. (injector already City owned)

-Tree Inspector Program Course completion would be eligible for 20 residents at \$50 each for a total of \$1,000.

-The City would also like to purchase 1,000 tree gator watering bags as part of this grant to put on all the new trees planted for a total of \$25,000. We have used these for several years and have found them to be very advantageous and high success rates for tree survival.

-\$20,000 for Arborist/Forestry Consulting for reviewing/updating our EAB Plan and strategic planning.

-\$10,000 for printed materials such as brochures and pamphlets that would be available to the public at numerous high traffic businesses in Marshall. Would also run full page ads in local newspaper on EAB.

Project Impacts on Priority Populations (20 points; 2,200 character maximum including spaces)

This grant opportunity aligns with state initiatives to reduce disparities in health and environmental quality for diverse populations. A successful proposal will show planning and collaboration that clearly serves and includes areas of concern for environmental justice. The applicant will describe actionable items for these communities, how these communities will be engaged through the project, and how their input will be incorporated throughout the project.

In 2020, the City of Marshall completed a survey of ash trees located in City Parks, right-of-ways, school grounds, Southwest MN State University, and the golf course. The total number of trees observed in these areas was 7,353 of which, 1,732 were ash trees or 23.5%.

This project is focused mainly on removing ash trees and planting new trees on right-of-ways in the community. The majority of our ash trees on right-of-ways on in the central part of the City where you will also find a lot of our lower income residents and older housing. According to the US Census Bureau and as reported on the MPCA Environmental Justice website, at least 35% of people in the city of Marshall reported income less than 200% of the federal poverty level and up to 54% in certain areas of the city. 22% of the population is non-white; \$53,138 household income compared to \$77,706 for the State of Minnesota; and 7.4% of the population of Marshall for those under 65 do not have health insurance compared to 5.3% for the State of Minnesota.

The reimbursement program for tree removals and new plantings will certainly have an impact on these residents as we look to increase tree canopies in the specific areas of town.

Communication (8 points; 2,200 character maximum including spaces) *Describe the methods you will use to conduct outreach to residents about this grant project. A successful communication strategy will use multiple formats that have the potential to reach the public, and will incorporate EAB-related messaging.*

The City of Marshall will develop a communication plan by outlining and prioritizing target groups, intended messages and all possible media delivery systems. Communication with the public and industry professionals to foster cooperation and maximize effective response is essential. We will also work with all property owners on right-of-ways removals and plantings as our standard practice. We can also utilize Marshall Municipal Utilities as they send out billing inserts to everyone monthly on information regarding the grant and Emerald Ash Borer.

Public information has been provided since the confirmation of EAB in the City of Marshall earlier this summer. We plan to add information to our website that the public can look to for frequently asked questions, options with their trees, and just general information.

The City has an approved Ash tree replacement plan as well as an up to date tree inventory that includes all public property, the golf course, and the school district property that will be key in tracking and it updated each year and these will be additional tools to rely on throughout the proposed grant request.

The funding for Arborist/Forestry Consulting will be used to assist with providing proper material delivery to media, help with public notices and communication while providing training in response operations.

Key Personnel (8 points; 2,200 character maximum including spaces) *List all certifications and degrees for staff or contractors involved in the project. Describe the duties internal staff will conduct, and any work that will be contracted out, or the partnerships you will leverage to complete tasks. Include key personnel and their past experience with similar tasks. If you expect to contract work out, describe requirements you will have for contractors.*

Preston Stensrud, Park and Recreation Superintendent, has managed overseen two other DNR grants for Emerald Ash Borer and will be coordinating the planning, logistics, mapping, and tracking of all focus point within our grant request. He is a First Detector and graduated from Southeast Technical Institute in Sioux Falls with an Associates Degree in Sports Turf Management and Landscape Construction. He is also a certified pesticide applicator in MN and has attended numerous trainings associated with tree work and specifically EAB. Staff will also provide proper information the the public and property owners as it relates to timing of tree removals, tips for successful planting including tree selection for specific sites. We have several experienced contractors within our community that are always willing to help, the City doesn't plan to hire any contractors for removals or planting but will certainly be able to provide feedback to property owners of the low-income areas for reimbursements on recommended contractors we have worked with. New trees are purchased from a local nursery and provide a 2 year warranty on tree plantings for City projects.

Upon the completion of new plantings staff will educate on proper maintenance and pruning of new trees as the new tree adapts to the site.

Attachment B. 3-Year Tree Maintenance Plan Template for Newly Planted Trees

LUG: City of Marshall

Year and Season of Planting: Fall of 2024 - Fall of 2026

Project Coordinator: Preston Stensrud

Phone: 507-537-6786

Email: preston.stensrud@ci.marshall.mn.us

of Trees to be Planted: 150

Size (caliper for deciduous, height for conifers): 1.5-2"

Type of Stock to be Planted (Bare root, etc.): Containers

Describe how the activities below will be completed.

1. Tree Maintenance Personnel

- a. Describe who is responsible for maintenance.

Preston Stensrud, Park and Recreation Superintendent for the City of Marshall oversees all the maintenance of existing trees and newly planted trees in the parks and other green spaces throughout the community. This would consist of pruning, watering, tree removals, new plantings, etc.

The trees as part of the reimbursement portion on low income properties will be inspected by Preston and/or trained staff prior to reimbursement being approved to make sure proper planting guidelines were

- b. Volunteers, homeowners, or inexperienced staff that will provide maintenance should receive basic training and literature on proper maintenance techniques. Is training needed and how will you do it?

All staff and volunteers(if used) will be training on tree planting techniques by Superintendent Stensrud. The City of Marshall also has a guide to planting trees available that we will give to all property owners doing plantings as well as inspections of the planted trees. Staff can also demonstrate to interested parties when planting trees on City property to show proper techniques.

- c. How will you inspect tree maintenance work periodically to make sure it is being done correctly?

Preston and staff will inspect and review all trees on a regular basis to assign maintenance tasks or to see what maintenance might be done. We recently completed a tree inventory via GIS map and can utilize this map for maintenance to help make work orders and track maintenance we have done with numerous drop downs in the mapping to allow for easy sorting and tracking.

2. Tree Watering Process

Describe in detail how trees will be watered, the time period and frequency of watering. Trees should be watered weekly for the first 3 to 5 years when the ground is thawed, unless it has rained 1 inch in a week.

For the first 2 years of growing new trees are watered twice a week utilizing tree watering bags if no rain is received. After year 2, we water as needed for the next several years depending on precipitation and weather patterns. We have numerous seasonal staff that assist in watering all trees on a regular basis. The Parks Department utilizes a water truck and also a water trailer to make sure trees are receiving proper watering.

3. Mulching Trees

Will you mulch your trees and if so, how will you maintain mulch?

We have found mulching trees to be very beneficial and we continually add mulch as needed throughout the first three years after planting. We have staff the does new mulching throughout the spring and summer season in all of our parks. Normally make a dike approximately 12-15" away from the base of the tree with dirt during planting and then follow up with adding 3-4" of mulch on top of and around the tree but keeping the mulch slightly away from the trunk to prevent excess moisture and decay around base of the tree.

4. Staking and Tying Trees

Explain if staking is necessary due to mowing, vandalism, or wind conditions, and describe plans for inspection and removal.

We have staked many of our trees in the past using a 3 sided approach and using a piece of rubber to protect the tree so the guidelines don't damage the bark. Usually this is needed due to our high winds in Marshall. After 2 years these are removed. We make sure the support lines and stakes are still taunt and not damaging the trees is part of our normal inspection process and make any adjustments as needed with staff.

5. Checking Tree Health

The grantee will check trees every 6 – 12 months to identify and address problems. Describe inspection process and follow-up.

Checking on the health of the trees is very critical to sustainability and is done often. Inspection will consist of checking on the guidelines, moisture content, diseases, mulch, any broken limbs, etc. Preston will then assign staff to correct any issues based on the inspection of these trees.

6. Tree Protection

Young trees in busy urban areas may be easily damaged by human activity, animals, and equipment. Describe how planted trees will be protected.

In the past we haven't experienced many of these issues, however, should any issues arise, Preston will make sure to address the appropriately. All trees are mulched around and have a protective sleeve around the stem of the tree for the first 2-3 years.

7. Pruning

Newly planted trees should need little pruning, if they were properly cared for in the nursery. In the first year after planting, remove only dead or broken branches. In later years, weakly attached limbs can be removed, and corrective pruning can be done if needed. Describe your pruning maintenance cycle.

Our practice is to only trim out broken branches and dead branches until the second or third year. Once the trees are established and growing at a steady rate we would then focus on trimming out branches that are weak or growing in a way that may lead to later damage or breakage. No heavy pruning occurs until the trees have grown enough to possibly have the lower limbs become a factor in mowing, or clearance of vehicles and pedestrians.

8. Tree Warranty

Tree planting should include a warranty from the nursery for replacement (due to poor condition or mortality). The grantee should be prepared to fully replace all trees that are in poor condition or die prior to inspection at the end of the project grant agreement, unless loss was due to natural disaster. Describe your tree warranty or how trees will be replaced.

All trees purchased as part of the project will have a 2 year warranty with the nursery we work with on a daily basis for all of our planting, we feel we have a very strong working relationship with the nursery and have no concerns about warranty being an issue.

2023 ReLeaf Community Forestry Grants
Attachment A. Budget Form

Directions: Complete this form in detail. Common eligible expenses are listed below; add rows as necessary. Be specific about expenses, making sure requested funds are eligible for reimbursement. A successful budget will be detailed, financially realistic, and cost effective. No match is required. This form has formulas; double check that totals are accurate. Direct questions about the budget form to the DNR Urban and Community Forestry Team at ucf.dnr@state.mn.us.

Local Unit of Government: City of Marshall

Project Coordinator Preston Stensrud

<u>Expense</u>	<u>Description</u>	<u>Hourly Rate/ Cost per Item</u>	<u>Number Hours or Items</u>	<u>Funds Requested</u>	<u>Cash Match</u>	<u>In-Kind Match</u>
1. City Staff Tree Removals	Removal and stump grinding of 75 unhealthy ash trees in the right-of-ways including staff time.	\$638.00	75	\$47,850		
2. Trees	Purchase and planting of 150 new trees on right-of-way or public property including staff time	\$319.80	150	\$47,970		
3. Planting supplies (ex. water bags, grow tubes, bark protection, compost, etc.)	Tree Gator Bags for all new trees planted during this grant project	\$25	1000	\$25,000		
4. Site preparation						
5. EAB Treatments in Parks	Treat 100 ash trees annually for a total of 4 seasons with ArborMection by City Staff	\$43.15	400	\$17,260		
6. Staff or Consultant time	Arborst/Forestry Consulting, printed education materials	various items with different costs		\$30,000		
7. Tree Removals for Reimbursement	Reimbursement of trees removed on low income properties upon completion and verification	\$200	400	\$80,000		
8. Tree Plantings for Reimbursement	Reimbursement of newly planted trees after successful removal on low income properties with receipt and inspection of planting	\$100	800	\$80,000		
9. Tree Inspector Certification	Reimbursement for Staff and community members interested in becoming Tree Inspectors through U of MN.	\$50	20	\$1,000		
Totals				\$ 329,080.00	\$ -	\$ -

Presenter:	Sheila Dubs
Meeting Date:	Tuesday, September 26, 2023
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Consider approval of Personnel Policy amendments
Background Information:	<p>Staff are proposing amendments to the Personnel Policy manual. The Personnel Committee met on September 12, 2023, reviewed the changes in detail, and voted unanimously to approve.</p> <p>There are 3 categories of amendments.</p> <ol style="list-style-type: none"> 1) New MN laws; 2) Recommended: to clarify language, or to more closely align with the LMC model policy; and 3) Technical amendments (i.e., title/department changes, etc.) <p><u>Amendments due to new MN laws:</u></p> <p>1.9—Reasonable Break Time for Nursing Mothers 7.6—Pregnancy and Parenting Leave 7.7—School Conference/Activity Leave 7.16—Bone Marrow and Organ Donation Leave 7.17—Elections/Voting Chapter 10—Drug Free Workplace</p> <p><u>Recommended amendments:</u></p> <p>7.2—Vacation Leave 7.5—Funeral/Bereavement Leave 8.6—Use of City-owned vehicles Appendices A and B</p> <p><u>Technical amendments:</u></p> <p>5.1—Direct Deposit 5.7—Overtime/Compensatory Time 5.10—Exempt Employees 6.1--Eligibility 6.2—Group Health and Welfare 6.5—Public Employees Retirement Fund 6.7 --Workers Compensation Insurance 6.8—Disability Insurance 7.0—Leave policies—introduction section 7.3—Vacation Donation 7.11—Leave of Absence without Pay</p>

	<p>8.4—Clothing Allowance 8.18—Social Media 9.1--Workplace Accidents, Injuries, and Illnesses 11.5-Travel Advances 12.5—Employee Responsibilities</p> <p>Staff recommend approval.</p>
Fiscal Impact:	
Alternative/ Variations:	<p>None. Failure to approve several of the policy amendments will result in non-compliance with new Minnesota laws.</p> <p>If the Council desires additional discussion on one or more specific policies, staff request that the Council refer it back to the Personnel Committee for review, and consider approval of the remaining policies to maintain legal compliance.</p>
Recommendations:	That the Council approve the Personnel Policy amendments



Personnel Policy Manual

ADOPTED: 08/25/2009
UPDATED: 05/23/2023DRAFT

**CITY OF MARSHALL
PERSONNEL POLICY MANUAL**

TABLE OF CONTENTS

POLICY TITLE		Date of Policy Adoption	Policy Update	Effective Date
Chapter 1: Introduction				
Section				
1.1	Purpose	08/25/2009	10/13/2021	10/13/2021
1.2	Employment At-Will	08/25/2009		08/25/2009
1.3	Organization	08/25/2009		08/25/2009
1.4	Scope	08/25/2009	10/13/2021	10/13/2021
1.5	Severability	08/25/2009		08/25/2009
1.6	Equal Employment Opportunity	08/25/2009	03/14/2023	03/14/2023
1.7	Reasonable Accommodation	08/25/2009	08/26/2014	07/01/2014
1.8	Reasonable Accommodations for Health Conditions Relating to Pregnancy	10/13/2021		10/13/2021
1.9	Reasonable Break Time for Nursing Mothers-- draft	10/13/2021		10/13/2021
1.10	Data Practices Advisory	08/25/2009		08/25/2009
1.11	Employee Access to Personnel Files	08/25/2009		08/25/2009
1.12	News Releases	08/25/2009		08/25/2009
1.13	Employee Suggestions	08/25/2009		08/25/2009
Chapter 2: Definitions				
Chapter 3: Employee Recruitment and Selection				
Section				
3.1	Hiring Authority	08/25/2009		08/25/2009
3.2	Features of the Recruitment System	08/25/2009		08/25/2009
3.3	Applicant Testing and Examinations	08/25/2009		08/25/2009
3.4	Pre-employment Medical Examinations	08/25/2009		08/25/2009
3.5	Pre-Employment Drug Testing	08/25/2009	10/13/2021	10/13/2021
3.6	Background and Credit Checks	08/25/2009	10/13/2021	10/13/2021
3.7	Selection Process	08/25/2009		08/25/2009
3.8	Hiring of Relatives	08/25/2009		08/25/2009
Chapter 4: Employee Classification System and Performance Reviews				
Section				
4.1	Job Classification / Evaluation System	08/25/2009	03/22/2022	03/22/2022
4.2	Employee Classifications	08/25/2009	03/22/2022	03/22/2022
4.3	Job Descriptions	08/25/2009	03/22/2022	03/22/2022
4.4	Wage Schedule	08/25/2009	03/22/2022	03/22/2022
4.5	Probationary Period	08/25/2009	03/22/2022	03/22/2022
4.6	Employee Performance Reviews	08/25/2009	03/22/2022	03/22/2022
4.7	Promotions	08/25/2009	03/22/2022	03/22/2022
4.8	Resignations / Separation from Employment	08/25/2009	12/11/2018	12/11/2018
Chapter 5: Compensation				
Section				
5.1	Direct Deposit- draft technical amendment	08/25/2009		08/25/2009
5.2	Time Reporting	08/25/2009	02/26/2013	02/26/2013
5.3	Hours of Operation	02/24/2015		05/01/2015
5.4	Work Hours	08/25/2009	02/24/2015	05/01/2015
5.5	Call-Back Time	08/25/2009		08/25/2009
5.6	Meal Breaks and Rest Periods	08/25/2009	02/24/2015	05/01/2015
5.7	Overtime / Compensatory Time- draft technical amendment	08/25/2009		08/25/2009
5.8	Differential Pay	12/11/2018		12/11/2018
5.9	Fire Duty / Hazmat Response	03/13/2012	04/10/2012	04/10/2012
5.10	Exempt Employees- draft technical amendment	08/25/2009		08/25/2009

5.11	Adverse Weather Conditions	08/25/2009		08/25/2009
5.12	Wage Disclosure Protection Notice	08/26/2014		05/11/2014
Chapter 6: Benefits				
Section				
6.1	Eligibility	08/25/2009		08/25/2009
6.2	Group Health and Welfare - <u>draft technical amendments</u>	08/25/2009	02/26/2013	02/26/2013
6.3	Holidays	08/25/2009	05/23/2023	05/23/2023
6.4	Severance Pay	08/25/2009	11/24/2015	01/01/2016
6.5	Public Employees Retirement Fund (PERA)- <u>draft technical amendment</u>	08/25/2009		08/25/2009
6.6	Benefit Continuation (COBRA)	08/25/2009		08/25/2009
6.7	Workers Compensation Insurance- <u>draft technical amendment</u>	08/25/2009		08/25/2009
6.8	Disability Insurance- <u>draft technical amendment</u>	08/25/2009		08/25/2009
6.9	Employee and Volunteer Recognition	08/25/2009	12/11/2018	12/11/2018
Chapter 7: Leave Policies				
Section				
7.1	Sick Leave -- <u>amendments forthcoming</u>	08/25/2009	08/26/2014	07/01/2014
7.2	Vacation Leave- <u>draft</u>	08/25/2009		08/25/2009
7.3	Vacation Donation- <u>draft technical amendment</u>	08/25/2009		08/25/2009
7.4	Personal Leave	08/25/2009		08/25/2009
7.5	Funeral / Bereavement Leave- <u>draft</u>	08/25/2009	12/28/2010	12/28/2010
7.6	Pregnancy and Parenting Leave- <u>draft to comply with MN law</u>	08/25/2009	08/26/2014	07/01/2014
7.7	School Conference / Activity Leave- <u>draft to comply with MN law</u>	08/25/2009		08/25/2009
7.8	Administrative Leave	08/25/2009		08/25/2009
7.9	Military Leave	08/25/2009		08/25/2009
7.10	Family and Medical Leave (FMLA)	08/25/2009	02/26/2013	02/26/2013
7.11	Leave of Absence With / Without Pay- <u>draft technical amendment</u>	08/25/2009	02/26/2013	02/26/2013
7.12	Returning to Work After a Medical Leave of Absence	08/25/2009		08/25/2009
7.13	Jury Duty	08/25/2009		08/25/2009
7.14	Court Appearances	08/25/2009		08/25/2009
7.15	Victim or Witness Leave	08/25/2009		08/25/2009
7.16	Bone Marrow and Kidney Donation Leave- <u>draft to comply with MN law</u>	08/25/2009		08/25/2009
7.17	Elections / Voting- <u>draft to comply with MN law</u>	08/25/2009	12/28/2010	12/28/2010
Chapter 8: Performance and Conduct Standards				
Section				
8.1	Conduct as a City Employee	08/25/2009		08/25/2009
8.2	Attendance and Absence	08/25/2009		08/25/2009
8.3	Dress Standards	08/25/2009		08/25/2009
8.4	Clothing Allowance- <u>draft technical amendment</u>	08/25/2009		08/25/2009
8.5	Access To and Use of City Property	08/25/2009		08/25/2009
8.6	Use of City-Owned Vehicles- <u>draft</u>	08/25/2009		08/25/2009
8.7	Vehicle Idling	05/14/2019		05/14/2019
8.8	Use of Electronic Communications Systems	08/25/2009		08/25/2009
8.9	Conflict of Interest	08/25/2009		08/25/2009
8.10	Falsification of Records	08/25/2009		08/25/2009
8.11	Personal Telephone Calls	08/25/2009		08/25/2009
8.12	Political Activity	08/25/2009		08/25/2009
8.13	Tobacco-Free Workplace	08/25/2009	10/23/2012	03/01/2013
8.14	Outside Employment	08/25/2009		08/25/2009
8.15	Right of Appeal	08/25/2009		08/25/2009
8.16	Discipline	08/25/2009		08/25/2009
8.17	Sexual Harassment Prevention- <u>draft technical amendments</u>	08/25/2009		08/25/2009
8.18	Social Media- <u>draft technical amendment</u>	12/11/2018		12/11/2018
Chapter 9: Safety				
Section				
9.1	Workplace Accidents, Injuries and Illnesses- <u>draft technical amendments</u>	08/25/2009		
9.2	Safety Equipment / Gear	08/25/2009	12/28/2010	12/28/2010
9.3	Unsafe Behavior	08/25/2009		08/25/2009

9.4	Possession and Use of Dangerous Weapons	08/25/2009		08/25/2009	
9.5	Workplace Violence	08/25/2009		08/25/2009	
9.6	Abusive Customer Behavior	08/25/2009		08/25/2009	
9.7	Emergency Procedures	08/25/2009		08/25/2009	
Chapter 10: Drug-Free Workplace					
Section					
10.1	Drug and Alcohol Policy and Testing	08/25/2009	01/14/2020	01/14/2020	
10.2	Drug and Alcohol Policy and Testing for Commercial Drivers	08/25/2009	01/14/2020	01/14/2020	
Chapter 11: Travel and Training					
Section					
11.1	Applicability	08/25/2009		08/25/2009	
11.2	Education and Training	08/25/2009		08/25/2009	
11.3	Policy	08/25/2009		08/25/2009	
11.4	Authorization for In and Out of State Travel	08/25/2009		11/14/2017	
11.5	Travel Advances- draft technical amendment	08/25/2009	02/26/2013	02/26/2013	
11.6	Reimbursement Requirements	08/25/2009		08/25/2009	
11.7	Meal Reimbursement in Local Travel Status	08/25/2009		08/25/2009	
11.8	Meal Expenses	08/25/2009		11/14/2017	
11.9	Lodging Expenses	08/25/2009		11/14/2017	
11.10	Miscellaneous Expenses	08/25/2009		08/25/2009	
11.11	Transportation Method and Mileage Expense	08/25/2009		10/13/2020	
11.12	Compensation for Travel and Training Time	08/25/2009		08/25/2009	
11.13	Non-Allowable Expenses	08/25/2009		08/25/2009	
Chapter 12: Mobile Communication Device					
Section					
12.1	Purpose/Policy	08/25/2009		08/25/2009	
12.2	Scope	08/25/2009		08/25/2009	
12.3	General Provisions	08/25/2009		08/25/2009	
12.4	Monthly Allowance	08/25/2009	09/23/2014	09/23/2014	
12.5	Employee Responsibilities- draft technical amendment	08/25/2009		08/25/2009	
12.6	Approved Uses	08/25/2009		08/25/2009	
12.7	Prohibited Uses	08/25/2009		08/25/2009	
12.8	Safety: Cell Phone Use While Driving	08/25/2009		08/25/2009	
12.9	Privacy	08/25/2009		08/25/2009	
12.10	Responsibility	08/25/2009		08/25/2009	
12.11	Employee Acknowledgement	08/25/2009		08/25/2009	
APPENDICIES					
Schedule of Fees and Rates (<i>applicable to the Personnel Policy Manual</i>)- draft and technical amendment		A	08/25/2009	12/22/2015	01/01/2016
Per Diem Expense Rates for Non-Local Travel- draft amendment		B	08/25/2009	09/13/2022	10/01/2022

Formatted: Font: Not Italic

Chapter 1: INTRODUCTION

1.9 REASONABLE BREAK TIME FOR NURSING MOTHERS AND LACTATING EMPLOYEES

Amendments to this policy comply with a new MN law.

~~A Nursing mothers and lactating employees~~ will be provided reasonable, paid break times to express milk ~~for her infant child during the 12 months following the birth of the child.~~ The break times ~~must~~ may, if possible, run concurrently with any break times already provided to the employee. The City will provide a clean, private, and secure room/location (other than a bathroom) that is in close proximity to her work area, shielded from view, free from intrusion, and includes access to an electrical outlet, where the ~~nursing mother~~ employee can express milk in private. Meal breaks (e.g., 30-minute unpaid lunches) may not be converted to paid time under this policy. The City will not discharge, discipline, penalize, interfere with, threaten, restrain, coerce, or otherwise retaliate or discriminate against an employee for asserting rights or remedies under this policy. This policy will be administered in accordance with Minnesota law (Statute 181.939).

Chapter 5: COMPENSATION

All employees of the City will be compensated according to schedules adopted by the City Council. Unless approved by the Council, employees will not receive any amount from the City in addition to the pay authorized for the positions to which they have been hired to or appointed. Expense reimbursement for travel expenses may be authorized in addition to regular pay (reference Chapter 11: Travel and Training Policy).

5.1 DIRECT DEPOSIT

As provided for in Minnesota law, all employees are required to participate in direct deposit for payroll purposes. Employees are responsible for notifying the ~~Finance~~ Human Resource Department of any change in status including changes in address, phone number, names of beneficiaries, marital status, relevant bank account information, etc. Employees receive a notice of deposit on the Friday following the close of the pay period.

5.7 OVERTIME / COMPENSATORY TIME

The City has established this overtime policy to comply with applicable state and federal laws governing accrual and use of overtime. In accordance with the Fair Labor Standards Act, the City Administrator will determine whether each employee is designated as *exempt* or *non-exempt* from earning overtime.

Overtime work is hours worked in addition to the established schedule, over 8 hours worked per day or the normally scheduled work day (i.e., 10-hour shift) and may only be performed with the approval of the appropriate division director or supervisor. Vacation, sick leave, paid holidays, compensatory time, and other types of leave do not count toward "hours worked". All authorized overtime for eligible employees shall be compensated at 1.5 times the employees regular base rate times the number of hours worked or taken as compensatory time off.

Overtime will be compensated for any authorized time worked over forty (40) hours during a normal work week; except for Public Safety employees that are normally scheduled to work more than an 8-hour work day, in which case, overtime will be calculated as being over 80 hours during a normal two-week work period.

Employees will be compensated for overtime over 8 hours worked per day or their normally scheduled work day (i.e., 10-hour shift), except upon employee request and supervisor approval, additional hours worked over 8 hours per day, or hours worked over the employee's normally scheduled work day (i.e., 10-hour shift), may be paid as regular time as long as hours worked do not exceed 40 hours worked per week.

Employees who are required to work overtime will be compensated on an overtime basis 1.5 times his/her regular rate. All employees, in all departments, are required to work overtime as requested by their supervisors as a condition of continued employment. Refusal to work overtime may result in disciplinary action up to and including termination. Supervisors will make reasonable efforts to balance the personal needs of their employees when assigning overtime work.

The employee's supervisor must approve overtime hours in advance. An employee who works overtime without prior approval may be subject to disciplinary action up to and including termination.

Compensatory time may be granted to an employee in lieu of overtime pay at the mutual agreement of the employee and supervisor, provided that such compensatory time earned does not exceed a total accumulation of 45 hours (equivalent to 30 hours of overtime work). Once an employee has accrued 45 hours of compensatory time, all further overtime will be paid. Employees may request and use compensatory time off in the same manner as other leave requests. All compensatory time will be marked as such on official timesheets, both when it is earned and when it is used. The [Finance-Human Resource](#) Department will maintain compensatory time records. All compensatory time accrued will be paid when the employee leaves City employment at the hourly pay rate the employee is earning at that time.

5.10 EXEMPT (NON-OVERTIME-ELIGIBLE) EMPLOYEES

Exempt employees are expected to work the hours necessary to meet the performance expectations outlined by their supervisors. Generally, to meet these expectations, and for reasons of public accountability, an exempt employee will need to work 40 or more hours per week. The normal hours of business for management staff are Monday thru Friday, 8:00 a.m. to 5:4:30 p.m., plus evening meetings as necessary. Exempt employees do not receive extra pay for the hours worked over 40 in one workweek.

Exempt employees are paid on a salary basis. This means that they receive a predetermined amount of pay each pay period and are not paid by the hour. Their pay does not vary based on the quality or quantity of work performed, and they receive their full weekly salary for any week in which any work is performed.

Exempt employees are required to use paid leave when on personal business or away from the office for four (4) hours or more, on a given day. Absences of less than four (4) hours do not require use of paid leave as it is presumed that the employee regularly puts in work hours above and beyond the normal 8:00 a.m. to 5:4:30 p.m. Monday thru Friday requirement. Management employees must communicate their absence to the City Administrator or his/her designee.

The City will only make deductions from the weekly salary of an exempt employee in the following situations:

- Deductions for the first and last workweek of employment, when only part of the week is worked by the employee.
- Deductions when the employee is absent for a full day due to sickness or disability and is either not yet qualified to use the paid leave or has exhausted all of the paid leave.
- Deductions when the employee is absent for a full workweek and, for whatever reason, the absence is not charged to paid leave (e.g., an employee may have exhausted all paid leave).
- Deductions when the employee is absent for a partial day due to personal reasons, illness, or injury, and:
 - paid leave has not been approved or has been denied;
 - paid leave has been exhausted; or
 - the employee has specifically requested unpaid leave.
- The employee is suspended without pay for a full day or more for disciplinary reasons for violations of any written policy that is applied to all employees.
- Deductions for unpaid leave taken in accordance with approved absences under the Family Medical Leave Act or the MN Parental Leave Act.
- The City may, for budgetary reasons, implement a voluntary or involuntary unpaid leave program, and under this program, may make deductions from the weekly salary of an exempt employee. In this case, the employee will be treated as non-exempt for any workweek in which the budget-related deductions are made.

If an exempt employee regularly absents him/herself from work under this policy and it is found that there is excessive time away from work which is not justified, the situation will be handled as a performance issue. If it appears that less than eighty (80) hours per pay period is needed to fulfill the position's responsibilities,

the position will be reviewed to determine whether a part-time position will meet the needs of the City. Additional notification and approval requirements may be adopted by the City Administrator for specific situations as determined necessary.

The City will not make deductions from pay due to exempt employees being absent for jury duty or attendance as a witness, but will require the employee to pay back to the City any amounts received by the employee as jury fees or witness fees. Exempt employees on paid vacation or using floating holiday leaves for jury duty or attendance as a witness will not be required to submit amounts received as jury duty or witness fees.

All exempt positions, whether or not management, may require work beyond forty (40) hours per week. Exempt employees who find it necessary to adjust their working schedules to accommodate business need may take time off during regular working hours with supervisory approval. These hours may not be on a one-for-one basis.

Chapter 6: BENEFITS

~~Benefits are privileges granted to qualified employees in the form of paid leave including vacations, holidays, floating holidays, personal leave, military leave, funeral leave, sick leave, and retirement plans; benefits may also include insurance plans such as health, dental, life and long term disability, and any other benefits as approved by the City Council. No changes or modifications in employee benefits will be made without prior notification to all eligible employees.~~

6.1 ELIGIBILITY

Employee benefits are those established by the City Council and apply only to eligible employees. For the purposes of Chapter 6: Benefits, eligible employees are full-time and ¾-time employees. Part-time and temporary employees are not eligible for benefits.

¾-time employees are eligible for group medical insurance, dental insurance, long-term disability insurance, and life insurance at his/her option under the condition that 25% of the payment of the respective premium plus 25% of the percentage of the premium paid by full-time employees is the employee's obligation through the payroll deduction process. ¾-time employees are also entitled to 75% of ~~the vacation, sick leave, severance pay, holiday, and floating holiday, funeral leave, and personal leave~~ benefits.

Employee ~~personal time, floating holiday, and funeral~~ leave benefits are pro-rated based an employee's date of hire and again upon an employee's termination. Technical revisions: Deletions were moved to Section 7: Leave Policies.

6.2 GROUP HEALTH PLANS AND WELFARE

The City ~~participates offers in a~~ group health, dental, life, and long-term disability insurance and welfare programs. City Council establishes the group ~~health and welfare~~ benefits offered to City employees. The types of coverage and participation level, if any, are determined annually by the City Council. For information regarding coverage and eligibility requirements, employees should refer to the summary plan description or contact the ~~Finance Human Resource~~ Department.

All eligible employees may enroll within the first 30 days of employment for group coverage. Group coverage for enrolled employees will begin the first of the month following ~~30 days~~ the first date of ¾-time ~~or full-time~~ employment.

When an eligible employee's employment is terminated, benefit coverage will cease at the end of the month in which the termination occurs.

All eligible employees will have the option of remaining under the employee group insurance plan upon retirement from the City. The employee is expected to pay the full premium for the coverage desired, plus the City's portion of the medical deductible (the City's self-insurance plan at an additional premium). In the event of death of an employee who qualifies under this Section (6.2), the eligible dependents have the right to exercise this option. In accordance with State law, eligible dependents include husband or wife and all

unmarried children to age 25. Employees should notify the [Finance-Human Resource](#) Department when a child is no longer an IRS tax dependent.

6.5 PUBLIC EMPLOYEES RETIREMENT FUND (PERA)

The City participates in the Public Employees Retirement Fund to provide pension benefits for its eligible employees. The City and the employee contribute to PERA each pay period as determined by state law. All eligible employees of the City are under the provisions of the Public Employees Retirement Association (PERA) and when applicable, the provisions of the federal Social Security Act. For information about PERA eligibility and contribution requirements contact the [Finance-Human Resource](#) Department.

6.7 WORKERS COMPENSATION INSURANCE

If an employee suffers from an illness or injury that is related to work, the employee may be eligible for workers' compensation benefits. Workers' compensation will pay for medical care and lost wages resulting from job-related illnesses or injuries. If an employee becomes injured or ill through work, the employee is required to inform the supervisor immediately regardless of how minor the injury or illness might be. The supervisor will file the report with the [Finance-Human Resource](#) Department within ten (10) calendar days; unless in cases of serious injury or death, notification must be received within 24 hours of the event.

Employees entitled to the benefits of the Workers' Compensation Act, because of injury or illness resulting from employment by the City, will be paid workers' compensation insurance benefits and supplemented by the City with the employee's accrued leave balances to equal the employee's normal rate of compensation. The employee will be charged with any accrued leave for that portion paid by the City only. Employees are required to exhaust all sick, vacation, floating holidays, holiday, compensatory time, and personal leave accruals prior to the approval of unpaid leave.

Failure to promptly report work related injuries may result in disciplinary action up to and including termination of employment. In addition, failure to promptly report an illness or injury that is related to work may result in the loss of Workers' Compensation benefits.

The City has the right to obtain a second medical opinion to determine the validity of an employee's workers' compensation claim, or to obtain information related to restrictions or an employee's ability to work. The City will arrange and pay for an appropriate medical evaluation when it is required by the City.

6.8 LONG-TERM DISABILITY INSURANCE

City sponsored long-term disability insurance is provided to eligible employees on the first of the month following ~~the first date 30-days~~ of employment. For additional information, contact the [Finance-Human Resource](#) Department.

Chapter 7: LEAVE POLICIES

The following leave policies are intended to be general summaries and may have state or federal statute applicability. Each leave request will be evaluated on a case-by-case basis and administered in accordance with applicable federal and state laws. Depending upon an employee's situation, more than one form of leave may apply during the same period of time. An employee will need to meet the requirements of each form of leave separately.

Except as otherwise stated, all paid time off, taken under any of the City's leave programs, must be taken consecutively, with no intervening unpaid leave. The City will provide employees with time away from work as required by state or federal statutes if there are requirements for such time off that are not described in the personnel policies.

All leave benefits will accrue during the probationary period. If paid leave is granted during the probationary period and employment is voluntarily or involuntarily terminated prior to completion of the probationary period, any pro-rated paid leave must be reimbursed to the City or withheld from the employee's last pay check.

The leave related portions of this clause were moved from section 6.1. It is more appropriate for this section describing Leave benefits.

¾-time employees are also entitled to 75% of vacation, sick, funeral, and personal leave benefits.

Employee leave benefits are pro-rated based on an employee's date of hire and again upon an employee's termination.

If any specific provisions of these leave policies conflict with any current union agreement, the union agreement will prevail for that respective bargaining unit.

7.1 SICK LEAVE Amendments are in the process of being drafted to comply with new MN law.

7.2 VACATION LEAVE

The City believes that vacation time is important to the health and well-being of our employees and as such, provides paid vacation for eligible employees for rest and recuperation.

Full-time employees earn vacation in accordance with the schedule below. ¾ time employees will accrue vacation leave on a pro-rated basis of the full-time employee schedule. Part-time and temporary/seasonal employees are not eligible to earn vacation leave.

For the purposes of determining an employee's vacation accrual rate, year of service will include all continuous time that the employee has worked for the City, including authorized unpaid leave in accordance with state and federal laws. Employees who are rehired after terminating City employment will not receive credit for prior service, unless specifically agreed upon at the time of rehire. Vacation is earned and credited to an employee's record after each bi-weekly pay period according to years of service at the following rates:

Amendments to the chart below are for clarification only—the amendments do not change the years of service schedule.

Years of Service	Hours per Year of Service	Maximum Accrual
0 to 5 4 years	80 hours (10 days)	160 hours
Start of year 5 to 10 years	120 hours (15 days)	240 hours
Start of year 10 to 15 years	144 hours (18 days)	288 hours
Start of year 15 to 20 years	160 hours (20 days)	320 hours
Start of year 20+ years	200 hours (25 days)	400 hours

All vacations must be arranged with the employee's supervisor and with reasonable advance notice. Employees will be given the opportunity to select vacation periods in so far as is practical. Employees are strongly encouraged to take at least one (1) full week of vacation per year. Employees are required to exhaust their vacation leave balance prior to approval of an unpaid leave of absence. Vacation time does not accrue while an employee is on an unpaid leave of absence. Only the payroll and attendance records maintained by the Finance-Human Resource Department will be considered official.

When a recognized holiday falls on a working day during an employee's vacation, the day of the holiday will not be counted as a day of vacation.

An employee who terminates employment within their probationary period will not receive vacation pay upon termination and will be required to reimburse the City for any vacation pay received. An employee who terminates employment after successful completion of their probationary period will receive their accumulated vacation pay.

7.3 VACATION DONATION

The purpose of vacation donation is to provide financial assistance during approved unpaid leaves related to life-threatening illness, injury of self or immediate family members, for childbirth, adoption, and foster care placement, or death of an immediate family member. Employees eligible under this policy are full-time and ¾-time employees.

Employees may voluntarily and anonymously donate accrued vacation time in whole hours (minimum of one hour per donation) to an eligible recipient. The City will not inform the recipient of the names of those donating hours or the number of hours donated. The donated vacation will be converted to dollars by the City by multiplying the number of hours donated by the donor's hourly base pay rate at the time of processing. The resulting amount, less mandatory withholding (specified below), will be paid to the designated recipient, not to exceed the recipient's normal rate of pay per pay period.

Under a similar program, the IRS has ruled that these payments are to be considered wages, and therefore taxable income to the recipient. As a result, the payment will be included in the annual Form W-2 prepared for the recipient and State and Federal income tax, FICA/Medicare taxes, and supplemental retirement contributions depending on the eligibility of the recipient, will be withheld by the City at the time of payment. The IRS has also ruled that the donating employee realizes no income and incurs no tax deductible expense or loss, either upon donation or payment to the recipient.

Program information maintained by the City shall be handled in accordance with the Government Data Practices Act, M.S. 13.43, subd. 2. This policy will be administered by the Human Resource Department, office of the Finance Director/City Clerk.

7.5 FUNERAL / BEREAVEMENT LEAVE

In the case of death in an employee's immediate family, as well as brothers, sisters, step-siblings, brothers and sisters-in-law, son/daughter-in-law, mother, father, parents-in-law, grandchildren, grandparents, and grandparents-in-law, the employee's supervisor may authorize a maximum of three (3) consecutive working days with pay for each emergency, as funeral leave. Funeral leave may not exceed forty (40) hours per year and may not be carried over to the following year. This leave is granted for the purposes of: attending the funeral, services, ceremonies, and/or interment; making necessary arrangements; travel related to the death; and bereavement time.

7.6 PREGNANCY AND PARENTING LEAVE

Amendments to this policy comply with a new MN law

All employees are entitled to take an unpaid leave of absence under the Pregnancy and Parenting Leave Act of Minnesota. Employees who work twenty (20) hours or more per week and have been employed at least 12 months preceding the request are entitled to take an unpaid leave of absence under the Pregnancy and Parenting Leave Act of Minnesota. Eligible employees for this leave are female employees for prenatal care, or incapacity due to pregnancy, childbirth, or related health conditions, or a biological or adoptive parent in conjunction with/after the birth or adoption of a child. The leave may not exceed 12 weeks, and must begin within 12 months of the birth or adoption of the child; except when a newborn remains in the hospital longer than the mother, the leave must begin within 12 months after the child leaves the hospital.

Employees must provide reasonable notice, verbal or written, ~~notice~~ to the supervisor of the date the leave is to commence and the estimated duration of the leave at least 30 days prior to the date on which leave is to begin, or if 30 days' notice cannot be given, as much notice as practical.

Employees ~~are will be~~ required to use and/or exhaust all applicable other accrued leave balances during the leave, as applicable, prior to the approval of unpaid leave.

The employee is entitled to return to work in the same position and at the same rate of pay the employee was receiving prior to commencement of the leave. Group insurance coverage, if applicable, will remain available while the employee is on unpaid leave; however, the employee will be responsible for the entire premium unless otherwise provided in City policies (i.e., where leave is also FMLA qualifying). An employee granted an unpaid, non-FMLA leave under this policy must make arrangements for the payment of the employee and employer's contributions towards health insurance benefits with the Finance-Human Resource Department.

If the employee has any FMLA eligibility remaining at the time this leave commences, this leave will also count as FMLA leave. The two leaves will run concurrently until eligibility for either leave expires.

The City will inform employees of their parental leave rights at the time of hire, and when an employee makes an inquiry about, or requests parental leave.

The City will not discharge, discipline, penalize, interfere with, or otherwise retaliate or discriminate against an employee for asserting parental leave rights or remedies.

This leave will be administered in accordance with the Minnesota Pregnancy and Parenting Leave Act.

7.7 SCHOOL CONFERENCE / ACTIVITY LEAVE

Amendments to this policy comply with a new MN law.

Any All employees who has worked half-time or more for more than twelve (12) consecutive months, may are eligible to take unpaid leave for up to a total of sixteen (16) hours during any school year to attend school conferences or classroom activities related to the employee's child (child must be under 18 or under 20 and still attending secondary school), provided the conference or classroom activities cannot be scheduled during non-work hours. Employees must provide reasonable prior notice of leave whenever possible and make a reasonable effort to schedule the leave so as not to disrupt the department operations. Employees may substitute accrued vacation or other appropriate paid leave time available, but are not required to do so.

7.11 LEAVE OF ABSENCE WITH / WITHOUT PAY

A period of leave time requested by an employee exceeding 15 workdays must be accompanied by a written leave of absence request. Upon request of an employee, a leave of absence with/without pay may be granted by the City Administrator. All leave balances, except sick time, must be exhausted prior to approval of an unpaid, non-medical, leave of absence. All leave balances must be exhausted prior to approval of an unpaid medical leave of absence. Such leaves of absence may be granted for justifiable reasons on a case-by-case basis. Leaves of absence without pay should not exceed 90 days; and in no case, will leave without pay exceed one (1) year.

A leave of absence with/without pay may also be granted by the City Administrator in the case of physical or mental disability in cases where the employee cannot satisfactorily perform work for the City and the request must be accompanied by a physician's statement identifying the employee's restrictions and/or essential functions of the job that cannot be completed by the employee. No vacation, sick leave benefits, or length of service will accrue during an employee's period of leave of absence without pay if the leave extends 14 or more consecutive calendar days.

All employees on approved leave of absence will be required to contact their supervisor two weeks prior to the agreed upon return to work date, or other agreed upon advance notification, on their status and intention to return to work. The employee should immediately contact his/her supervisor if his/her medical condition changes or the employee decides that he/she will not be returning to work. While on leave, any employee who does not comply with the terms of the approved leave of absence or does not provide timely and/or appropriate documentation will be considered to have voluntarily resigned.

During a leave of absence without pay, employees may continue medical, dental, and life insurances on the City's plan; however, it is the employee's responsibility to pay for the City's and the employee's costs of the insurance premiums, as well as the City's portion of the medical deductible.

7.16 BONE MARROW AND ~~KIDNEY ORGAN~~ DONATION LEAVE

Amendments to this policy comply with a new MN law.

The City will provide a maximum of forty (40) hours of paid leave to an employee who seeks to undergo a medical procedure to donate bone marrow or a kidney organ. This leave requires approval by the City Administrator. Employees requesting leave for bone marrow or kidney organ donation surgery are required to provide the City with a physician's verification for the purpose and length of the leave requested. FMLA leave will run concurrently with this leave for eligible employees if the beneficiary of the donated bone marrow or kidney organ is the employee's spouse or child as defined by the Family and Medical Leave Act. The City will not discharge, discipline, penalize, interfere with, or otherwise retaliate or discriminate against an employee for asserting bone marrow or organ donation rights or remedies.

These leaves will be administered in accordance with applicable Minnesota Statutes.

7.17 ELECTIONS / VOTING

Amendments to this policy comply with a new MN law.

All employees eligible to vote ~~at a state primary or general election, at an election to fill a vacancy in the office of United States senator or representative, or at an election to fill a vacancy in the office of state senator or state representative in an election~~ will be allowed time off with pay to vote on the day of that election ~~or during the time period allowed under Minnesota law (Minn. Stat. 203B.081) for voting in-person before election day.~~ Employees wanting to take advantage of such leave are required to arrange for time off with his/her respective supervisor, in advance, in order to minimize the disruption of the department's normal activities.

An employee selected to serve as an election judge pursuant to Minnesota law, will be allowed time off with pay for purposes of serving as an election judge, provided that the employee gives the City at least twenty (20) days written notice. The written notice to be absent from work must be accompanied by a certification from the appointing authority stating the hourly compensation to be paid the employee for service as an election judge and the hours during which the employee will serve. Employees will be required to turn over any compensation they receive for service as an election judge, minus mileage reimbursement, to the City in order to receive their regular wages for the period.

The city reserves the right to restrict the number of employees absent from work for the purpose of serving as an election judge.

These leaves will be administered in accordance with the applicable Minnesota Statutes.

Chapter 8: PERFORMANCE AND CONDUCT STANDARDS

8.4 CLOTHING ALLOWANCE

The City provides a clothing allowance to selected positions based on the nature of the employee's responsibilities. All garment purchases must be approved by the respective Division Director. Clothing and other gear provided as a part of this allowance is the required attire. Employees may reference their respective bargaining agreements for specific provisions regarding clothing allowance. Employees not subject to a bargaining agreement may consult with their supervisor or the Finance-Human Resources Department for additional information.

8.6 USE OF CITY-OWNED VEHICLES

This policy applies to all employees who drive City-owned vehicles. The City expects all employees who are required to drive as part of their job to drive safely and legally while on City business and to maintain a good driving record. City vehicles are furnished for business use only and may not be used for personal reasons, except as specifically required and authorized by the Division Director or City Administrator. City-owned vehicles assigned to employees for commuting purposes may be used for breaks and meal period stops taken in the course of employment. Non-City employees are not permitted to ride in City-owned vehicles except under circumstances involving the advancement of City business, as specifically authorized by the Division Director or City Administrator.

Prohibited personal use of city-owned vehicles includes, but is not limited to, travel to any place other than directly between home and work except as specifically required and authorized for the performance of City duties. Examples of prohibited travel include travel to a bank, shopping, medical appointments, personal business, entertainment, restaurants (except as specifically authorized for breaks and meal periods), picking up children at daycare or school, etc.

The City will examine employee driving records in accordance with the following schedule: a) as a condition of employment, prior to hire, when applicable to the job requirements, and b) once per year for all employees who are covered by the Federal Motor Carrier Safety Administration (FMCSA) regulations this policy to determine compliance with this policy. Employees who are issued a citation while using City-owned vehicle, have their driver's license revoked, or receive restrictions on their license are required to notify their immediate supervisor on the first work day after any temporary, pending or permanent action is taken on their license and to keep their supervisor informed of any changes thereafter. Reference the Drug Free Workplace policy for additional compliance requirements. The City will determine appropriate action on a case-by-case basis.

All City vehicles, in their entirety, shall be designated as tobacco-free, meaning that no person will smoke tobacco or other substances or use smokeless tobacco while in a City vehicle.

No City vehicles may be used for transportation to and from work by employees residing outside the Marshall City limits.

8.18 SOCIAL MEDIA

Scope

This policy applies to any existing or proposed social media web sites sponsored, established, registered or authorized by the City of Marshall by all City representatives, includes its employees and agents, Council members, appointed board or commission members and volunteers to the extent it affects the City. This policy also covers the private use of the City's social media accounts by all City employees and representatives. Questions regarding the scope of this policy should be directed to the City Administrator.

Social media includes, but is not limited to:

- Social networking sites such as Facebook, LinkedIn, [X \(formerly known as Twitter\)](#)
- Blogs
- Social news sites such as Reddit and BuzzFeed
- Video and photo sharing sites such as YouTube, Instagram, SnapChat, and Flickr
- Wikis, or shared encyclopedias such as Wikipedia
- An ever-emerging list of new web-based platforms generally regarded as social media or having many of the same functions as those listed above.

As used in this policy, "employees and agents" means all City representatives, including its employees, and other agents of the city, such as independent contractors or Council members.

Chapter 9: SAFETY

9.1 WORKPLACE ACCIDENTS, INJURIES, AND ILLNESSES

Both Minnesota Workers' Compensation laws and the state and federal Occupational Safety and Health Acts require that all on the job injuries and illnesses (no matter how minor) be reported as soon as possible by the employee, or on behalf of the injured or ill employee, to his/her supervisor. If a supervisor is not available and the nature of injury or illness requires immediate treatment, the employee is to go to the nearest available medical facility for treatment and, as soon as possible, notify his/her supervisor of the action taken. In the case of a serious emergency, 911 should be called. If the injury is not of an emergency nature, but requires medical attention, the employee will report it to the supervisor and make arrangements for a medical appointment.

Such reports are necessary to comply with state and federal laws and initiate insurance and workers' compensation benefits procedures. The employee's immediate supervisor is required to complete a [First Supervisor's Report of Injury-Accident](#) and any other forms that may be necessary related to an injury or illness on the job. In incidents of death or serious injury, a [Supervisor's Report of Accident First-Report-of Injury](#) form must be submitted to the City [Finance-Human Resource](#) Department within 24 hours. All other [Supervisor's Report of Accident First-Report-of Injury](#) (medical only or lost time claim) forms must be submitted no later than ten (10) days after actual knowledge of the injury was obtained. [Human Resources will complete the First Report of Injury form for submission to the insurance company and/or OSHA.](#)

Chapter 10: DRUG-FREE WORKPLACE

Amendments to this chapter are presented in a separate document.

Chapter 11: TRAVEL AND TRAINING

11.5 TRAVEL ADVANCES

Employees may request a lodging reimbursement advance when expenses are estimated to exceed \$200. The employee shall request approval through the expense reimbursement process expressly stating that it is an "Advance Request." The employee must make such request at least three (3) weeks in advance of the first date of the travel. No other types of expense advancements are allowed.

Lodging receipts, where required, shall be provided to the City within five (5) business days following a return to work from travel status. If the amount advanced to the employee exceeds the actual expenses listed on the receipts, the employee shall return the amount due to the City within five (5) business days following notice to the employee of the excess amount. Failure to provide the receipts and, if applicable, reimbursement of an excess amount, to the City within these timelines shall result in a permanent loss of privileges to request future travel advances under this provision and may result in disciplinary action.

**City of Marshall Personnel Policy Manual
SCHEDULE OF FEES AND RATES**

Applicable Policy		Fees / Rates
6.6	COBRA Administration Fee	2%
9.2	Safety Equipment/Gear Safety Footwear—initial or replacement	Maximum reimbursement \$150.00 per calendar year <u>applicable to non-union employees</u> <u>\$175 per calendar year for AFSCME job classifications requiring protective footwear (e.g., steel-toe boots)</u>
11.7	Maximum Meal Allowance Rates for *Local Travel Breakfast Lunch Dinner *Reference Appendix B for Non-Local Travel Rates	Rates include tax and gratuity \$9.50 13.00 \$12.50 15.00 \$20.00 26.00
11.11	Vehicle Allowance—approved positions: Director of Public Works/City Engineer Director of Public Safety	\$250.00 per month
12.4	Mobile Communication Device Allowances Tier 1--City Administrator and Division Director Tier 2 --Personnel under the management of the City Administrator or Division Director Data Service Plan	\$40 per month \$30 per month \$40 per month

City Council note: The local rates for meal allowances above were last established by the Council in August 2009. The recommended local travel meal per diems shown above correspond to the designated GSA (General Services Administration) "standard rate" amounts for Minnesota. This amendment is being requested as the Council has historically (since 2009) followed the GSA rates for non-local travel—see Appendix B. Appendix B is reviewed by the Council annually; staff will include the local meal rates in Appendix A on the same review cycle going forward.

City of Marshall Personnel Policy Manual
MAXIMUM ALLOWABLE REIMBURSEMENT / PER DIEM RATES
FOR NON-LOCAL TRAVEL

Lodging and Meal Expenses – Effective October 1, ~~2022~~2023 thru September 30, ~~2023~~2024

*To view rates outside of Minnesota, go to www.gsa.gov and reference “Per Diem Rates” for the state of your primary designation to determine which lodging and meal rates apply. When applying meal per diems to out-of-state locations, subtract the incidental per diem from the total per diem rate.						
Primary Destination	County	Season Begin Date	Season End Date	Lodging (not including taxes)	Meal Per Diems	Total Meal Per Diems will be reduced when meals are furnished to travelers as part of conference fees paid by the City.
Standard Rate This rate applies to all MN destinations or counties not specifically listed below.				\$98 107	\$54	Breakfast--\$13 Lunch--\$15 Dinner--\$26
Duluth	St. Louis	10/01/ 2223	10/31/ 2224	\$149 200	\$74	Breakfast--\$18 Lunch--\$20 Dinner--\$36
Duluth	St. Louis	11/01/ 2223	05/31/ 2324	\$140 148		
Duluth	St. Louis	06/01/ 2324	09/30/ 2324	\$149 200		
Eagan / Burnsville / Mendota Heights / Lakeville / Inver Grove Heights	Dakota			\$100	\$64	Breakfast--\$16 Lunch--\$17 Dinner--\$34
Minneapolis / St. Paul	Hennepin and Ramsey			\$148	\$74	Breakfast--\$18 Lunch--\$20 Dinner--\$36
Rochester	Olmsted			\$133	\$59	Breakfast--\$14 Lunch--\$16 Dinner--\$29

Chapter 10: DRUG-FREE WORKPLACE

Purpose

The City of Marshall (City) has a vital interest in maintaining safe, healthful, and efficient working conditions for employees, and recognizes that individuals who are impaired because of drugs and/or alcohol jeopardize the safety and health of other workers as well as themselves. The City does not intend to intrude into the private lives of its employees, but strongly believes that a drug- and alcohol-free workplace is in the best interest of employees and the public alike. Alcohol and drug abuse can cause unsatisfactory job performance, increased tardiness and absenteeism, increased accidents and workers' compensation claims, higher insurance rates, and an increase in theft of City property. The City of Marshall's Drug-Free Workplace policy has been established for the purpose of providing a safe workplace for all.

City employees and applicants required to hold a commercial driver's license by the United States Department of Transportation (DOT) for their job will be tested under the City's Drug and Alcohol Policy Testing for Commercial Drivers. All other employees and job applicants offered employment with the City must undergo testing as described by this policy.

This policy does not apply to Police Department employees when the prohibited act or possession is performed in accordance with Police Department Policy, and such use or possession is necessary in connection with the investigation of illegal activities. The Liquor Store Manager and liquor store employees are exempted from the applicability of alcohol use in this Policy only while attending work related seminars or events where product sampling is customary and performed within the scope of the essential job functions. These employees must use extreme discretion and consume a minimal amount of product while in attendance at these events. While on work time, employees may not consume/sample alcoholic beverages during in-store product sampling events. Further, an exclusion from this policy applies at the Fire Department for appreciation events and social gatherings as authorized by the Fire Chief related to the fire department.

To ensure the policy is clearly communicated to all employees and applicants to whom offers of employment have been made, and to comply with state law, employees and applicants are required to review this policy and sign a policy acknowledgement form. A job applicant will also acknowledge on this form that he/she understands that passing the drug test is a requirement of the job.

10.1 DRUG AND ALCOHOL POLICY AND TESTING

Persons Subject to Testing and Circumstances Under Which Testing May Be Required

Under this policy, the City may test any applicant to whom an offer of employment has been made and may test any employee for alcohol and/or drugs, including cannabis, ~~controlled substance~~ under any of the following circumstances, with a properly

accredited or licensed testing laboratory, in accordance with Minn. Stat. §181.953, subd. 1:

- a. Pre-Employment Testing: Every job applicant offered employment with the City receives the offer conditioned upon successful completion of a drug test, and/or an alcohol or cannabis test, if applicable, among other conditions. The City will not request or require a job applicant to undergo cannabis testing related to “lawful consumable products” pursuant to Minn. Stat. § 181.938, including alcohol, cannabis, lower-potency hemp edibles, and hemp-derived consumer products, except with respect to the categories of positions listed below in the definition of “Drug” or if otherwise required by state or federal law. If the job offer is withdrawn based on drug test results, the City will inform the applicant of the reasons for the withdrawal. A failure of the drug test, a refusal to take the test, or failure to meet other conditions of the offer will result in a withdrawal of the offer of employment, even if the applicant’s provisional employment has begun. A negative or positive dilute test result (following a second collection), which has been confirmed, will also result in immediate withdrawal of an offer of employment to an applicant. Additionally, the City may terminate or withdraw an offer based on an adulterated sample.

Temporary and seasonal employees are not subject to pre-employment testing, with the exception of those designated by the hiring department as safety-sensitive positions.

- b. Reasonable Suspicion Testing: Consistent with Minn. Stat. § 181.951, subd. 3, employees will be subject to alcohol and /or drug controlled substance testing, including cannabis testing, when reasonable suspicion exists to believe that the employee:
- Is under the influence of alcohol, or a controlled substance drugs, or cannabis; or
 - Has violated written work rules prohibiting the use, possession, sale or transfer of drugs, or cannabis, or alcohol while working, while on City property, or while operating City vehicles, machinery or any other type of equipment; or
 - Has sustained a personal injury as defined in Minn. Stat. § 176.011, subd. 16 or has caused another employee to sustain an injury; or;
 - Has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident.

Reasonable suspicion may be based upon, but is not limited to, facts regarding appearance, behavior, speech, breath, odor, possession, proximity to or use of alcohol, or a controlled substance drugs or cannabis or containers or paraphernalia, poor safety record, excessive absenteeism, impairment of job performance, or any other circumstances that would cause a reasonable employer to believe that a violation of the City’s policies concerning alcohol or drugs may have occurred. These observations will be reflected in writing on a Reasonable Suspicion Record of Observed Behavior form (see Human Resources for the form).

For off-site collection, employees will be driven to the employer-approved medical facility by their supervisor or a designee. For an on-site collection service, the employee will remain on site and be observed by the supervisor or designee. The medical facility or on-site collection service will take the urine or blood sample and will forward the sample to an approved laboratory for testing.

Pursuant to the requirements of the Drug-Free Workplace Act of 1988, all City employees, as a condition of continued employment, will agree to abide by the terms of this policy and must notify Human Resources of any criminal drug statute conviction for a violation occurring in the workplace not later than five days after such conviction. If required by law or government contract, the City will notify the appropriate federal agency of such conviction within 10 days of receiving notice from the employee.

- c. Treatment Program Testing: In accordance with Minn. Stat. § 181.951, subd. 6., the City may request or require an employee to undergo drug, ~~and alcohol,~~ or cannabis testing if the employee has been referred by the City for chemical dependency treatment or evaluation, or is participating in a chemical dependency treatment program under an employee benefit plan. In such a case, the employee may be requested or required to undergo drug, ~~or alcohol,~~ or cannabis testing without prior notice during the evaluation or treatment period and for a period of up to two years following completion of any prescribed chemical dependency treatment program.
- d. Routine Physical Examination Testing: The City may request or require an employee to undergo drug and/or alcohol testing, but not cannabis testing, except for the categories of positions listed above for which cannabis is considered a drug or unless otherwise required by state or federal law as part of a routine physical examination. The City, in accordance with Minn. Stat. § 181.951, subd. 3, will request or require this type of testing no more than once annually, and the employee will be provided with at least two weeks' written notice that the test will be required as part of the physical examination.
- e. Random Testing: In accordance with Minn. Stat. § 181.951, subd. 4, the City may require an employee to submit to random alcohol, drug, and cannabis testing if the employee is in a safety-sensitive position.

Right of Refusal

Employees and job applicants have the right to refuse to submit to an alcohol, ~~or drug,~~ or cannabis test under this policy. However, such a refusal will subject an employee to immediate termination. If an applicant refuses to submit to applicant testing, any conditional offer of employment will be withdrawn.

Any intentional act or omission by the employee or applicant that prevents the completion of the testing process constitutes a refusal to test.

An applicant or employee who substitutes, or attempts to substitute, or alters, or attempts to alter a testing sample is considered to have refused to take an alcohol, drug, or cannabis ~~and/or alcohol~~ test. In such a case, the employee is subject to immediate termination of employment, and in the case of an applicant, the job offer will be immediately withdrawn.

Refusal on Religious Grounds

An employee or job applicant who, on religious grounds, refuses to undergo alcohol and/or drug ~~or alcohol~~ testing, including cannabis testing, of a blood sample will not be considered to have refused testing, unless the employee or job applicant also refuses to undergo alcohol, drug, or cannabis ~~or alcohol~~ testing of a urine sample.

Cost of Required Testing

The City will pay for the cost of all drug, ~~and alcohol,~~ or cannabis testing requested or required of all job applicants and employees, with the exception of confirmatory retests. Job applicants and employees are responsible for paying for all costs associated with any requested confirmatory retests.

Prohibited Conduct

a. Use and Possession of Alcohol or Drug(s) in the Workplace

Employees are prohibited from the use, possession, transfer, transportation, manufacture, distribution, sale, purchase, solicitation to sell or purchase, or dispensation of alcohol, drugs, including cannabis, or drug paraphernalia while on duty; is on City premises; while operating any City vehicle, machinery, or equipment; or when performing any City business, except (1) pursuant to a valid medical prescription used as properly instructed; (2) the use of over-the-counter ~~controlled substance~~ drugs used as intended by the manufacturer; or (3) when necessary for approved law enforcement activity.

Besides having a zero-tolerance policy for the use or possession of alcohol, illegal drugs, or misused prescription drugs on the worksite, we also prohibit the use, possession of, impairment by any cannabis or medical cannabis products (e.g., hash oils, edibles or beverages containing cannabinoids, or pills) on the worksite by a person working as an employee at the City or while “on call” and subject to return to work. Having a medical marijuana card, patient registry number, and/or cannabis prescription from a physician does not allow anyone to use, possess, or be impaired by that drug while working for the City. Likewise, the fact that cannabis may be lawfully purchased and consumed does not permit anyone to use, possess, or be impaired by them while working for the City. The federal government still classifies cannabis as an illegal drug, even though some states, including Minnesota, have decriminalized its possession and use. There is no acceptable concentration of marijuana metabolites in the blood or urine of an employee who operates our equipment or vehicles or who is on one of our worksites. Applicants and employees are still subject to being tested under our alcohol and drug, including cannabis, and alcohol testing policy.

Employees are subject to being disciplined, suspended, or terminated after testing positive for cannabis if the employee used, possessed, or was impaired by cannabis, including medical cannabis, while on the premises of the place of employment or during the hours of employment.

b. Alcohol or Drug Impairment

Employees are prohibited from being under the influence of alcohol or drugs, including cannabis, or having a detectable amount of an illegal drug in the blood or urine when reporting for work; while on duty; while on the City's premises; while operating any City vehicle, machinery, or equipment; or when performing any City business, except (1) pursuant to a valid medical prescription used as properly instructed; or (2) the use of over-the-counter controlled substance drug used as intended by the manufacturer.

c. Driving While Impaired

A conviction of driving while impaired in a City-owned vehicle at any time during business or non-business hours, or in an employee-owned vehicle while conducting City business, may result in discipline, up to and including discharge.

Criminal Controlled Substance Drug Convictions

Any employee convicted of any criminal drug statute must notify his or her supervisor and the City's Human Resources Department in writing of such conviction no later than five days after such conviction. Within 30 days after receiving notice from an employee of a controlled substance drug-related conviction, the City will take appropriate personnel action against the employee up to and including discharge, or require the employee to satisfactorily participate in a controlled substance drug abuse assistance or rehabilitation program as an alternative to termination. In the event notice is not provided to the supervisor and the employee is deemed to be incapable of working safely, the employee will not be permitted to work and will be subject to disciplinary action, including dismissal from employment. In accordance with the Federal Drug-Free Workplace Act of 1988, if the City is receiving federal grants or contracts of over \$25,000, the City will notify the appropriate federal agency of such conviction within 10 days of receiving notice from the employee.

Failure to Disclose Lawful Controlled Substance Drug

Employees taking a lawful controlled substance drug, including prescription and over-the-counter controlled substance drugs, or cannabis, which may impair their ability to perform their job responsibilities or pose a safety risk to themselves or others, must advise their supervisor of this before beginning work. It is the employee's responsibility to seek out written information from his/her physician or pharmacist regarding medication and any job performance impairment and relay that information to his/her supervisor. In the event of such a disclosure, the employee will not be authorized to perform safety-sensitive functions.

Review and Notification of Test Results

- a. Notification of Negative Test Results: In the case of job applicants and in accordance with Minn. Stat. § 181.953, Human Resources will notify a job applicant of a negative drug result within three days of receipt of result by the City, and the hiring process will resume. In accordance with Minn. Stat. § 181.953, subd. 3, a laboratory must report results to the City within three working days of the confirmatory test result. A “Negative Test Results Notification” form will be sent to the job applicant, and the job applicant may request a copy of the test result report from Human Resources.

In the case of current employees and in accordance with Minn. Stat. § 181.953, Human Resources will notify the employee of a negative drug and/or alcohol result within three days of receipt of result by the City. A “Negative Test Results Notification” form will be sent to the employee, and he or she may request a copy of the test result report from Human Resources.

- b. Notification of Positive Test Results: In the event of a confirmed positive blood or urine alcohol and/or drug, or cannabis, test result, the City will notify the employee of a positive drug and/or alcohol result within three days of receipt of the result. Human Resources will send to the employee or job applicant a “Positive Test Results Notification” letter containing further instructions. The employee or job applicant may contact Human Resources to request a copy of the test result report if desired. In accordance with Minn. Stat. § 181.953, subd. 3, a laboratory must report results to the City within three working days of the confirmatory test result.

Right to Provide Information after Receiving Test Results

Within three working days after notice of a positive ~~controlled substance~~drug, or alcohol, or cannabis test result on a confirmatory test, the employee or job applicant may submit information to the City to explain the positive result. In accordance with Minn. Stat. § 181.953, subd. 10, if an employee submits information either before a test or within three working days after a positive test result that explains the positive test result, such as medications the employee is taking, the City will not take an adverse employment action based on that information unless the employee has already been under an affirmative duty to provide the information before, upon, or after hire.

Right to Confirmatory Retest

A job applicant or employee may request a confirmatory retest of the original sample at the job applicant’s or employee’s own expense after notice of a positive test result on a confirmatory test. Within five working days after notice of the confirmatory test result, the job applicant or employee must notify the City in writing of the job applicant’s or employee’s intention to obtain a confirmatory retest. Within three working days after receipt of the notice, the City will notify the original testing laboratory that the job applicant or employee has requested the laboratory to conduct the confirmatory retest or transfer the sample to another qualified laboratory licensed to conduct the confirmatory retest. The original testing laboratory will ensure the control and custody procedures are followed during transfer of the sample to the other laboratory. In accordance with Minn. Stat. § 181.953, subd. 3, the laboratory is required to maintain all

samples testing positive for a period of six months. The confirmatory retest will use the same ~~controlled-substance~~drug and/or alcohol threshold detection levels as used in the original confirmatory test.

In the case of job applicants, if the confirmatory retest does not confirm the original positive test result, the City's job offer will be reinstated, and the City will reimburse the job applicant for the actual cost of the confirmatory retest. In the case of employees, if the confirmatory retest does not confirm the original positive test result, no adverse personnel action based on the original confirmatory test will be taken against the employee, the employee will be reinstated with any lost wages or salary for time lost pending the outcome of the confirmatory retest result, and the City will reimburse the employee for the actual cost of the confirmatory retest.

Access to Reports

In accordance with Minn. Stat. § 181.953, subd. 10, an employee will have access to information contained in his or her personnel file relating to positive test results and to the testing process, including all information gathered as part of that process.

Dilute Specimens

A negative or positive dilute test result (following a second collection) which has been confirmed will subject an employee to immediate termination.

Consequences for Employees Engaging in Prohibited Conduct

- a. Job Applicants: The City's conditional offer of employment will be withdrawn from any job applicant who refuses to be tested or tests positive for illegal drugs as verified by a confirmatory test. The City's conditional offer of employment will also be withdrawn from any job applicant who tampers with their sample; including but not limited to presenting a temperature out of range sample, and/or a sample from another donor.
- b. Employees:
 - No Adverse Action without Confirmatory Test. The City will not discharge, discipline, discriminate against, or request or require rehabilitation of an employee based on a positive test result from an initial screening test that has not been verified by a confirmatory test.
 - Suspension Pending Test Result. The City may temporarily suspend a tested employee with or without pay, or transfer that employee to another position at the same rate of pay pending the outcome of the requested confirmatory retest, provided the City believes that it is reasonably necessary to protect the health or safety of the employee, co-employees, or the public. The employee will be asked to return home and will be provided appropriate arrangements for return transportation to his or her residence. In accordance with Minn. Stat. § 181.953, subd. 10, an employee who has been suspended without pay will be reinstated with back pay if the outcome of the requested confirmatory retest is negative.

Discipline and Discharge

Confirmatory Positive Test Result: The City will not discharge an employee for a first confirmatory positive test unless the following conditions have been met:

- The City has first given the employee an opportunity to participate in either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the City after consultation with a certified chemical use counselor or physician trained in the diagnosis and treatment of chemical dependency. Participation by the employee in any recommended substance abuse treatment program will be at the employee's own expense or pursuant to the coverage under an employee benefit plan. The certified chemical use counselor or physician trained in the diagnoses and treatment of chemical dependency will determine if the employee has followed the rehabilitation program as prescribed; and
- The employee has either refused to participate in the counseling or rehabilitation program or has failed to successfully complete the program, as evidenced by withdrawal from the program before its completion or by a refusal to test or positive test result on a confirmatory test after completion of the program.

Other Misconduct

Nothing in this policy limits the right of the City to discipline or dismiss an employee on grounds other than a positive confirmatory test result, including conviction of any criminal drug statute for a violation occurring in the workplace or violation of other City personnel policies.

Emergency Call Back to Work Provisions

If an employee is called out for a City emergency and he or she reports to work and is suspected of being under the influence of alcohol, drugs, and/or alcoholcannabis, he or she will not be subject to the testing procedures of this policy, but ~~may be subject to discipline and~~ will not be allowed to work. Appropriate arrangements for return transportation to the employee's residence will be made. It is the sole responsibility of the employee who is under the influence of alcohol and/or drugs, including cannabis, and who is called out for a City emergency, to notify his or her supervisor of this information and advise if he or she is unable to respond to the emergency call back.

Non-Discrimination

The City of Marshall policy on work-related substance abuse is non-discriminatory in intent and application; however, in accordance with Minn. Stat., Ch. 363, disability does not include conditions resulting from alcohol or other drug or cannabis abuse which prevents an employee from performing the essential functions of the job in question or constitutes a direct threat to property of the safety of individuals.

Furthermore, the City will not retaliate against any employee for asserting his or her rights under this policy.

City's Employee Assistance Program

The City has in place a formal employee assistance program (EAP) to assist employees in addressing serious personal or work-related problems at any time. The City's EAP provides confidential, cost-free, short-term counseling to eligible employees. Eligible employees include: full-time employees, firefighters, and part-time police officers. Employees who may have an alcohol, cannabis, or other drug abuse problem are encouraged to seek assistance before a problem affects their employment status. Employee assistance program services are available by calling 866-451-5465 ~~contacting Morneau Shepell at 866-451-5465 or~~ online at www.niseap.com.

Policy Contact for Additional Information

If you have any questions about this policy or the City's drug, ~~and~~ alcohol, and cannabis testing procedures, you may contact your immediate supervisor or Human Resources to obtain additional information.

By this policy, the City of Marshall has established a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace and its policy of maintaining a drug-free workplace. Each City employee will receive a copy of this policy and will be required to read it.

Definitions

Alcohol: Means the intoxicating agent in beverage alcohol or any low molecular weight alcohols such as ethyl, methyl, or isopropyl alcohol. The term includes but is not limited to beer, wine, spirits, and medications such as cough syrup that contain alcohol.

Alcohol use or usage: Means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

Applicant: Means a person applying for a job with the City.

Cannabis: Means cannabis and its metabolites, including cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products.

Cannabis testing: Means analysis of a body component sample according to the standards established under one of the programs listed in Minn. Stat. 181.953, subd. 1, for the purpose of measuring their presence or absence of cannabis in the sample tested.

City: Means the City of Marshall.

City premises: Means, but is not limited to, all City job sites and work areas. For the purposes of this policy, City premises also includes any other locations or modes of

transportation to and from those locations while in the course and scope of employment of the City.

City vehicle: Means any vehicle which employees are authorized to use solely for City business when used at any time; or any vehicle owned or leased by the City when used for City business.

Collection site: Means a place designated by the City where job applicants and employees present themselves for the purpose of providing a specimen of their breath, urine, and/or blood to be analyzed for the presence of ~~controlled substance~~drugs and alcohol.

Confirmatory test: Means a ~~controlled substance~~drug or alcohol test on a sample to substantiate the results of a prior ~~controlled substance~~drug or alcohol test on the same sample, and that uses a method of analysis allowed under one of the programs listed in Minn. Stat. § 181.953, subd. 1.

Drug: Includes any “controlled substance” as Has the same meaning as “controlled substance” defined in Minn. Stat. § 152.01, subd. 4., and also includes all cannabinoids, including those that are lawfully available for public consumption that do not otherwise qualify as being a “controlled substance” as defined in Minn. Stat. 152.01, subd. 4. Cannabis and its metabolites are considered a “drug” for positions in the following categories, regardless of the kind of testing involved: safety sensitive positions; peace officer positions; firefighter positions; positions requiring face-to-face care, training, education, supervision, counseling or medical assistance to children, vulnerable adults or patients receiving treatment, examination or emergency care or a medical, psychiatric, or mental condition; positions requiring a commercial driver’s license or requiring the employee to operate a motor vehicle for which state or federal law requires drug or alcohol testing; positions funded by a federal grant; or other positions for which state or federal law requires testing of a job applicant or employee.

Drug and/or alcohol testing, ~~drug or alcohol testing~~, and drug and/or alcohol test: Mean analysis of a body component sample according to the standards established under one of the programs listed in Minn. Stat. § 181.953, subd.1, for the purpose of measuring their presence or absence of drugs, alcohol, or their metabolites in the sample tested. “Drug and alcohol testing”, “drug or alcohol testing”, and “drug or alcohol test” do not include ~~cannabis or cannabis testing, unless stated otherwise.~~

Drug paraphernalia: Has the meaning set forth in Minn. Stat. § 152.01, subd. 18.

Employee: Means a person who performs services for compensation for the City and includes independent contractors except where specifically noted in this policy.

Initial screening test: Means a drug and/or alcohol test that uses a method of analysis under one of the programs listed in Minn. Stat. § 181.953, subd. 1.

Job applicant: Means a person who applies to become an employee of the City, and includes a person who has received a job offer made contingent on the person passing alcohol and/or drug, including cannabis, testing.

Positive test result: Means a finding of the presence of alcohol, ~~illegal~~ drugs, cannabis, or their metabolites that exceeds the values listed in the table below. Minimum threshold detection levels are subject to change as determined in the City’s sole discretion.

Drug Panel	Initial Level	Confirmation Level
AMPHETAMINES	1000 ng/mL	500 ng/mL
BARBITURATES	300 ng/mL	200 ng/mL
BENZODIAZEPINES	300 ng/mL	300 ng/mL
COCAINE METABOLITES	300 ng/mL	150 ng/mL
MARIJUANA METABOLITES	50 ng/mL	15 ng/mL
METHADONE	300 ng/mL	200 ng/mL
METHAQUALONE	300 ng/mL	300 ng/mL
OPIATES	2000 ng/mL	2000 ng/mL
PHENCYCLIDINE	25 ng/mL	25 ng/mL
PROPOXYPHENE	300 ng/mL	200 ng/mL

Random selection basis: Means a mechanism for selection of employees that (1) results in an equal probability that any employee from a group of employees subject to the selection mechanism will be selected, and (2) does not give an employer discretion to waive the selection of any employee selected under the mechanism.

Reasonable suspicion: Means a basis for forming a belief based on specific facts and rational inferences drawn from those facts.

Safety-sensitive position: Means a job, including any supervisory or management position, in which an impairment caused by drug or alcohol, and/or cannabis usage would threaten the health or safety of any person.

Under the influence: Means (1) the employee tests positive for alcohol, ~~or~~ drugs, or cannabis, or (2) the employee’s actions, appearance, speech, and/or bodily odors reasonably cause the City to conclude that the employee is impaired because of ~~illegal~~ drug use or alcohol use.

10.2 Drug and Alcohol Policy and Testing for Commercial Drivers

Purpose and Objectives

This policy implements the drug and alcohol testing requirements of the Federal Motor Carrier Safety Administration (FMCSA), an agency of the U.S Department of Transportation (DOT). It is in addition to the Drug and Alcohol Policy (Policy 10.1 above) which is established under Minnesota state law and the Drug Free Workplace Act of 1988.

The City of Marshall (City) has a vital interest in maintaining safe, healthful, and efficient working conditions for employees, and recognizes that individuals who are impaired because of drugs and/or alcohol jeopardize the safety and health of other workers as well as themselves. The City is concerned about providing a safe workplace for its employees, and while the City does not intend to intrude into the private lives of its employees, it is the goal to provide a work environment conducive to maximum safety and optimum work standards. Alcohol and drug abuse can cause unsatisfactory job performance, increased tardiness and absenteeism, increased accidents and workers' compensation claims, higher insurance rates, and an increase in theft of City property. The use, possession, manufacture, sale, transportation, or other distribution of ~~controlled substance~~ drug or ~~controlled substance~~ drug paraphernalia and the unauthorized use, possession transportation, sale, or other distribution of alcohol is contrary to this policy and jeopardizes public safety.

In response to regulations issued by United States Department of Transportation (DOT), the City has adopted this Policy on Drugs and Alcohol for employees who hold a commercial driver's license (CDL) to perform their duties. The City also has a separate Policy on Drug and Alcohol Testing for employees not covered by DOT regulations.

Given the significant dangers of alcohol and ~~controlled substance~~ drug use, each applicant and driver must abide by this policy as a term and condition of hiring and continued employment. Moreover, federal law requires the City to implement such a policy.

To ensure this policy is clearly communicated to all drivers and applicants, and in order to comply with applicable federal law, drivers and applicants are required to review this policy and sign a *Certificate of Receipt*.

Because changes in applicable law and the City's practices and procedures may occur from time to time, this policy may change in the future, and nothing in this policy is intended to be a contract, promise, or guarantee the City will follow any particular course of action, disciplinary, rehabilitative or otherwise, except as required by law. This policy does not in any way affect or change the status of any at-will employee.

Any revisions to the Federal Omnibus Transportation Employee Testing Act and/or Federal Motor Carrier Safety Administration (FMCSA) regulations will take precedent over this policy to the extent the policy has not incorporated those revisions.

Persons Subject to Testing & Types of Tests

All employees, except those specifically exempted below, are subject to testing whose job duties include performing “safety-sensitive duties” on City vehicles that:

1. Have a gross combination weight rating or gross combination weight of 26,001 pounds or more, whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds, whichever is greater; or
2. Have a gross vehicle weight rating or gross vehicle weight of 26,001 or more pounds whichever is greater; or
3. Are designed to transport 16 or more passengers, including the driver; or
4. Are of any size and are used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F).

Employees exempted: The Federal Highway Administration (FHWA) has granted states the option of waiving CDL requirements for authorized emergency vehicles. The state of Minnesota has exercised the option not to require CDLs. Therefore, 49 CFR Part 382 is not applicable to City Firefighters or Chemical Assessment Team (CAT) employees. The requirements of Policy 10.1 apply to employees in these job classes.

The following functions are considered safety-sensitive:

- all time waiting to be dispatched to drive a commercial motor vehicle
- all time inspecting, servicing, or conditioning a commercial motor vehicle
- all time driving at the controls of the commercial motor vehicle
- all other time in or upon a commercial motor vehicle (except time spent resting in a sleeper berth)
- all time loading or unloading a commercial motor vehicle, attending the same, giving or receiving receipts for shipments being loaded or unloaded, or remaining in readiness to operate the vehicle
- all time repairing, obtaining assistance, or attending to a disabled commercial motor vehicle.

Types of Testing

The City may test any applicant to whom a conditional offer of employment has been made and any driver for controlled substance/drug and alcohol under any of the following circumstances:

- a. Pre-Employment Testing: All applicants, including current employees seeking a transfer, applying for a position where duties include performing safety-sensitive duties described above, will be required to take a drug test prior to the first time a driver performs a safety-sensitive function for the City. A driver may not perform

safety-sensitive functions unless the driver has received a ~~controlled substance~~drug test result from the Medical Review Officer (MRO) indicating a verified negative test result. In addition to pre-employment ~~controlled substance~~drug testing, applicants will be required to authorize, in writing, former employers to release alcohol test results of .04 or greater, positive ~~controlled substance~~drug test results, refusals to test, other violations of drug and alcohol testing regulations, and completion of return to duty requirements within the preceding three years.

The City will contact the candidate's DOT regulated previous and current employers within the last three years for drug and alcohol test results, as referenced above, and review the testing history if feasible before the employee first performs safety-sensitive functions for the City. Beginning in 2020, ~~the City will also conduct a limited query of the Federal Motor Carrier Safety Administration's Clearinghouse for all candidates~~an applicant must provide consent to the City, and successfully pass a full query of the Federal Motor Carrier Safety Administration's Clearinghouse. In addition, at least once a year, the City will conduct a limited query of the Clearinghouse for each currently employed CDL driver. If the limited query reveals that the Clearinghouse has information about resolved or unresolved drug and alcohol program violations by a candidate or current employee, he or she will be asked to provide electronic consent to a full query of the Clearinghouse (unless he or she has previously provided electronic consent). In the event a full query of the Clearinghouse reveals unresolved violation information for a candidate or current employee, the driver will not be permitted to perform safety-sensitive functions, including the operation of a Commercial Motor Vehicle and, in the case of a candidate, may have their conditional offer of employment rescinded or, in the case of a current employee, may be subject to discipline.

- b. Post-Accident Testing: As soon as practicable following an accident involving a commercial motor vehicle operating on a public road, the City will test each surviving driver for ~~controlled substance~~drugs and alcohol when the following occurs:
- The accident involves a fatality, or
 - The driver receives a citation for a moving traffic violation from the accident and an injury is treated away from the accident scene, or
 - The driver receives a citation for a moving traffic~~s~~ violation from the accident and a vehicle is required to be towed from the accident scene.

The following chart summarizes when DOT post-accident testing needs to be conducted:

Type of accident involved	Citation issued to the DOT covered CDL driver?	Test must be performed by the City
i. Human fatality	YES	YES
	NO	YES
ii. Bodily injury with immediate medical treatment away from the scene	YES	YES
	NO	NO
iii. Disabling damage to any motor vehicle requiring tow away	YES	YES
	NO	NO

A driver subject to post-accident testing must remain readily available or the driver will be deemed to have refused to submit to testing. This requirement to remain ready for testing does not preclude a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary medical care.

- c. Post – Accident ~~Controlled Substance~~Drug Testing: Drivers are required to submit a urine sample for post-accident ~~controlled substance~~drug testing as soon as possible. If the driver is not tested within thirty-two (32) hours after the accident, the City will cease its attempts to test the driver and prepare and maintain on file a record stating why the test was not promptly administered.
- d. Post- Accident Alcohol Testing: Drivers are required to submit to post-accident alcohol testing as soon as possible. After an accident, consuming alcohol is prohibited until the driver is tested. If the driver is not tested within two (2) hours after the accident, the City will prepare and maintain on file a record stating why the test was not administered within that time. If eight hours have elapsed since the accident and the driver has not submitted to an alcohol test, the City will cease its attempts to test the driver and prepare and maintain on file a record stating why the test was not administered.

The City may accept the results of a blood or breath test in place of an alcohol test and urine test for the use of ~~controlled substance~~drugs if:

- The tests are conducted by federal, state, or local officials having independent authority for the test, and
- The tests conform to applicable federal, state, or local testing requirements, and
- The test results can be obtained by the City.

Whenever such a test is conducted by a law enforcement officer, the driver must contact the City and immediately report the existence of the test, providing the name, badge number, and telephone number of the law enforcement officer who conducted the test.

- e. Random Testing: Every driver will be subject to unannounced alcohol and ~~controlled substance~~drug testing on a random selection basis. Drivers will be selected for testing by use of a scientifically valid method under which each driver has an equal chance of being selected each time selections are made. These random tests will be conducted throughout the calendar year. Each driver who is notified of selection for random testing must cease performing safety-sensitive functions and report to the designated test site immediately. It is mathematically possible drivers may be selected ~~be picked~~ and tested more than once, and others not at all.

If a driver is selected for a random test while he or she is absent, on leave or away from work, that driver may be required to undergo the test when he or she returns to work.

Beginning ~~2019~~2020, federal law requires the City to test at a rate of at least ~~twenty-five~~fifty percent (~~25~~50%) of its average number of drivers for ~~controlled substance~~drugs each year, and to test at a rate of at least ten percent (10%) of its average number of drivers for alcohol each year. These minimum testing rates are subject to change by the DOT.

- f. Reasonable Suspicion Testing: When a supervisor has reasonable suspicion to believe a driver has engaged in conduct prohibited by federal law or this policy, the City will require the driver to submit to an alcohol and/or ~~controlled substance~~drug test.

The City's determination that reasonable suspicion exists to require the driver to undergo an alcohol test will be based on "specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver." In the case of ~~controlled substance~~drugs, the observations may include indications of the chronic and withdrawal effects of a ~~controlled substance~~drug.

The required observations for reasonable suspicion testing will be made by a supervisor or other person designated by the City who has received appropriate training in identification of actions, appearance and conduct of a driver which are indicative of the use of alcohol or ~~controlled substance~~drugs. These observations leading to an alcohol or ~~controlled substance~~drug test, will be reflected in writing on the Reasonable Suspicion Record of Observed Behavior form (see Human Resources for the form) and signed by the supervisor who made the observations. The record will be retained by the City Human Resources department. The person who makes the determination that reasonable suspicion exists to conduct testing, will not be the person conducting the testing, which shall instead be conducted by another qualified person.

Alcohol testing is authorized only if the observations are made during, just before, or just after the driver has ceased performing such functions. If a reasonable suspicion alcohol test is not administered within two (2) hours following the determination of

reasonable suspicion, the City will prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If a reasonable suspicion alcohol test is not administered within eight (8) hours following the determination of reasonable suspicion, the City will prepare and maintain on file a record stating the reasons the alcohol test was not administered and will cease attempts to conduct the alcohol test.

Notwithstanding the absence of a reasonable suspicion test, no driver may report for duty or remain on duty requiring the performance of safety-sensitive functions while the driver is under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol use, nor will the City permit the driver to perform or continue to perform safety-sensitive functions until (1) an alcohol test is administered and the driver's alcohol concentration is less than .02; or (2) twenty-four (24) hours have elapsed following the determination of reasonable suspicion.

- g. Return-to-Duty Testing: The City reserves the right to impose discipline against drivers who violate applicable FMCSA or DOT rules or this policy, subject to applicable personnel policy and collective bargaining agreements. Except as otherwise required by law, the City is not obligated to reinstate or requalify such drivers for a first positive test result.

Should the City consider reinstatement of a DOT covered driver, the driver must undergo a Substance Abuse Professional (SAP) evaluation and participate in any prescribed education/treatment, and successfully complete return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 and/or or a controlled substance/drug test with a verified negative result, before the driver returns to duty requiring the performance of a safety-sensitive function. The SAP determines if the driver has completed the education/treatment as prescribed.

The employee is responsible for paying for all costs associated with the return-to-duty test. The controlled substance/drug test will be conducted under direct observation.

- h. Follow-Up Testing: The City reserves the right to impose discipline against drivers who violate applicable FMCSA or DOT rules or this policy, subject to applicable personnel policies and collective bargaining agreements. Except as otherwise required by law, the City is not obligated to reinstate or requalify such drivers.

Should the City reinstate a driver following a determination by a Substance Abuse Professional (SAP) that the driver is in need of assistance in resolving problems associated with alcohol use and/or use of controlled substance/drugs, the City will ensure that the driver is subject to unannounced follow-up alcohol and/or controlled substance/drug testing. The number and frequency of such follow-up testing will be directed by the SAP and will consist of at least six (6) tests in the first twelve (12) months following the driver's return to duty. Follow-up testing will not exceed sixty

(60) months from the date of the driver's return to duty. The SAP may terminate the requirement for follow-up testing at any time after the first six tests have been administered, if the SAP determines such test is no longer necessary. The employee is responsible for paying for all costs associated with follow-up tests.

Follow-up alcohol testing will be conducted only when the driver is performing safety-sensitive functions, or immediately prior to or after performing safety-sensitive functions.

Cost of Required Testing

The City will pay for the cost of pre-employment, post-accident, random, and reasonable suspicion ~~controlled substance~~drug and alcohol testing requested or required of all job applicants and employees. The driver must pay for the cost of all requested confirmatory re-tests, return-to-duty, and follow-up testing.

~~Required Prior Controlled Substance and Alcohol Checks for Applicants~~

~~The City will conduct prior drug and alcohol checks of applicants for employment to drive a commercial motor vehicle. Applicants must execute a consent form authorizing the City to obtain the required information. The City will obtain (pursuant to the applicant's written consent) information on the applicant's alcohol test with a concentration result of 0.04 or greater, positive controlled substance test results, and refusals to be tested within the preceding three (3) years which are maintained by the applicant's previous employers. The City will obtain all information concerning the applicant which is maintained by the applicant's previous employers within the preceding three (3) years pursuant to DOT and FMCSA controlled substance and alcohol testing regulations. The City will review such records, if feasible, prior to the first time a driver performs safety-sensitive functions.~~

Prohibited Conduct

The following conduct is explicitly prohibited by applicable DOT and FMCSA regulations and therefore constitutes violation of City policy.

- a. Under the influence of alcohol when reporting for duty or while on duty
No driver may report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. Drivers reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.02, but less than 0.04, will be removed from duty for 24 hours, escorted home and placed on vacation leave, compensatory time, or other appropriate leave of absence for hours missed from work.
- b. On-Duty Use of Alcohol
No driver may use alcohol while performing safety-sensitive functions.
- c. Pre-Duty Use of Alcohol

No driver may perform safety-sensitive functions within four (4) hours after using alcohol. If an employee has had alcohol within four hours, they are to notify their supervisors before performing any safety-sensitive functions.

d. Alcohol Use Following an Accident

No driver required to take a post-accident alcohol test may use alcohol for eight (8) hours following the accident, or until the driver undergoes a post-accident alcohol test, whichever occurs first.

e. Refusal to Submit to a Required Alcohol or ~~Controlled Substance~~ Drug Test

No applicant or driver may refuse to submit to pre-employment, post-accident, random, reasonable suspicion or follow-up alcohol or ~~controlled substance~~ drug testing.

In the event an applicant or driver does in fact refuse to submit to required alcohol or ~~controlled substance~~ drug testing, no test will be conducted. Refusal by a driver to submit to ~~controlled substance~~ drug or alcohol testing will be considered a positive test result, will cause disqualification from performing safety-sensitive functions, and may appear on the driver's permanent record. Drivers who refuse to submit to testing will be subject to discipline, up to and including termination. In accordance with the Federal Motor Carrier Safety Administration's (FMCSA) Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse reporting requirements, beginning January 6, 2020, the City will report a driver's refusal to submit to a DOT test for drug or alcohol use to the Clearinghouse within three business days. If an applicant refuses to submit to pre-employment ~~controlled substance~~ drug testing, any applicable conditional offer will be withdrawn.

For purposes of this section, a driver is considered to have refused to submit to an alcohol or ~~controlled substance~~ drug test when the driver:

- Fails to provide adequate breath for alcohol testing without a valid medical explanation after he or she has received notice of the requirement for breath testing.
- Fails to provide adequate urine for ~~controlled substance~~ drug testing without a genuine inability to provide a specimen (as determined by a medical evaluation), after he or she has received notice of the requirement for urine testing.
- Fails to report for testing within a reasonable period of time, as determined by the City.
- Fails to remain at a testing site until testing is complete.
- In the case of directly observed or monitored collection, fails to permit observation or monitoring.
- Fails or declines to take a second test as required by the City and/or collector.
- Fails to undergo a medical examination as directed by the City pursuant to federal law.
- Refuses to complete and sign the alcohol testing form, to provide a breath or saliva sample, to provide an adequate amount of breath, or otherwise cooperate in any way that prevents the completion of the testing process.

- Engages in conduct that clearly obstructs the test process.

f. Altering or attempting to alter a urine sample or breath test

A driver altering or attempting to alter a urine sample or ~~controlled substance~~ drug test, or substituting or attempting to substitute a urine sample, will be subject to providing a specimen under direct observation. Both specimens will be subject to laboratory testing. In such case, the employee may be subject to immediate termination of employment and any job offer made to an applicant will be immediately withdrawn.

g. Controlled Substance Drug Use

No driver may report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any ~~controlled substance~~ drug, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the driver in writing the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle. Drivers must forward this information regarding therapeutic ~~controlled substance~~ drug use to the City immediately after receiving any such advice.

Having a medical marijuana card and/or a cannabis prescription from a physician does not allow anyone to use or possess that drug in the City's workplace. The federal government still classifies cannabis as an illegal drug. There is no acceptable concentration of marijuana metabolites in the urine or blood of an employee who performs safety-sensitive duties for the City. Employees are still subject to being tested under our policies, as well as for being disciplined, suspended or terminated after testing positive for cannabis while at work.

h. Controlled Substance Drug Testing

No driver may report for duty, remain on-duty or perform a safety-sensitive function if the driver tests positive for ~~controlled substance~~ drug.

- i. Additional Prohibited Conduct: In addition to the conduct prohibited by applicable DOT and FMCSA regulations, the City also maintains other applicable policies regarding drug and alcohol that are applicable to all employees. For specifics regarding those requirements, refer to the City's Prohibited Conduct within Policy 10.1.

Collection and Testing Procedures

Drivers are required to report immediately upon notification to the collection site. For random tests conducted off site, employees may use a City vehicle to drive to the collection site. Drivers will be expected to provide a photo ID card for identification to the collection staff. All drivers will be expected to cooperate with collection site personnel request to remove any unnecessary outer garments such as coats, sweaters or jackets and will be required to empty their pockets. Collection personnel will complete a Federal Custody and Control Form (CCF) which drivers providing a sample will sign as well.

a. Alcohol Testing

Employees will be tested for alcohol just before, during, or immediately following performance of a safety-sensitive function. If a driver is also taking a DOT ~~controlled substance~~drug test, ~~generally speaking,~~ the alcohol test is completed before the urine collection process begins. Screening tests for alcohol concentration will be performed utilizing a non-evidential screening device included by the National Highway Traffic Safety Administration on its conforming products list (e.g., a saliva screening device) or an evidential breath testing device (EBT) operated by a trained breath alcohol technician (BAT) at a collection site. An alcohol test usually takes approximately 15 minutes if the result is negative. If a driver's first attempt is positive (with an alcohol concentration of .02 or greater), the driver will be asked to wait at least 15 minutes and then be tested again. The driver may not eat, drink or place anything in his/her mouth (e.g., cigarette, chewing gum) during this time. All confirmation tests will be conducted in a location that affords privacy to the driver being tested, unless unusual circumstances (e.g., when it is essential to conduct a test outdoors at the scene of an accident) make it impracticable to provide such privacy. Any results less than 0.02 alcohol concentration is considered a "negative" test result.

If the driver attempts and fails to provide an adequate amount of breath, he/she will be referred to a physician to determine if the driver's inability to provide a specimen is genuine or constitutes a refusal to test. Alcohol test results are reported directly to the ~~Employer~~City by the collection site staff.

b. ~~Controlled Substance~~Drug Testing

The City will use a "split urine specimen" collection procedure for ~~controlled substance~~drug testing. Collection of urine specimens for ~~controlled substance~~drug testing will be conducted by an approved collector and will be conducted in a setting and manner to ensure the driver's privacy.

~~Controlled substance~~Drug testing generally takes about 15 minutes. At the collection site, the driver will be given a sealed container and must provide at least 45 ml of urine for testing. Once the sample is provided the collection personnel will check the temperature and color and look for signs of contamination. The urine is then split into two separate specimen containers (A, or "primary," and B, or "split") with identifying labels and security seals affixed to both. The collection facility will be responsible for maintaining a proper chain of custody for delivery of the sample to a DHHS-certified laboratory for analysis. The laboratory will retain a sufficient portion of any positive sample for testing and store that portion in a scientifically-acceptable manner for a minimum 365-day period.

If an employee fails to provide a sufficient amount of urine to permit a ~~controlled substance~~drug test (45 milliliters of urine), the collector will discard the insufficient specimen, unless there is evidence of tampering with that specimen. The collector will urge the driver to drink up to 40 ounces of fluid, distributed reasonably over a period of up to three hours, or until the driver has provided a sufficient urine specimen, whichever occurs first. If the driver has not provided a sufficient specimen within three hours of the

first unsuccessful attempt, the collector will cease efforts to attempt to obtain a specimen. The driver must then obtain, within five calendar days, an evaluation from a licensed physician, acceptable to the MRO, who has expertise in the medical issues raised by the employee's failure to provide a sufficient specimen. If the licensed physician concludes the driver has a medical condition, or with a high degree of probability could have, precluded the driver from providing a sufficient amount of urine, the City will consider the test to have been canceled. If a licensed physician cannot make such a determination, the City will consider the driver to have engaged in a refusal to test, and will take appropriate disciplinary action under this policy.

The primary specimen is used for the first test. If the test is negative, it is reported to the MRO who then reports the result, following a review of the CCF Form for compliance, to the City. If the initial result is positive or non-negative, a "confirmatory retest" will be conducted on the primary specimen. If the confirmatory re-test is also positive, the result will be sent to the MRO. The MRO will contact the driver to verify the positive result. If the MRO is unable to reach the driver directly, the MRO must contact the City who will direct the driver to contact the MRO.

Review of Test Results

The MRO is a licensed physician with knowledge and clinical experience in substance abuse disorders, and is responsible for receiving and reviewing laboratory results of the controlled substance drug test as well as evaluating medical explanations for certain drug test results. Prior to making a final decision to verify a positive test result, the MRO will give the driver or the job applicant an opportunity to discuss the test result, typically through a phone call. The MRO, or a staff person under the MRO's supervision, will contact the individual directly, on a confidential basis, to determine whether the individual wishes to discuss the test result. If the employee or job applicant wishes to discuss the test result:

- The individual may be required to speak and/or meet with the MRO, who will review the individual's medical history, including any medical records provided.
- The individual will be afforded the opportunity to discuss the test results and to offer any additional or clarifying information which may explain the positive test result. If the employee or job applicant, believes a mistake was made at the collection site, at the labor, on a chain-of-custody form, or that the drug test results are caused by lawful substance use, the employee should tell the MRO.
- If there is some new information which may affect the original finding, the MRO may request the laboratory to perform additional testing on the original specimen in order to further clarify the results; and
- A final determination will be made by the MRO that the test is either positive or negative, and the individual will be so advised.

If the MRO upholds the positive, adulterated or substituted drug determination, that test result will be provided to the City. There is no opportunity to explain a positive alcohol test provided in the DOT regulations.

The driver can request the MRO to have the split specimen (the second “B” container) tested at the driver’s expense. This includes all costs that may be associated with the re-test. There is no split specimen testing for an invalid result. The driver has 72 hours after they have been notified of the positive result to make this request. If the employee requests an analysis of the split specimen, the MRO will direct the laboratory to send the split specimen to another certified laboratory for analysis.

If an employee has not contacted the MRO within 72 hours, the employee may present information documenting that serious injury, illness, lack of actual notice of the verified test result, inability to contact the MRO, or other circumstances unavoidably prevented the employee from making timely contact. If the MRO concludes there is legitimate explanation for the employee’s failure to contact within 72 hours, the MRO will direct the analysis of the split specimen.

If the results of the split specimen are negative, the City may pay for all costs associated with the re-test and there will be no adverse action taken against the employee or job applicant.

Notification of Test Results

Employees

The City will notify a driver of the results of random, reasonable suspicion, and post-accident tests for controlled-substances if the test results are verified positive, and will inform the driver which controlled-substance or substances were verified as positive. Results of alcohol tests will be immediately available from the collection agent.

Right to Confirmatory Retest.

Within seventy-two (72) hours after receiving notice of a positive controlled substance test result, an applicant or driver may request through the MRO a re-analysis (confirmatory retest) of the driver’s split specimen. Action required by federal regulation as a result of a positive controlled-substance test (e.g., removal from safety-sensitive functions) will not be stayed during retesting of the split specimen. If the result of the confirmatory retest fails to reconfirm the presence of the controlled substance(s) or controlled-substance metabolite(s) found in the primary specimen, or if the split specimen is unavailable, inadequate for testing or untestable, the MRO will cancel the test.

Dilute Specimens

- Dilute Negatives:
Creatinine concentration of specimen is equal to or greater than 2 mg/dL, but less than or equal to 5 mg/dL. If the City receives information that a driver has provided a dilute negative specimen, the City will direct a recollection, pursuant to the MRO’s direction, under direct observation.

Creatinine concentration of specimen is greater than 5 mg/dL. If the MRO advises the City that the employee's dilute negative specimen contains a creatinine concentration greater than five mg/dL the City will direct the driver to take a second screening test, not under direct observation. The second screening test will be performed as soon as possible after the City receives word of the dilute negative specimen. This second screening test is applicable to pre-employment testing, reasonable suspicion, post-accident, or random testing.

- Dilute Positives:
If the City receives information that a driver has provided a dilute positive specimen, the City will consider the employee to have tested positive under this policy.

Consequences for Drivers Engaging in Prohibited Conduct

Job Applicants

Any applicable conditional offer of employment will be withdrawn from a job applicant or employee seeking a transfer who refuses to be tested or tests positive for a controlled substance/drug pursuant to this policy.

Employees

Drivers who are known to have engaged in prohibited behavior with regard to alcohol misuse or use of controlled substances/drugs, as defined earlier in this policy, are subject to the following consequences:

a. Removal from Safety-Sensitive Functions

No driver may perform safety-sensitive functions, including driving a commercial motor vehicle, if the driver has engaged in conduct prohibited by federal law.

No driver who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 may perform or continue to perform safety-sensitive functions for the City, including driving a commercial motor vehicle, until the start of the driver's next regularly scheduled duty, but not less than twenty-four (24) hours following administration of the test.

If a driver tests positive under this policy, or is found to have an alcohol concentration of .02 or greater but less than .04, the driver will be removed from safety sensitive duties and escorted home; the driver should not drive home, but be escorted to his or her home. The driver will then be placed on vacation or may utilize other existing accruals for hours missed from work. If no accruals are available, the employee will be placed on an administrative leave of absence. The driver is not eligible to use sick leave accruals in this situation.

b. Notification of Resources Available

The City will advise each driver who has engaged in conduct prohibited by federal law or who has a positive alcohol or controlled substance/drug test of the resources available to the driver, including but not limited to the City's Employee Assistance Program (EAP), in evaluating and resolving problems associated with the misuse of alcohol and use of a controlled substance/drug, including the names, addresses, and telephone numbers of Substance Abuse Professionals and counseling and treatment programs. The City will provide this SAP listing in writing at no cost to the driver.

c. Discipline

The City reserves the right to impose whatever discipline the City deems appropriate in its sole discretion, up to and including termination for a first occurrence, against drivers who violate applicable FMCSA or DOT rules or this policy, subject to applicable personnel policies and collective bargaining agreements. Except as otherwise required by law, the City is not obligated to reinstate or requalify such drivers following a first positive confirmed controlled substance/drug or alcohol test result.

d. Evaluation, and Return to Duty Testing

Should the City wish to consider reinstatement of a driver who engaged in conduct prohibited by federal law and/or who had a positive alcohol or controlled substance/drug test, the driver must undergo a SAP evaluation, participate in any prescribed education/treatment, and successfully complete return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 and/or or a controlled substance/drug test with a verified negative result, before the driver returns to duty requiring the performance of a safety-sensitive function. The SAP will determine what assistance, if any, the driver needs in resolving problems associated with alcohol misuse and controlled substance/drug use and will ensure the driver properly follows any rehabilitation program and submits to unannounced follow-up alcohol and controlled substance/drug testing.

e. Follow-Up Testing

If the driver passes the return-to-duty test, he/she will be subject to unannounced follow-up alcohol and/or controlled substance/drug testing. The number and frequency for such follow-up testing will be as directed by the SAP and will consist of at least six tests in the first twelve months. These tests will be conducted under direct observation.

f. Refusal to test

All drivers and applicants have the right to refuse to take a required alcohol and/or controlled substance/drug test. If an employee refuses to undergo testing, the employee will be considered to have tested positive and may be subject to disciplinary action, up to and including termination. Refer to Refusing to Test provided earlier in this policy.

Responsibility for Cost of Evaluation and Rehabilitation

Drivers will be responsible for paying the cost of evaluation and rehabilitation (including services provided by a Substance Abuse Professional) recommended or required by the City or FMCSA or DOT rules, except to the extent that such expense is covered by an applicable employee benefit plan or imposed on the City pursuant to a collective bargaining agreement.

Reporting to the FMCSA's CDL Drug and Alcohol Clearinghouse

In accordance with the Federal Motor Carrier Safety Administration's (FMCSA) Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse reporting requirements beginning January 6, 2020, the City will report the following information to the Clearinghouse within three business days:

- ✓ A DOT alcohol confirmation test result with an alcohol concentration of 0.04 or greater;
- ✓ A negative DOT return-to-duty test result;
- ✓ The driver's refusal to submit to a DOT test for drug or alcohol use;
- ✓ An "Actual knowledge" violation: the employer has knowledge that a driver has used alcohol or drugs, based on the employer's direct observation of the employee, information provided by the driver's previous employer(s), a traffic citation for driving a CMV while under the influence of alcohol or drugs, or an employee's admission of alcohol or drug abuse, except as provided in § 382.121:
 - On-duty alcohol use pursuant to § 382.205;
 - Pre-duty alcohol use pursuant to § 382.207
 - Alcohol use following an accident pursuant to § 382.209
 - Drug use pursuant to § 382.213;
- ✓ Employers will also report negative return-to-duty test results and the successful completion of a driver's follow up testing plan ~~A report that the driver successfully completed all DOT follow-up tests~~ as ordered by a SAP.

Loss of CDL License for Traffic Violations in Commercial and Personal Vehicles

Effective August 1, 2005, the FMCSA established strict rules impacting when CDL license holders can lose their CDL for certain traffic offenses in a commercial or personal vehicle. Employees are required to notify their supervisor immediately if the status of their CDL license changes in anyway.

Maintenance and Disclosure of Records

Except as required or authorized by law, the City will not release driver's information that is contained in records required to be maintained by this policy or FMCSA and DOT regulations. Beginning in 2020, the City will be required to query and report to the agency's Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse prior to hiring new drivers, will conduct annual checks of existing CDL-drivers, and will report certain violations of the DOT drug and alcohol testing program for holders of CDLs. In addition, a driver is entitled, upon written request, to obtain copies of any records

pertaining to the driver's use of alcohol or a ~~controlled substance~~drug, including any records pertaining to his or her alcohol or ~~controlled substance~~drug tests.

Policy Contact for Additional Information

If you have any questions about this policy or the City's ~~controlled substance~~drug and alcohol testing procedures, you may contact your immediate supervisor or Human Resources to obtain additional information.

Definitions

Accident: Means an occurrence involving a commercial motor vehicle operating on a public road which results in a fatality; bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or one or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle. The term "accident" does not include an occurrence involving only boarding and alighting from a stationary motor vehicle; an occurrence involving only the loading or unloading of cargo; or an occurrence in the course of the operation of a passenger car or a multipurpose passenger vehicle unless the vehicle is transporting passengers for hire or hazardous materials of a type and quantity that require the motor vehicle to be marked or placarded in accordance with 49 C.F.R. § 177.823; 49 C.F.R. § 382.303(a); 49 C.F.R. § 382.303(f).

Alcohol Concentration (or Content): Means the alcohol on a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test. 49 C.F.R. § 382.107.

Alcohol Use: Means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol. 49 C.F.R. § 382.107.

Applicant: Means a person applying to drive a commercial motor vehicle. 49 C.F.R. § 382.107.

Breath Alcohol Technician or BAT: Means an individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device (EBT). 49 C.F.R. § 40.3.

City: Means City of Marshall.

City Premises: Means all job sites, facilities, offices, buildings, structures, equipment, vehicles and parking areas, whether owned, leased, used or under the control of the City.

Collection Site: Means a place designated by the City where drivers present themselves for the purpose of providing a specimen of their urine or breath to be analyzed for the presence of alcohol or ~~controlled substance~~drugs. 49 C.F.R. § 40.3.

Commercial Motor Vehicle: Means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle (1) has a gross combination weight rating or gross combination weight of 26,001 or more pounds, ~~whoever whichever~~ is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds, whichever is greater; or (2) has a gross vehicle weight rating or gross vehicle weight of 26,001 or more pounds, whichever is greater; or (3) is designed to transport sixteen (16) or more passengers, including the driver; or (4) is of any size and is used in the transportation of materials found to be in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulation. (49 C.F.R. part 172, subpart F) § 382.107.

Fire trucks and other City emergency response vehicles are not considered to be commercial vehicles under this policy, and therefore, personnel that operate City emergency response vehicles are exempted from the requirements of 49 CFR Part 382.

Confirmation (or Confirmatory) Test: For alcohol testing means a second test, following a positive non-evidential test, following a positive non-evidential (e.g., saliva) screening test or a breath alcohol screening test with the result of 0.02 or greater, that provides quantitative data of alcohol concentration. For ~~controlled substance~~drug testing, “Confirmation (or Confirmatory) Test” means a second analytical procedure to identify the presence of a specific ~~controlled substance~~drug or metabolite which is independent of the screen test and which uses a different technique and chemical principal from that of the screen test in order to ensure reliability and accuracy. 49 C.F.R. § 382.107.

Controlled Substance: Means those substances identified in 49 C.F.R. § 40.85. Marijuana, amphetamines, opioids, (including heroin), phencyclidine (PCP), cocaine, and any of their metabolites are included within this definition. 49 (C.F.R. § 382.107; 49 C.F.R. § 40.85).

Department of Transportation or DOT: Means the United States Department of Transportation.

DHHS: Means the Department of Health & Human Services or any designee of the Secretary, Department of Health & Human Services. 49 C.F.R. § 40.3.

Disabling Damage: Means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs, including damage to motor vehicles that could have been driven, but would have been further damaged if so driven. Disabling damage does not include damage which can be remedied temporarily at the scene of the accident without special tools or parts, tire disablement without other damage even if no spare tire is available, headlight or tail light damage or damage to turn signals, horn or windshield wipers which make them inoperative. 49 C.F.R. § 382.107.

Driver: Means any person who operates a commercial motor vehicle. This includes, but is not limited to full-time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors who are either directly employed by or under lease to the City or who operate a commercial motor vehicle at the direction of or with the consent of the City. For purposes of pre-employment testing, the term driver includes a person applying to drive a commercial motor vehicle. 49 C.F.R. § 382.107.

Drug: Has the same meaning as “controlled substance”.

Employee seeking a transfer: Refers to an employee who is not subject to DOT regulations seeking a transfer to a position that will subject them to DOT regulations in the sought-after position.

Evidential Breath Testing Device or EBT: Means a device approved by the National Highway Traffic Safety Administration (“NHTSA”) for the evidential testing of breath and placed on NHTSA’s “Conforming Products List of Evidential Breath Measurement Devices.” 49 C.F.R. § 40.3.

Federal Motor Carrier Safety Administration or FMCSA: Means the Federal Motor Carrier Safety Administration of the United States Department of Transportation.

Medical Review Officer or MRO: Means a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by a **controlled substance** testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual’s confirmed positive test result together with his or her medical history and any other relevant biomedical information. 49 C.F.R. § 40.3

Performing (a Safety-Sensitive Function): Means any period in which a driver is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions. 49 C.F.R. § 382.107.

Positive Test Result: Means a finding of the presence of alcohol or **controlled substance**, or their metabolites, in the sample tested in levels at or above the threshold detection levels established by applicable law.

Reasonable Suspicion: Means a belief a driver has engaged in conduct prohibited by the FMCSA **controlled substance** and alcohol testing regulations, except when related solely to the possession of alcohol, based on specific contemporaneous, articulable observations made by a supervisor or City official who has received appropriate training concerning the appearance, behavior, speech or body odors of the driver. The determination of reasonable suspicion will be made in writing on a Reasonable Suspicion Record Form during, just preceding, or just after the period of the work day that the driver is required to be in compliance with this policy. In the case of a

controlled substance drug, the observations may include indications of the chronic and withdrawal effects of a controlled substance drug.

Safety-Sensitive Function: Means all time from the time a driver begins to work or is required to be in readiness to work until the time he or she is relieved from work and all responsibility for performing work. Safety-sensitive functions include:

- a. All time at a City plant, terminal, facility, or other property, or on any public property,
- b. waiting to be dispatched, unless the driver has been relieved from duty by the employer;
- c. All time inspecting equipment as required by 49 C.F.R. § 392.7 and 392.8 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- d. All time spent at the driving controls of a commercial motor vehicle in operation;
- e. All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (a berth conforming to the requirements of 49 C.F.R. § 393.76);
- f. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- g. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle. 49 C.F.R. § 382.107.

Screening Test (also known as Initial Test): In alcohol testing, mean an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in her-his or her system. Screening tests may be conducted by utilizing a non-evidential screening device included by the National Highway Traffic Administration on its conforming products list (e.g., a saliva screening device) or an evidential breath testing device (EBT) operated by a trained breath alcohol technician (BAT). In controlled substance drug testing, "Screening Test" means an immunoassay screen to eliminate "negative" urine specimens from further consideration. 49 C.F.R. § 382.107.

Substance Abuse Professional" or "SAP": Means a licensed physician (medical doctor or doctor of osteopathy), licensed or certified psychologist, licensed or certified social worker, licensed or certified employee assistance professional, or licensed or certified addiction counselor (certified by the National Association of Alcoholism and Controlled Substance Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance drug-related disorders. 49 C.F.R. § 40.281.

Presenter:	Jason Anderson
Meeting Date:	Tuesday, September 26, 2023
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Project ST-004: Halbur Road Reconstruction Project - Consider Change Order No. 6 (Final) and Acknowledgement of Final Pay Request (No. 7)
Background Information:	<p>This project consisted of: reconstruction and utility replacement on Halbur Road from Michigan Street to Erie Road (CR 33); sanitary sewer and storm sewer was replaced and the bituminous road surface was replaced with a new concrete surface.</p> <p>The items on Change Order No. 6 (Final Reconciling Change Order) for the above project are the result of final measurements and changes in item quantities during construction.</p> <p>All work has been completed in accordance with the specifications. Attached is a copy of Final Pay Request (No. 7) in the amount of \$11,227.07.</p>
Fiscal Impact:	Change Order No. 6 (Final) results in a contract decrease in the amount of \$(46,776.17) and the final contract amount was \$1,122,707.21. The original contract amount was \$1,142,009.72, a total contract net decrease of \$(19,302.51).
Alternative/ Variations:	No alternative recommended.
Recommendations:	that the Council approve Change Order No. 6 (Final), resulting in a contract decrease in the amount of \$(46,776.17) and acknowledge Final Pay Request (No. 7) in the amount of \$11,227.07 for the above-referenced project to Duininck, Inc. of Prinsburg, Minnesota.



STATE AID FOR LOCAL TRANSPORTATION
CHANGE ORDER

Rev. February 2018

SP/SAP(s)		MN Project No.:	N/A	Change Order No.	6
-----------	--	-----------------	-----	------------------	---

Project Location	Halbur Road (Erie Road/CR 33 to Michigan Avenue)				
Local Agency	City of Marshall Public Works	Local Project No.	ST-004		
Contractor	Duininck, Inc.	Contract No.	ST-004		
Address/City/State/Zip	408 6th Street P.O. Box 208 / Prinsburg / MN / 56281				
Total Change Order Amount \$	(\$46,776.17)				

Final Reconciling Change Order

Estimate Of Cost: <i>(Include any increases or decreases in contract items, any negotiated or force account items.)</i>					
Item No.	Description	Unit	Unit Price	+ or - Quantity	+ or - Amount \$
2104.503 /00195	SAWING CONCRETE PAVEMENT (FULL DEPTH)	L F	\$5.25	111	\$582.75
2104.503 /00205	SAWING BIT PAVEMENT (FULL DEPTH)	L F	\$2.00	-6	(\$12.00)
2104.503 /00315	REMOVE CURB & GUTTER	L F	\$3.00	-4	(\$12.00)
2104.504 /00090	REMOVE CONCRETE PAVEMENT	S Y	\$10.00	46	\$460.00
2104.504 /00130	REMOVE BITUMINOUS SURFACING	S Y	\$3.00	60	\$180.00
2106.607	SELECT GRANULAR BORROW (CV) (P)	C Y	\$26.50	45	\$1,192.50
2106.607	COMMON EXCAVATION (P)	CU YD	\$16.50	85	\$1,402.50
2301.502	1" DOWEL BAR	EACH	\$16.80	6	\$100.80
2301.503	SUPPLEMENTAL PAVEMENT REINFORCEMENT (EPOXY COATED)	L F	\$3.15	-12	(\$37.80)
2301.504 /000301	CONCRETE PAVEMENT 7"	SQ YD	\$51.75	-89	(\$4,605.75)
2360.501	BITUMINOUS PATCHING	SY	\$150.00	-14	(\$2,100.00)
2451.509 /00060	AGGREGATE FOUNDATION	TON	\$35.00	-30	(\$1,050.00)
2502.503 /09060	6" PERF PVC PIPE DRAIN	L F	\$15.00	-5	(\$75.00)
2503.602	6" PVC CAP	EACH	\$0.01	-2	(\$0.02)
2503.602 /13402	8"X4" PVC WYE	EACH	\$500.00	1	\$500.00



STATE AID FOR LOCAL TRANSPORTATION
CHANGE ORDER

Rev. February 2018

SP/SAP(s)		MN Project No.:	N/A	Change Order No.	6
-----------	--	-----------------	-----	------------------	---

2503.602 /13403	8"X6" PVC WYE	EACH	\$600.00	-1	(\$600.00)
2503.603	24" RC PIPE SEWER CLASS III	L F	\$95.00	-5	(\$475.00)
2503.603	28" SPAN RC PIPE-ARCH SEWER CL IIA	L F	\$135.00	2	\$270.00
2503.603	18" RC PIPE SEWER CLASS III	L F	\$100.00	8	\$800.00
2503.603	15" RC PIPE SEWER CLASS III	L F	\$175.00	8	\$1,400.00
2503.603	12" PVC PIPE BEND 45 DEGREE	EACH	\$650.00	-1	(\$650.00)
2503.603	42" RC PIPE SEWER CLASS III	L F	\$200.00	-5	(\$1,000.00)
2503.603	27" RC PIPE SEWER CLASS III	L F	\$135.00	-1	(\$135.00)
2503.603 /21004	4" PVC PIPE SEWER	L F	\$75.00	-1	(\$75.00)
2503.603 /21006	6" PVC PIPE SEWER	L F	\$48.00	-132	(\$6,336.00)
2503.603 /21008	8" PVC PIPE SEWER	L F	\$62.00	-19	(\$1,178.00)
2503.603 /21012	12" PVC PIPE SEWER	L F	\$100.00	-10	(\$1,000.00)
2504.603 /02008	8" PVC WATERMAIN	L F	\$100.00	-5	(\$500.00)
2506.503 /03020	CONST DRAINAGE STRUCTURE DES 60-4020	L F	\$1,500.00	1.2	\$1,800.00
2506.503 /04220	CONST DRAINAGE STRUCTURE DES 84-4020	L F	\$1,750.00	0.3	\$525.00
2506.603 /60040	48" DIA. SANITARY SEWER MANHOLE	LIN FT	\$550.00	0.2	\$110.00
2531.504	10" CONCRETE DRIVEWAY PAVEMENT	S Y	\$89.49	14.3	\$1,279.71
2531.504 /00060	6" CONCRETE DRIVEWAY PAVEMENT	S Y	\$68.90	-596	(\$41,064.40)
2531.504 /00070	7" CONCRETE DRIVEWAY PAVEMENT	S Y	\$74.57	40.6	\$3,027.54
2573.501 /00025	STABILIZED CONSTRUCTION EXIT	LS	\$1.00	-1	(\$1.00)
2574.507 /00104	BOULEVARD TOPSOIL BORROW	C Y	\$55.00	20	\$1,100.00
2575.623	RAPID STABILIZATION METHOD 3	MGAL	\$150.00	-4	(\$600.00)
Net Change this Change Order					(\$46,776.17)



STATE AID FOR LOCAL TRANSPORTATION
CHANGE ORDER

Rev. February 2018

SP/SAP(s)		MN Project No.:	N/A	Change Order No.	6
-----------	--	-----------------	-----	------------------	---

Due to this change, the contract time: *(check one)*

<input type="checkbox"/> Is NOT changed	<input type="checkbox"/> May be revised as provided in MnDOT Specification 1806
Number of Working Days Affected by this Contract Change:	Number of Calendar Days Affected by this Contract Change:

Approved by Project Engineer: *Eric*

Hanson

Date: *9/1/2023*

Print Name: *Eric*

Hanson

Phone: *507-537-6774*

Approved by Contractor: *Kristopher Duinick*
Kristopher Duinick (Sep 13, 2023 10:11 CDT)

Date: Sep 13, 2023

Signature

Print Name: Kristopher Duinick

Contract Number: ST-004
Pay Request Number: 7

Project Number	Project Description
ST-004	Halbur Road Reconstruction

Contractor: Duinick, Inc. 408 6th Street Prinsburg, MN 56281	Vendor Number: 01-1020 Up To Date: 09/01/2023
---	--

Contract Amount		Funds Encumbered	
Original Contract	\$1,142,009.72	Original	\$1,142,009.72
Contract Changes	(\$19,302.51)	Additional	(\$19,302.51)
Revised Contract	\$1,122,707.21	Total	\$1,122,707.21

Work Certified To Date	
Base Bid Items	\$1,090,926.30
Contract Changes	\$31,780.91
Material On Hand	\$0.00
Total	\$1,122,707.21

Work Certified This Request	Work Certified To Date	Less Amount Retained	Less Previous Payments	Amount Paid This Request	Total Amount Paid To Date
\$0.00	\$1,122,707.21	\$0.00	\$1,111,480.14	\$11,227.07	\$1,122,707.21
Percent: Retained: 0%			Percent Complete: 100%		

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

Approved By
Eric Hanson
County/City/Project Engineer
09/01/2023
Date

Approved By Duinick, Inc.
Kristopher Duinick
Kristopher Duinick, (Sep 13, 2023 10:11 CDT)
Contractor
Sep 13, 2023
Date

Payment Summary				
No.	Up To Date	Work Certified Per Request	Amount Retained Per Request	Amount Paid Per Request
1	2022-07-05	\$395,705.00	\$19,785.25	\$375,919.75
2	2022-07-26	\$266,793.25	\$13,339.66	\$253,453.59
3	2022-08-30	\$53,172.00	\$2,658.60	\$50,513.40
4	2022-09-27	\$269,885.15	\$13,494.26	\$256,390.89
5	2022-11-01	\$139,451.81	\$6,972.59	\$132,479.22
6	2023-03-16	(\$2,300.00)	(\$45,023.29)	\$42,723.29
7	2023-09-01	\$0.00	(\$11,227.07)	\$11,227.07

Funding Category Name	Funding Category Number	Work Certified to Date	Less Amount Retained	Less Previous Payments	Amount Paid this Request	Total Amount Paid to Date
Sanitary Sewer		\$0.00	\$0.00	\$116,363.61	(\$116,363.61)	\$0.00
Storm Sewer		\$1,572.75	\$0.00	\$217,040.43	(\$215,467.68)	\$1,572.75
Street		\$1,121,134.46	\$0.00	\$761,765.85	\$359,368.61	\$1,121,134.46
Watermain		\$0.00	\$0.00	\$16,310.25	(\$16,310.25)	\$0.00

Accounting Number	Funding Source	Amount Paid this Request	Revised Contract Amount	Funds Encumbered to Date	Paid Contractor to Date
480	Local Agency Bonds Applied	\$11,227.07	\$1,122,707.21	\$1,122,707.21	\$1,122,707.21

Contract Item Status										
Base/Alt	Line	Item	Description	Units	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
Base Bid	1	2021.501/00010	MOBILIZATION	LS	\$47,000.00	1	0	\$0.00	1	\$47,000.00
Base Bid	2	2104.502/00780	REMOVE MANHOLE	EACH	\$350.00	5	0	\$0.00	5	\$1,750.00
Base Bid	3	2104.502/00790	REMOVE CATCH BASIN	EACH	\$250.00	4	0	\$0.00	4	\$1,000.00
Base Bid	4	2104.503/00195	SAWING CONCRETE PAVEMENT (FULL DEPTH)	L F	\$5.25	383	0	\$0.00	383	\$2,010.75
Base Bid	5	2104.503/00205	SAWING BIT PAVEMENT (FULL DEPTH)	L F	\$2.00	255	0	\$0.00	255	\$510.00
Base Bid	6	2104.503/00315	REMOVE CURB & GUTTER	L F	\$3.00	2911	0	\$0.00	2911	\$8,733.00
Base Bid	7	2104.504/00090	REMOVE CONCRETE PAVEMENT	S Y	\$10.00	401	0	\$0.00	401	\$4,010.00
Base Bid	8	2104.504/00130	REMOVE BITUMINOUS SURFACING	S Y	\$3.00	6461	0	\$0.00	6461	\$19,383.00
Base Bid	9	2106.607	SELECT GRANULAR BORROW (CV) (P)	C Y	\$26.50	2245	0	\$0.00	2245	\$59,492.50
Base Bid	10	2106.607	COMMON EXCAVATION (P)	CU YD	\$16.50	4000	0	\$0.00	4000	\$66,000.00
Base Bid	11	2108.504	GEOTEXTILE FABRIC TYPE 5	S Y	\$1.75	6600	0	\$0.00	6600	\$11,550.00

Contract Item Status										
Base/Alt	Line	Item	Description	Units	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
Base Bid	12	2112.604/00010	SUBGRADE PREPARATION	S Y	\$1.25	6276	0	\$0.00	6276	\$7,845.00
Base Bid	13	2211.607	AGGREGATE BASE (CV) CLASS 5 (P)	CU YD	\$38.00	1100	0	\$0.00	1100	\$41,800.00
Base Bid	14	2301.502	1" DOWEL BAR	EACH	\$16.80	2162	0	\$0.00	2162	\$36,321.60
Base Bid	15	2301.503	SUPPLEMENTAL PAVEMENT REINFORCEMENT (EPOXY COATED)	L F	\$3.15	1632	0	\$0.00	1632	\$5,140.80
Base Bid	16	2301.504/000301	CONCRETE PAVEMENT 7"	SQ YD	\$51.75	5536	0	\$0.00	5536	\$286,488.00
Base Bid	17	2360.501	BITUMINOUS PATCHING	SY	\$150.00	44	0	\$0.00	44	\$6,600.00
Base Bid	18	2451.509/00060	AGGREGATE FOUNDATION	TON	\$35.00	20	0	\$0.00	20	\$700.00
Base Bid	19	2501.502/05042	42" RC PIPE APRON	EACH	\$2,000.00	1	0	\$0.00	1	\$2,000.00
Base Bid	20	2501.602/60042	TRASH GUARD FOR 42" PIPE APRON	EACH	\$2,150.00	1	0	\$0.00	1	\$2,150.00
Base Bid	21	2502.503/09060	6" PERF PVC PIPE DRAIN	L F	\$15.00	2918	0	\$0.00	2918	\$43,770.00
Base Bid	22	2503.602/138402	8"X4" PVC WYE	EACH	\$500.00	2	0	\$0.00	2	\$1,000.00
Base Bid	23	2503.602/138403	8"X6" PVC WYE	EACH	\$600.00	8	0	\$0.00	8	\$4,800.00
Base Bid	24	2503.602	6" PVC CAP	EACH	\$0.01	0	0	\$0.00	0	\$0.00
Base Bid	26	2503.603	12" PVC PIPE BEND 45 DEGREE	EACH	\$650.00	0	0	\$0.00	0	\$0.00
Base Bid	26	2503.603	15" RC PIPE SEWER CLASS III	L F	\$175.00	20	0	\$0.00	20	\$3,500.00
Base Bid	27	2503.603	18" RC PIPE SEWER CLASS III	L F	\$100.00	18	0	\$0.00	18	\$1,800.00
Base Bid	28	2503.603	24" RC PIPE SEWER CLASS III	L F	\$95.00	428	0	\$0.00	428	\$40,660.00
Base Bid	29	2503.603	27" RC PIPE SEWER CLASS III	L F	\$135.00	9	0	\$0.00	9	\$1,215.00
Base Bid	30	2503.603	42" RC PIPE SEWER CLASS III	L F	\$200.00	440	0	\$0.00	440	\$88,000.00
Base Bid	31	2503.603	22" SPAN RC PIPE-ARCH SEWER CL IIA	L F	\$120.00	36	0	\$0.00	36	\$4,320.00
Base Bid	32	2503.603	28" SPAN RC PIPE-ARCH SEWER CL IIA	L F	\$135.00	74	0	\$0.00	74	\$9,990.00
Base Bid	33	2503.603/21004	4" PVC PIPE SEWER	L F	\$75.00	19	0	\$0.00	19	\$1,425.00

Contract Item Status										
Base/Alt	Line	Item	Description	Units	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
Base Bid	34	2503.603/21006	6" PVC PIPE SEWER	L F	\$48.00	218	0	\$0.00	218	\$10,464.00
Base Bid	35	2503.603/21008	8" PVC PIPE SEWER	L F	\$62.00	1380	0	\$0.00	1380	\$85,560.00
Base Bid	36	2503.603/21012	12" PVC PIPE SEWER	L F	\$100.00	0	0	\$0.00	0	\$0.00
Base Bid	37	2504.602/008108	8" PIPE PLUG	EACH	\$500.00	2	0	\$0.00	2	\$1,000.00
Base Bid	38	2504.602/008204	8" SLEEVE	EACH	\$725.00	1	0	\$0.00	1	\$725.00
Base Bid	39	2504.602/008644	8"X8" CROSS	EACH	\$1,750.00	1	0	\$0.00	1	\$1,750.00
Base Bid	40	2504.602/008858	8" GATE VALVE	EACH	\$3,000.00	2	0	\$0.00	2	\$6,000.00
Base Bid	40	2504.603/028008	28" PVC WATERMAIN	L F	\$100.00	70	0	\$0.00	70	\$7,000.00
Base Bid	41	2506.502/008010	CONST DRAINAGE STRUCTURE DESIGN A	EACH	\$3,000.00	10	0	\$0.00	10	\$30,000.00
Base Bid	42	2506.503/03020	CONST DRAINAGE STRUCTURE DES 60-4020	L F	\$1,500.00	8.9	0	\$0.00	8.9	\$13,350.00
Base Bid	43	2506.503/030620	CONST DRAINAGE STRUCTURE DES 72-4020	L F	\$1,250.00	6.2	0	\$0.00	6.2	\$7,750.00
Base Bid	44	2506.503/040220	CONST DRAINAGE STRUCTURE DES 84-4020	L F	\$1,750.00	5.6	0	\$0.00	5.6	\$9,800.00
Base Bid	45	2506.603/60040	48" DIA. SANITARY SEWER MANHOLE	LIN FT	\$550.00	22.8	0	\$0.00	22.8	\$12,540.00
Base Bid	46	2511.507/008014	RANDOM RIPRAP CLASS III	C Y	\$75.00	19	0	\$0.00	19	\$1,425.00
Base Bid	47	2531.503/020315	CONCRETE CURB & GUTTER DESIGN B618	L F	\$21.15	2911	0	\$0.00	2911	\$61,567.65
Base Bid	48	2531.504/008060	6" CONCRETE DRIVEWAY PAVEMENT	S Y	\$68.90	0	0	\$0.00	0	\$0.00
Base Bid	49	2563.601	ACCESS MANAGEMENT	L S	\$7,500.00	1	0	\$0.00	1	\$7,500.00
Base Bid	50	2563.601/008010	TRAFFIC CONTROL	LS	\$3,200.00	1	0	\$0.00	1	\$3,200.00
Base Bid	51	2573.501/008025	STABILIZED CONSTRUCTION EXIT	LS	\$1.00	0	0	\$0.00	0	\$0.00
Base Bid	52	2573.502/008110	STORM DRAIN INLET PROTECTION	EACH	\$150.00	12	0	\$0.00	12	\$1,800.00
Base Bid	53	2573.503/008030	FLOTATION SILT CURTAIN TYPE STILL WATER	L F	\$17.00	40	0	\$0.00	40	\$680.00

Contract Item Status										
Base/Alt	Line	Item	Description	Units	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
Base Bid	53	2574.507/00104	BOULEVARD TOPSOIL BORROW	C Y	\$55.00	220	0	\$0.00	220	\$12,100.00
Base Bid	54	2575.601	TURF ESTABLISHMENT	LS	\$5,750.00	1	0	\$0.00	1	\$5,750.00
Base Bid	55	2575.623	RAPID STABILIZATION METHOD 3	MGAL	\$150.00	0	0	\$0.00	0	\$0.00
Base Bid Totals:								\$0.00		\$1,090,926.30

Project Category Totals			
Project	Category	Amount This Request	Amount To Date
ST-004		\$0.00	\$1,090,926.30

Contract Change Item Status											
Project	CC	Line	Item	Unit Price	Contract Quantity	Contract Amount	New Item or Adj to Existing	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
ST-004	CO1	56	2531.504/00070 7" CONCRETE DRIVEWAY PAVEMENT (S Y)	\$74.57	483.4	\$36,047.14	ITM	\$0.00	\$0.00	524	\$39,074.68
ST-004	CO1	57	2531.504 10" CONCRETE DRIVEWAY PAVEMENT (S Y)	\$89.49	37.7	\$3,373.77	ITM	\$0.00	\$0.00	52	\$4,653.48
ST-004	CO2	58	2545.501 LOWER MMU DUCT PACKAGE (L S)	\$1,350.00	1	\$1,350.00	ITM	\$0.00	\$0.00	1	\$1,350.00
ST-004	CO3	59	2104.502 SAWING CATCH BASIN (EACH)	\$222.75	1	\$222.75	ITM	\$0.00	\$0.00	1	\$222.75
ST-004	CO4	60	2211.607/00003 CRUSHED CONCRETE (CU YD)	\$40.00	22	\$880.00	ITM	\$0.00	\$0.00	22	\$880.00
ST-004	CO5	61	00001 LIQUIDATED DAMAGES (DAY)	(\$1,200.00)	12	(\$14,400.00)	ITM	\$0.00	\$0.00	12	(\$14,400.00)
ST-004	CO6	4	2104.503/00195 SAWING CONCRETE PAVEMENT (FULL DEPTH) (L F)	\$5.25	111	\$582.75	ADJ				
ST-004	CO6	5	2104.503/00205 SAWING BIT PAVEMENT (FULL DEPTH) (L F)	\$2.00	-6	(\$12.00)	ADJ				
ST-004	CO6	6	2104.503/00315 REMOVE CURB & GUTTER (L F)	\$3.00	-4	(\$12.00)	ADJ				
ST-004	CO6	7	2104.504/00090 REMOVE CONCRETE PAVEMENT (S Y)	\$10.00	46	\$460.00	ADJ				
ST-004	CO6	8	2104.504/00130 REMOVE BITUMINOUS SURFACING (S Y)	\$3.00	60	\$180.00	ADJ				
ST-004	CO6	9	2106.607 SELECT GRANULAR BORROW (CV) (P) (C Y)	\$26.50	45	\$1,192.50	ADJ				
ST-004	CO6	10	2106.607 COMMON EXCAVATION (P) (CU YD)	\$16.50	85	\$1,402.50	ADJ				

Contract Change Item Status											
Project	CC	Line	Item	Unit Price	Contract Quantity	Contract Amount	New Item or Adj to Existing	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
ST-004	CO6	14	2301.502 1" DOWEL BAR (EACH)	\$16.80	6	\$100.80	ADJ				
ST-004	CO6	15	2301.503 SUPPLEMENTAL PAVEMENT REINFORCEMENT (EPOXY COATED) (L F)	\$3.15	-12	(\$37.80)	ADJ				
ST-004	CO6	16	2301.504/000301 CONCRETE PAVEMENT 7" (SQ YD)	\$51.75	-89	(\$4,605.75)	ADJ				
ST-004	CO6	17	2360.501 BITUMINOUS PATCHING (SY)	\$150.00	-14	(\$2,100.00)	ADJ				
ST-004	CO6	18	2451.509/00060 AGGREGATE FOUNDATION (TON)	\$35.00	-30	(\$1,050.00)	ADJ				
ST-004	CO6	21	2502.503/09060 6" PERF PVC PIPE DRAIN (L F)	\$15.00	-5	(\$75.00)	ADJ				
ST-004	CO6	22	2503.602/13402 8"X4" PVC WYE (EACH)	\$500.00	1	\$500.00	ADJ				
ST-004	CO6	23	2503.602/13403 8"X6" PVC WYE (EACH)	\$600.00	-1	(\$600.00)	ADJ				
ST-004	CO6	24	2503.602 6" PVC CAP (EACH)	\$0.01	-2	(\$0.02)	ADJ				
ST-004	CO6	26	2503.603 12" PVC PIPE BEND 45 DEGREE (EACH)	\$650.00	-1	(\$650.00)	ADJ				
ST-004	CO6	26	2503.603 15" RC PIPE SEWER CLASS III (L F)	\$175.00	8	\$1,400.00	ADJ				
ST-004	CO6	27	2503.603 18" RC PIPE SEWER CLASS III (L F)	\$100.00	8	\$800.00	ADJ				
ST-004	CO6	28	2503.603 24" RC PIPE SEWER CLASS III (L F)	\$95.00	-5	(\$475.00)	ADJ				
ST-004	CO6	29	2503.603 27" RC PIPE SEWER CLASS III (L F)	\$135.00	-1	(\$135.00)	ADJ				
ST-004	CO6	30	2503.603 42" RC PIPE SEWER CLASS III (L F)	\$200.00	-5	(\$1,000.00)	ADJ				
ST-004	CO6	32	2503.603 28" SPAN RC PIPE-ARCH SEWER CL IIA (L F)	\$135.00	2	\$270.00	ADJ				
ST-004	CO6	33	2503.603/21004 4" PVC PIPE SEWER (L F)	\$75.00	-1	(\$75.00)	ADJ				
ST-004	CO6	34	2503.603/21006 6" PVC PIPE SEWER (L F)	\$48.00	-132	(\$6,336.00)	ADJ				
ST-004	CO6	35	2503.603/21008 8" PVC PIPE SEWER (L F)	\$62.00	-19	(\$1,178.00)	ADJ				
ST-004	CO6	36	2503.603/21012 12" PVC PIPE SEWER (L F)	\$100.00	-10	(\$1,000.00)	ADJ				
ST-004	CO6	40	2504.603/02008 8" PVC WATERMAIN (L F)	\$100.00	-5	(\$500.00)	ADJ				

Contract Change Item Status											
Project	CC	Line	Item	Unit Price	Contract Quantity	Contract Amount	New Item or Adj to Existing	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
ST-004	CO6	42	2506.503/03020 CONST DRAINAGE STRUCTURE DES 60-4020 (L F)	\$1,500.00	1.2	\$1,800.00	ADJ				
ST-004	CO6	44	2506.503/04220 CONST DRAINAGE STRUCTURE DES 84-4020 (L F)	\$1,750.00	0.3	\$525.00	ADJ				
ST-004	CO6	45	2506.603/60040 48" DIA. SANITARY SEWER MANHOLE (LIN FT)	\$550.00	0.2	\$110.00	ADJ				
ST-004	CO6	48	2531.504/00060 6" CONCRETE DRIVEWAY PAVEMENT (S Y)	\$68.90	-596	(\$41,064.40)	ADJ				
ST-004	CO6	51	2573.501/00025 STABILIZED CONSTRUCTION EXIT (LS)	\$1.00	-1	(\$1.00)	ADJ				
ST-004	CO6	53	2574.507/00104 BOULEVARD TOPSOIL BORROW (C Y)	\$55.00	20	\$1,100.00	ADJ				
ST-004	CO6	55	2575.623 RAPID STABILIZATION METHOD 3 (MGAL)	\$150.00	-4	(\$600.00)	ADJ				
ST-004	CO6	56	2531.504/00070 7" CONCRETE DRIVEWAY PAVEMENT (S Y)	\$74.57	40.6	\$3,027.54	ADJ				
ST-004	CO6	57	2531.504 10" CONCRETE DRIVEWAY PAVEMENT (S Y)	\$89.49	14.3	\$1,279.71	ADJ				
Contract Change Totals:									\$0.00		\$31,780.91

Contract Change Totals			
Number	Description	Effective Date	Amount
1	Change all driveways from 6" to 7" concrete. Change 1606 Halbur Road driveway from 6" to 10" concrete.	04/28/2022	\$39,420.91
2	Additional costs attributed to Duinick crew lowering of MMU duct package.	07/05/2022	\$1,350.00
3	Crew labor and equipment cost to cut and adjust CB 9.	07/08/2022	\$222.75
4	Addition of crushed concrete aggregate base used as replacement for subgrade issues on south portion of Halbur Road in the area of the sanitary sewer trench.	07/26/2022	\$880.00
5	Liquidated Damages - The project was substantially complete 12 calendar days later than required (10/12/2022 in lieu of 09/30/2022).	03/15/2023	(\$14,400.00)
6	Final Reconciling Change Order	09/01/2023	(\$46,776.17)

Material On Hand Additions					
Line	Item	Description	Date	Added	Comments

Material On Hand Balance						
Line	Item	Description	Date	Added	Used	Remaining

Contract Total	\$1,122,707.21
-----------------------	-----------------------

**CITY OF MARSHALL
AGENDA ITEM REPORT**

Presenter:	Karla Drown
Meeting Date:	Tuesday, September 26, 2023
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Consider approval of 2023-2024 Property/Casualty and Liability Insurance
Background Information:	<p>The annual renewal covers the City, MMU and Marshall Lyon County Library and is for the coverage period of October 1, 2023, through October 1, 2024.</p> <p>The City of Marshall carries the following insurance coverage:</p> <ul style="list-style-type: none"> • Property/Casualty through the League of Minnesota Cities Insurance Trust (LMCIT) • Liquor Liability through Illinois Casualty • Equipment Breakdown through Cincinnati <p>Summary of the breakdown for the renewal is attached.</p> <p>Joe Larson, North Risk Partners agent will be present at the meeting.</p>
Fiscal Impact:	
Alternative/ Variations:	
Recommendations:	Approve the annual property, casualty, and liability insurance renewal.

City of Marshall and Marshall Municipal Utilities

Renewal Date: 10/01/2023

Insurance Premium Comparison

	2022-2023 Expiring Premiums	2023-2024 Renewal Premiums	2023-2024 Premiums based on Recommendations
LMCIT Coverages			
Property	\$232,126	\$262,367	\$212,015
Mobile Property	13,605	15,527	12,547
Municipal Liability	97,278	98,772	80,347
Auto Liability	16,214	17,299	14,047
Auto Physical damage	23,935	25,929	25,929
Bond	1,429	1,357	1,357
Excess Liability	39,448	43,497	43,497
Data Breach	8,190	7,862	7,862
Fireworks	250	240	240
Subtotal	\$432,475	\$472,850	\$397,841
Illinois Casualty Coverages			
	Partial term 3/1/23 to 10/1/23	Full Term 10/1/23 to 10/1/24	Full Term 10/1/23 to 10/1/24
Liquor Liability	\$1,620	\$2,217	\$2,217
Cincinnati Insurance Coverages			
Equipment Breakdown	\$58,491	\$58,491	\$73,857
TOTAL	\$492,586	\$533,558	\$473,915

Explanation of Premiums Based on Recommendations Column:

- **LMCIT Coverage**
 - o *Deductible Structure Change*
\$25,000 per occurrence/\$50,000 Aggregate/\$2500 Maintenance to
\$50,000 per occurrence/\$100,000 Aggregate/\$1000 Maintenance
- **Cincinnati Insurance**
 - o Matched locations up with LMCIT policy. Several locations were not listed on the policy and therefore were not afforded coverage. Also included BI/EE at \$5,000,000 limit (excludes power generation equipment)

Other notes to consider:

- Property Total Insured Value is: **\$292,426,293** vs **\$262,742,794**
- Mobile property:
 - o Scheduled Total Insured Value is: **\$1,271,174** vs **\$874,701**
 - o Unscheduled Total Insured Value is: **\$6,377,200** vs **\$5,745,225**
- Average LMCIT overall "Rate" increase across core LMCIT lines of 5% with Excess Liability around 9.5%



CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	City Administrator, Mayor Byrnes
Meeting Date:	Tuesday, September 26, 2023
Category:	NEW BUSINESS
Type:	INFO
Subject:	Marshall Aquatic Center Update, 2023 Local Option Sales Tax Report
Background Information:	<p>General update on Marshall Aquatic Center.</p> <p>Recently the city received an updated report on local option sales tax and its impact on the City of Marshall as well as data related to total sales, types of sales and sales tax amount from within and outside the city. Information will be presented on data in the report.</p> <p>The city would like to update Council on the aquatic center and the sales tax report ahead of a planned press release regarding the report.</p>
Fiscal Impact:	N/A
Alternative/ Variations:	N/A
Recommendations:	N/A



Local Option Sales Tax Analysis for Marshall, MN

ESTIMATED CONTRIBUTIONS OF RESIDENTS AND NON-RESIDENTS TO A LOCAL OPTION SALES TAX

Authored by Eric King

REPORT SPONSOR: CITY OF MARSHALL, MINNESOTA

Local Option Sales Tax Analysis for Marshall

ESTIMATED CONTRIBUTIONS OF RESIDENTS AND NON-RESIDENTS TO A LOCAL OPTION SALES TAX

August 2023

Authored by Eric King, Extension Educator, University of Minnesota Extension Center for Community Vitality

Report Reviewers:

Kathryn Leys, Extension Educator, University of Minnesota Extension, Center for Community Vitality

Sponsor:

City of Marshall

© 2022 Regents of the University of Minnesota. All rights reserved. University of Minnesota Extension is an equal opportunity educator and employer. In accordance with the Americans with Disabilities Act, this material is available in alternative formats upon request. Direct requests to 612-625-8233.

♻️ Printed on recycled and recyclable paper with at least 10 percent postconsumer waste material.



Table of Contents

SUMMARY OF FINDINGS 3

BACKGROUND AND METHODOLOGY 7

TRADE AREA ANALYSIS BY MERCHANDISE CATEGORY 8

Vehicles and Parts 8

Furniture Stores 9

Electronics and Appliances 10

Building Materials 11

Food and Groceries 12

Health and Personal Items 13

Gas/Convenience Stores 14

Apparel/Clothing 15

Leisure Goods 16

General Merchandise Stores 17

Miscellaneous Retail 18

Amusement and Recreation 18

Accommodations 20

Eating/Drinking Establishments 21

Repair and Maintenance 22

Personal Services/Laundry 23

Retail (non-store) and Other Services 24

**Construction, Manufacturing, Utilities, Wholesale Operations, Transportation, and
 Sales Suppressed for Business Confidentiality 25**

APPENDIX A: RESEARCH ON THE EFFECTS OF A LOCAL OPTION SALES TAX 26

APPENDIX B: DEFINITIONS OF TERMS 28

SUMMARY OF FINDINGS

University of Minnesota Extension conducted a study to estimate the proportion of sales proceeds attributed to both Marshall residents and non-residents.

Using 2021 sales and use tax data available from the Minnesota Department of Revenue (MN Revenue), Extension estimated that non-residents account for 65.5 percent of taxable sales subject to a local option sales tax (LOST).

In 2021, total taxable sales in Marshall were \$333.89 million. MN Revenue analysts estimate that all taxable sales would be subject to a LOST. With 65.5 percent of sales derived from non-resident spending, Extension estimated that Marshall residents spent \$115.2 million of the total \$333.89 million in taxable sales subject to a LOST.

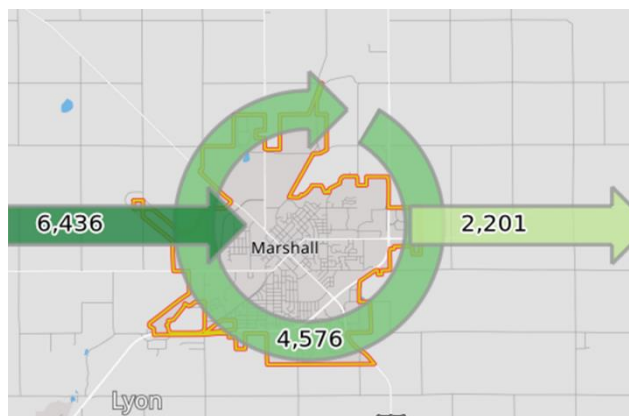
If the tax were in place in 2021, a 0.5 percent local option sales tax would have garnered \$1,800,000 million in tax proceeds according to MN Department of Revenue analysts, which adjusts the total taxable sales from \$333.89 up to \$360 million. Marshall residents would have contributed \$621,000 in taxes, and non-residents would have contributed \$1.18 million. Based on these estimates, each Marshall resident would have paid, on average, an additional \$45.60 in sales tax in 2021.

This report is based on a trade area analysis comparing actual taxable sales to potential sales. Potential sales is calculated by multiplying the Marshall population in 2021 (MN Demographic Center) by the Minnesota average per capita sales for each category, and then adjusting for the county's personal income factor. This initial analysis provided an estimate of retail and service purchases made by Marshall residents. For each merchandise group, the estimates for two types of purchasers—city residents and others—were calculated and adjusted considering the area economy. These adjustments were based on informed estimates and were aimed, in part, at reducing potential overestimates of the sales tax share attributable to non-residents. Assumptions and calculations are included for major retail and service categories so local decision makers can adjust totals if they have more nuanced insight.

Several factors and features of Marshall's economy helped frame the analysis for the different merchandise categories:

- Residents of nearby communities can easily access Marshall businesses. For this analysis, cross-hauling has the net effect of increasing non-resident spending as Marshall is a central shopping hub in the region
- Marshall has more workers entering the city for employment than residents who leave for work (Figure 1). In this dynamic, commuters often shop for goods and services near where they work and those commuting into the city purchase in the city.

Figure 1: Marshall worker in-flow and out-flow



Inflow and outflow of wage earners.

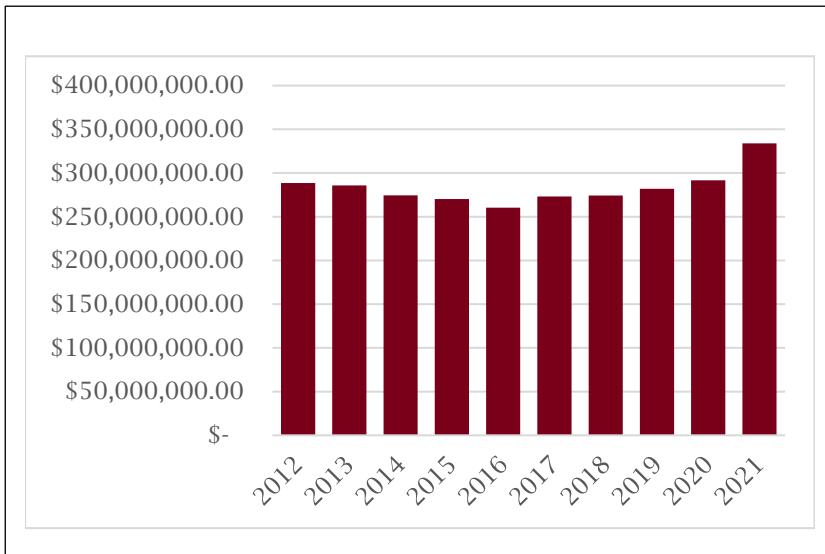
Source: 2021 U.S. Census Bureau On-The-Map

Figure 2 shows the estimated percentage of sales—across all merchandise categories—attributed to both residents and non-residents in 2021. These estimates are based on the adjusted analysis to more accurately reflect the city’s economic and consumption circumstances. Based on these findings, Extension estimates city residents represent 34.5 percent of all taxable retail and service sales subject to the tax (\$115 million), and the remaining 65.5 percent (\$219 million) are attributed to non-residents.

Figure 2: Estimated 2021 Taxable Sales Subject to LOST

	Taxable Sales	Percent of Sales
City residents	\$115,191,594	34.5%
Non-residents	\$218,697,085	65.5%

Figure 3: Total taxable sales in Marshall from 2012-2021



Source: Minnesota Department of Revenue

The total taxable sales in the city decreased slightly from 2012 to 2016, after which sales have consistently grown, even through the pandemic in 2020 (Figure 3). Total sales increased from \$292 million during the pandemic to just over \$333 million in 2021. This provides some sense of the stability of a LOST going forward.

Extension forecasted taxable sales subject to the local tax for

2022, 2023, and 2024 using a simple exponential smoothing forecast model that employs a moving weighted average and a 95% confidence interval to provide an upper and lower bound to the estimate (Figures 5 and 6). This model estimates total tax proceeds in 2022 to be between an upper limit of \$2.02 million and a lower limit of \$1.62 million.

Considering the historic disruption of the pandemic and its uneven effect on business categories, this forecast is an unlikely scenario based only on past trends. National evidence shows that home-focused businesses like food, building materials, furniture, and general merchandise did well through the pandemic, whereas dining, accommodations, and amusement saw record sales decreases. The sharp rebound in sales in 2021 further complicates any forecast.

Figure 5: Forecast for Tax Proceeds based on Past Trends 2012 to 2021

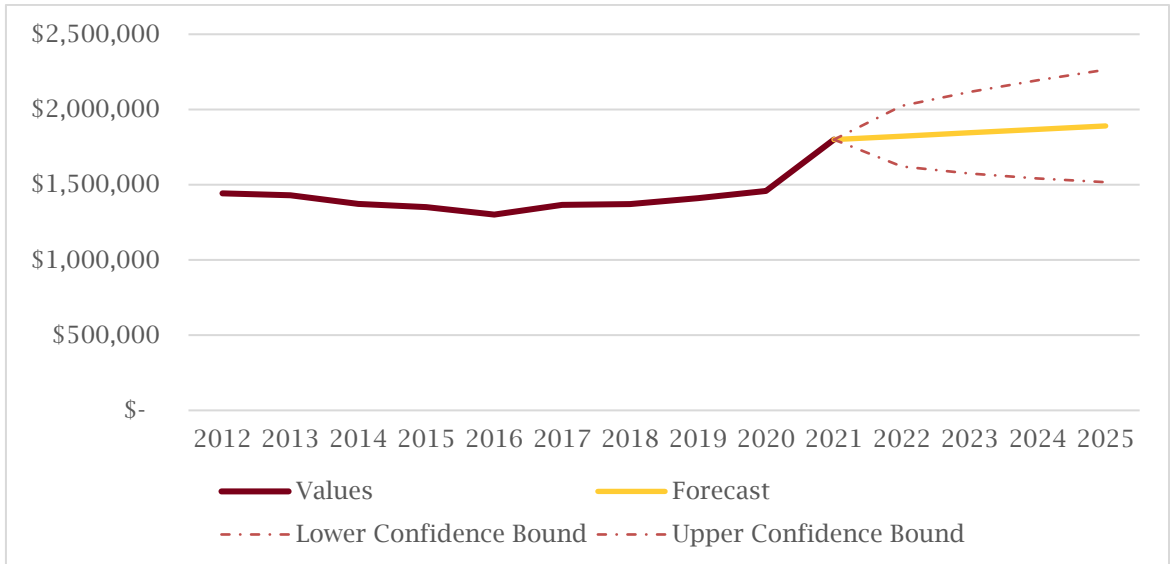


Figure 6: Forecast with Upper and Lower Bound 2022-25

	Forecast	Lower Bound	Upper Bound
2022	\$1,822,628	\$1,621,133	\$2,024,122
2023	\$1,845,255	\$1,574,037	\$2,116,473
2024	\$1,867,883	\$1,541,399	\$2,194,367
2025	\$1,890,510	\$1,516,750	\$2,264,271

Use taxes also affect the tax proceeds from a local option sales tax. Use taxes derive from city businesses purchasing products from out-of-state sources and in other Minnesota locations. Use taxes are often less consistent and more difficult to estimate accurately than sales taxes. In 2019, the city received \$1,550,302 in use (not sales) tax proceeds. It would have garnered \$114,837 for a LOST at the 0.5 percent rate.

Policymakers must also consider the impacts that a LOST may have on consumer purchasing behavior, particularly whether it will result in a loss of consumer purchases to other jurisdictions. Extension examined records of 11 cities that enacted a local option sales tax between 1999 and 2006 (information available on the Minnesota Department of Revenue website). Records do not indicate a major purchasing change due to the additional sales tax, and most of the jurisdictions have shown continued sales growth (see Appendix A). These communities, however, may not be comparable to Marshall. All communities included in this analysis are located outside the Twin Cities metro area and may retain more shoppers than communities in the metro area where one can easily switch spending from one jurisdiction to another.

BACKGROUND AND METHODOLOGY

Community economics educators at University of Minnesota Extension provide applied research and education to help community and business partners make better informed decisions. In recent years, Minnesota has adopted laws enabling local governments to enact a local option sales tax. Extension has assisted these administrations in estimating their potential tax proceeds and the portion of taxes paid by local residents.

This report estimates the proportion of tax proceeds generated by Marshall residents compared to non-residents. The most recently available state sales tax data (2021) from the Minnesota Department of Revenue (MN Revenue) was used.

Trade Area Analysis and Calculations

Extension conducted a trade area analysis of retail and service sales in select merchandise categories, estimating the amount of taxable sales subject to sales taxes made by both local residents and non-residents. Use tax is a much smaller portion of the total collection compared to sales tax proceeds. It is also estimated using a different formula.

Extension calculated potential sales for the city in each merchandise category and compared this calculation to actual taxable sales from the Minnesota Department of Revenue sales tax statistics for the same category. Actual sales greater than potential sales indicate the county attracts sales from outside its boundaries or has sales greater than one would expect from its residents. Extension used the difference between potential and actual sales to set reasonable estimates of spending by residents and non-residents across all categories. These estimates also helped inform adjustments for each category.

Potential sales calculations are based on average statewide spending by merchandise category and the population of the county, then adjusted by the level of income in Marshall. Specifically, potential sales result from county population, state per capita taxable sales, and the index of income (see sidebar and Appendix B).

The following section details the initial and adjusted trade area calculations for all merchandise categories. The sections labeled “Analysis with Adjustments” lists the final estimate of sales generated by non-residents. A rationale for adjustments and conclusions is also included.

Potential sales estimate the dollar amounts for purchases made by local residents *if* local residents spend as much as the average Minnesota resident.

Potential sales are calculated by the following formula:

$(T \div PMn) \times PO \times (YWC \div YMn) = \text{potential sales}$

T = Total Minnesota taxable sales for a merchandise category

PMn = 2021 population of Minnesota (5,742,036)

PO = 2021 population of Marshall (13,618)

YWC = Per capita income of Lyons County residents (\$58,433)

YMn = Per capita income of Minnesota residents (\$66,280)

TRADE AREA ANALYSIS BY MERCHANDISE CATEGORY

The following pages provide detailed analysis by merchandise category.

Vehicles and Parts

7.0 percent of total taxable retail and service sales

The **12 businesses** in this retail category include repair parts, snowmobiles, boats, trailers, and recreational vehicles. *Sales of cars and other on-road vehicles are not included in this category since they are subject to a different tax.*

	(\$Millions)
Actual taxable sales	\$17.74
-Potential sales	\$8.07
= \$ variance	\$9.67
= as % of potential	119.9%

Unadjusted Trade Area Analysis

Potential taxable sales to residents	\$8.07
Surplus	\$9.67
Total	\$17.74
Surplus percentage	54.5%

Analysis with Adjustments

Capture rate of Marshall residents	84%
Residents' \$ share	\$6.74
Non-Residents' \$ share	\$11.00
Total	\$17.74
Non-resident share per group	62.0%

Analysis for Vehicles and Parts

Extension's trade area analysis illustrates a robust surplus of sales in this category which accounts for 7 percent of total sales overall. With the surplus being considerable, Extension estimated that 62 percent of the sales are attributed to non-residents, while still capturing around 84 percent of Marshall resident spending in this category to allow for some leakage of more specialized purchases and repairs needed. The data suggests this is a thriving retail category.

Furniture Stores

4.0 percent of total taxable retail and service sales

These **9 businesses** sell furniture, beds, carpeting, window coverings, kitchenware, and wood-burning stoves.

	(\$Millions)
Actual taxable sales	\$10.10
Potential sales	\$4.74
= \$ variance	\$5.36
= as % of potential	113.0%

Unadjusted Trade Area Analysis

Potential sales to residents	\$4.74
Surplus	\$5.36
Total	\$10.10
Non-resident share per group	53.0%

Analysis with Adjustments

Capture rate of Marshall residents	81%
Residents' \$ share	\$3.84
Non-Residents' \$ share	\$6.26
Total	\$10.10
Non-resident share per group	62.0%

Analysis for Furniture Stores

At 4 percent of total sales, furniture stores are a moderately sized category in Marshall. Extension estimates residents' spending contributing \$3.84 million, and non-residents' spending contributing \$6.26 million to the total sales of \$10.10 million. The non-resident share per group was adjusted to 62 percent. A conservative capture rate of 81 percent is estimated for local spending within the community.

Electronics and Appliances

1.2 percent of total taxable retail and service sales*

These **4 businesses** primarily include household-type appliances, sewing machines, cameras, computers, and other electronic goods.

	(\$Millions)
Actual taxable sales	\$3.11
-Potential sales	\$4.59
= \$ variance	(\$1.48)
= as % of potential	-32.3%

Unadjusted Trade Area Analysis

Potential sales to residents	\$4.59
Surplus	(\$1.48)
Total	\$3.11
Non-resident share per group	-47.7%

Analysis with Adjustments

Capture rate of Marshall residents	49%
Residents' \$ share	\$2.27
Non-residents' \$ share	\$0.84
Total	\$3.11
Non-resident share per group	27.0%

Analysis for Electronics and Appliances

Taxable sales are lower than expected in the electronics and appliances category, resulting in a deficit of around 32 percent in this category. Accounting for 1.2 percent of all retail and service taxable sales totaling \$3.11 million, it is a smaller category within the Marshall retail landscape. A modest 27 percent non-resident spending was estimated in this category, resulting in a capture rate of approximately 50 percent of local spending.

Building Materials

33.1 percent of total taxable retail and service sales*

These **8 businesses** sell lumber, hardware, paint, wallpaper, tile, hardwood floors, roofing, fencing, ceiling fans, lawn equipment, and garden items.

	(\$Millions)
Actual taxable sales	\$83.39
Potential sales	\$17.26
= \$ variance	\$66.12
= as % of potential	383.0%

Unadjusted Trade Area Analysis

Potential sales to residents	\$17.26
Surplus	\$66.12
Total	\$83.39
Non-resident share per group	79.3%

Analysis with Adjustments

Capture rate of Marshall residents	87%
Residents' \$ share	\$15.01
Non-residents' \$ share	\$68.38
Total	\$83.39
Non-resident share per group	82.0%

Analysis for Building Materials

Building materials is the largest category in Marshall, accounting for 33.1 percent of all retail and service taxable sales. Actual sales far exceeded potential sales estimates, equating to a \$66 million surplus. Extension set the non-resident share of taxable sales at 82% to account for some portion of resident spending to leak outside of the community, with a local capture rate of 87 percent.

Food and Groceries

6.5 percent of total taxable retail and service sales

The **10 businesses** in this merchandise group include grocery stores, delis, bakeries, and butcher shops that sell food to be prepared at home. Liquor stores are also included in this group.

	(\$Millions)
Actual taxable sales	\$16.46
- Potential sales	\$8.87
= \$ variance	\$7.59
= as % of potential	85.6%

Unadjusted Trade Area Analysis

Potential sales to residents	\$8.87
Surplus	\$7.59
Total	\$16.46
Non-resident share per group	46.1%

Analysis with Adjustments

Capture rate of Marshall residents	84%
Residents' \$ share	\$7.40
Non-residents' \$ share	\$9.05
Total	\$16.46
Non-resident share per group	55.0%

Analysis for Food and Groceries

Extension's trade area analysis estimated a moderate surplus in the food and liquor category. Extension set the non-resident share at 55 percent, primarily to allow for some reasonable portion of out-shopping by Marshall residents. The Marshall capture rate remains at a conservative 84 percent in this category to allow for some purchasing outside of the city for travel, work, etc.

Health and Personal Items

0.1 percent of total taxable retail and service sales

Stores selling prescription drugs, food supplements, vision supplies, cosmetics, and hearing aids are among the **11 businesses** included in this merchandise group.

	(\$Millions)
Actual taxable sales	\$0.22
Potential sales	\$2.17
= \$ variance	(\$1.95)
= as % of potential	-89.7%

Unadjusted Trade Area Analysis

Potential sales to residents	\$2.17
Surplus	(\$1.95)
Total	\$0.22
Non-resident share per group	-871.5%

Analysis with Adjustments

Capture rate of Marshall residents	10%
Residents' \$ share	\$0.21
Non-residents' \$ share	\$0.01
Total	\$0.22
Non-resident share per group	5.0%

Analysis for Health and Personal Items

The category accounts for just 0.1 percent of taxable retail and service sales in Marshall. Taxable sales are significantly less than would be expected for the size of the community with an almost \$2 million deficit. Extension set the non-resident share at a modest 5 percent, which translates into a 10 percent capture rate of local resident spending. The large deficit of almost 90 percent suggests underperformance in this category and either leakage or competition from larger big-box retailers pulling activity away from smaller specialized stores.

Gas/Convenience Stores

2.4 percent of total taxable retail and service sales

This merchandise group covers **8 businesses** selling convenience items at a store that also sells fuel.

	(\$Millions)
Actual taxable sales	\$6.13
-Potential sales	\$3.32
= \$ variance	\$2.81
= as % of potential	84.4%

Unadjusted Trade Area Analysis

Potential sales to residents	\$3.32
Surplus	\$2.81
Total	\$6.13
Non-resident share per group	45.8%

Analysis with Adjustments

Capture rate of Marshall residents	83%
Residents' \$ share	\$2.76
Non-residents' \$ share	\$3.37
Total	\$6.13
Non-resident share per group	55.0%

Analysis for Gas/Convenience Stores

Marshall has a sizeable surplus in the gas and convenience store category, netting \$2.81 million more than potential sales calculations. Extension set the non-resident share at a conservative 55 percent to account for non-resident spending when traveling along major thoroughfares. A capture rate of 83 percent for residents of Marshall was estimated in a category where work, travel and entertainment can pull dollars from the community.

Apparel/Clothing

0.9 percent of total taxable retail and service sales

This merchandise group includes **12 businesses** selling new clothing and accessories, jewelry, shoes, bridal items, clocks, and luggage.

	(\$Millions)
Actual taxable sales	\$2.19
Potential sales	\$2.30
= \$ variance	(\$0.11)
= as % of potential	-4.8%

Unadjusted Trade Area Analysis

Potential sales to residents	\$2.30
Surplus	(\$0.11)
Total	\$2.19
Non-resident share per group	-5.0%

Analysis with Adjustments

Capture rate of Marshall residents	65%
Residents' \$ share	\$1.49
Non-residents' \$ share	\$0.70
Total	\$2.19
Non-resident share per group	32.0%

Analysis for Apparel/Clothing

Extension's trade area analysis estimates that the expected and actual sales in this category are about equal. Extension adjusted the non-resident share to 32 percent, resulting in a local capture rate of 65 percent to allow for some leakage outside of the community as well. It is difficult to determine how much online shopping impacts the shopping habits of residents in this category when purchasing more specialized or niche items.

Leisure Goods

1.9 percent of total taxable retail and service sales

The **10 businesses** in this merchandise group sell sporting goods, books, music, hobby items, fabrics, and toys.

	(\$Millions)
Actual taxable sales	\$4.75
Potential sales	\$3.57
= \$ variance	\$1.18
= as % of potential	33.0%

Unadjusted Trade Area Analysis

Potential sales to residents	\$3.57
Surplus	\$1.18
Total	\$4.75
Non-resident share per group	24.8%

Analysis with Adjustments

Capture rate of Marshall residents	80%
Residents' \$ share	\$2.85
Non-Residents' \$ share	\$1.90
Total	\$4.75
Non-resident share per group	40.0%

Analysis for Leisure Goods

Extension's trade area analysis estimates that the city has a \$1.18 million surplus in this category which is focused on specialized retail. Extension set the non-resident share at 40 percent and a capture rate of 80 percent for Marshall residents. The surplus in this category suggests that people are coming from outside of Marshall to purchase goods within the city.

General Merchandise Stores

16.7 percent of total taxable retail and service sales*

The 5 **businesses** in this category sell general merchandise and are unique because they have the equipment and staff needed to sell a large variety of goods from a single location. This includes department stores, superstores, dollar stores, and variety stores.

	(\$Millions)
Actual taxable sales	\$42.07
potential sales	\$16.41
= \$ variance	\$25.66
= as % of potential	156.4%

Unadjusted Trade Area Analysis

Potential sales to residents	\$16.41
Surplus	\$25.66
Total	\$42.07
Non-resident share per group	61.0%

Analysis with Adjustments

Capture rate of Marshall residents	87%
Residents' \$ share	\$14.30
Non-Residents' \$ share	\$27.77
Total	\$42.07
Non-resident share per group	66.0%

Analysis for General Merchandise Stores

Extension estimates a large surplus in this relatively large category, which accounts for 16.7 percent of all retail sales in Marshall. Extension estimated 66 percent of sales in this category come from non-residents based on this surplus and commuting patterns. A capture rate of 87 percent for residents was estimated to allow for some leakage into other communities with specialized stores such as Costco, etc.

Miscellaneous Retail

0.8 percent of total taxable retail and service sales

17 **businesses** are part of this group, including florists, used merchandise stores, pet supply stores, and other retailers.

	(\$Millions)
Actual taxable sales	\$1.98
Potential sales	\$4.88
= \$ variance	(\$2.90)
= as % of potential	-59.4%

Unadjusted Trade Area Analysis

Potential sales to residents	\$4.88
Surplus	(\$2.90)
Total	\$1.98
Non-resident share per group	-146.4%

Analysis with Adjustments

Capture rate of Marshall residents	39%
Residents' \$ share	\$1.88
Non-residents' \$ share	\$0.10
Total	\$1.98
Non-resident share per group	5.0%

Analysis for Miscellaneous Retail

Extension's trade area analysis estimates that Marshall had a \$2.9 million deficit in the miscellaneous retail category. Extension set the non-resident share to a very conservative 5 percent considering this deficit, resulting in a capture rate of 39 percent of Marshall resident spending.

Amusement and Recreation

1.0 percent of total taxable retail and service sales*

The 5 **businesses** in this group include casinos, bowling lanes, water parks, amusement parks, arcades, bingo halls, golf courses, ski slopes, marinas, dance or fitness centers, recreational clubs, ice rinks, swimming pools, roller rinks, etc.

	(\$Millions)
Actual taxable sales	\$2.42
Potential sales	\$4.31
= \$ variance	(\$1.89)
= as % of potential	-43.9%

Unadjusted Trade Area Analysis

Potential sales to residents	\$4.31
Surplus	(\$1.89)
Total	\$2.42
Non-resident share per group	-78.3%

Analysis with Adjustments

Capture rate of Marshall residents	31%
Residents' \$ share	\$1.33
Non-residents' \$ share	\$1.09
Total	\$2.42
Non-resident share per group	45.0%

Analysis for Amusement and Recreation

Extension's trade area analysis estimates that the city has a deficit of potential sales in this category. Marshall is home to some regional attractions to draw in non-residents and visitors. In this case, even despite the deficit, Extension set the non-resident share at 45 percent and a local capture rate of 31 percent.

Accommodations

1.9 percent of total taxable retail and service sales

These 7 **businesses** provide lodging or short-term accommodations for travelers, vacationers, and others. Included are hotels, motels, lodges, bed & breakfasts, campgrounds, fraternities, boarding houses, and dormitories.

	(\$Millions)
Actual taxable sales	\$4.69
Potential sales	\$3.76
= \$ variance	\$0.93
= as % of potential	24.6%

Unadjusted Trade Area Analysis

Potential sales to residents	\$3.76
Surplus	\$0.93
Total	\$4.69
Non-resident share per group	19.8%

Analysis with Adjustments

Capture rate of Marshall residents	12%
Residents' \$ share	\$0.47
Non-residents' \$ share	\$4.22
Total	\$4.69
Non-resident share per group	90.0%

Analysis for Accommodations

Logically, a significant percentage of lodging sales are from non-residents visiting the area or staying overnight for business or vacation. As with previous LOST analyses, Extension set the non-resident share at 90 percent of sales to allow for resident spending related to events, facility charges, and 'staycations.' A capture rate of 12 percent of Marshall resident spending in this category was estimated.

Eating/Drinking Establishments

16.8 percent of total taxable retail and service sales

These 43 businesses sell food at full-service or limited-service establishments. The group includes cafeterias, bagel shops, ice cream parlors, snack bars, food service contractors, caterers, lunch wagons, and street vendors. It also includes bars, taverns, and nightclubs.

	(\$Millions)
Actual taxable sales	\$42.35
Potential sales	\$20.49
= \$ variance	\$21.87
= as % of potential	106.7%

Unadjusted Trade Area Analysis

Potential sales to residents	\$20.49
Surplus	\$21.87
Total	\$42.35
Non-resident share per group	51.6%

Analysis with Adjustments

Capture rate of Marshall residents	79%
Residents' \$ share	\$16.09
Non-residents' \$ share	\$26.26
Total	\$42.35
Non-resident share per group	62.0%

Analysis for Eating/Drinking Establishments

The eating and drinking category—which includes all bars, restaurants, and other food service—is a significant category with \$42 million in taxable sales and has a significant surplus of \$21.87 million. Many well-respected dining establishments that draw non-residents to the community as well as retain in-commuters who work in Marshall. However, not unlike the general merchandise category, competition for other dining options, traveling and commuting all draw money from Marshall residents outside of the community. In this context, Extension set the non-resident share to a conservative 62 percent and a local capture rate of 79 percent for Marshall resident spending.

Repair and Maintenance

2.1 percent of total taxable retail and service sales

The **18 businesses** in this group restore machinery, equipment, and other products. The group does not include plumbing or electrical repair services but does encompass auto repair, cameras, televisions, computers, copiers, appliances, lawn mowers, specialized equipment, small engines, furniture, shoes, guns, etc.

	(\$Millions)
Actual taxable sales	\$5.28
Potential sales	\$3.85
= \$ variance	\$1.44
= as % of potential	37.4%

Unadjusted Trade Area Analysis

Potential sales to residents	\$3.85
Surplus	\$1.44
Total	\$5.28
Non-resident share per group	27.2%

Analysis with Adjustments

Capture rate of Marshall residents	89%
Residents' \$ share	\$3.43
Non-residents' \$ share	\$1.85
Total	\$5.28
Non-resident share per group	35.0%

Analysis for Repair and Maintenance

At 2.1 percent of total taxable sales, repair and maintenance is a relatively small category in Marshall. The moderate surplus that exists in this category suggests that a good share of sales are coming from outside the city. A conservative 35 percent non-resident share was estimated by Extension, resulting in a capture rate of 89 percent local spending.

Personal Services/Laundry

0.3 percent of total taxable retail and service sales

The **44 businesses** in this merchandise group include barber shops and beauty parlors, death care services, laundry and dry-cleaning services, and a wide range of other personal services, such as pet care (except veterinary), photofinishing, temporary parking, and dating services.

	(\$Millions)
Actual taxable sales	\$0.84
Potential Sales	\$2.08
= \$ variance	(\$1.24)
= as % of potential	-59.7%

Unadjusted Trade Area Analysis

Potential sales to residents	\$2.08
Surplus	(\$1.24)
Total	\$0.84
Non-resident share per group	-148.0%

Analysis with Adjustments

Capture rate of Marshall residents	38%
Residents' \$ share	\$0.80
Non-residents' \$ share	\$0.04
Total	\$0.84
Non-resident share per group	5.0%

Analysis for Personal Services/Laundry

This category includes businesses that typically serve a local market, such as barbers, hair salons, and dry-cleaning operations. At 0.3 percent of total sales, this category is not significant in terms of total taxable sales and had a moderate deficit as well. Extension set the non-resident share at 5 percent, which translates into a 38 percent capture rate of local spending.

Retail (Non-Store) and Other Services

This section includes taxable sales attributed to North American Industrial Classification System categories 511-813 released by MN Revenue.

	(\$Millions)
Actual taxable sales	\$8.42
% of total taxable retail and service sales In Marshall	3.3%

Analysis with Adjustments

	(\$Millions)
Residents' \$ share	\$5.72
Non-residents' \$ share	\$2.69
Total	\$8.42
Non-resident share per group	32%

Analysis for Retail and Other Services

This group includes non-store retailers (such as direct selling operations), healthcare, waste management, rental/lease services, administrative support, and the performing arts. Some of these categories serve primarily a local market, whereas categories like 541 (professional and technical services) often serve a non-local market. This mix of business types is too diverse to run a trade area analysis for, but Extension estimated an aggregate 32 percent of these sales are to non-resident customers. The categories of sales are shown below:

CATEGORY	TAXABLE SALES	% NON-LOCAL	NON-LOCAL \$
454 RETL -NONSTORE RETAILERS	\$167,248	50%	\$83,624
484 TRANSPORTATION -TRUCK	\$469,861	40%	\$187,944
519 INFO -OTHER SERVICES	\$12,125	30%	\$3,638
532 RENTAL, LEASING SERVICES	\$4,127,612	30%	\$1,238,284
541 PROF, SCIENTIFIC, TECH SERV	\$448,304	40%	\$179,322
561 ADMIN, SUPPORT SERVICES	\$1,730,293	30%	\$519,088
611 EDUCATIONAL SERVICES	\$275,864	20%	\$55,173
621 HEALTH -AMBULATORY CARE	\$573,899	40%	\$229,560
624 HEALTH -SOCIAL ASSISTANCE	\$182,964	20%	\$36,593
813 RELIGIOUS, CIVIC, PROF ORGS	\$428,904	40%	\$171,562
TOTAL	\$8,417,074	32%	\$2,704,786

Construction, Manufacturing, Utilities, Wholesale Operations, Transportation, and Sales Suppressed for Business Confidentiality

A diverse mix of businesses fall into these non-retail categories, and a portion of sales are within a suppressed or non-disclosed subcategory. These industries and services generate \$81.76 million in taxable sales, or 24.5 percent of total taxable sales in Marshall. A significant portion of this amount would be subject to any new sales taxes, including a local option sales tax.

This category includes utilities that primarily serve a local market and are subject to a local option sales tax. The diversity of firm types included in this category makes it difficult to understand the customer mix of these businesses; however, Extension broke out each known subcategory with an assumption of whether customers paying the taxable sales were non-local:

Category	Taxable Sales	% non-local	\$ non-local
CONSTRUCTION	\$645,393	60%	\$387,235.80
MANUFACTURING	\$581,948	90%	\$523,753.20
WHOLESALE	\$40,267,601	80%	\$32,214,080.80
UNDESIGNATED/SUPPRESSED	\$40,260,542	50%	\$20,130,271.00
Total	\$81,755,484	65%	\$53,255,340

Extension estimated that, overall, 65 percent of sales are to non-residents. This analysis assumes that some subcategories, such as manufacturing sell primarily (90 percent) to non-resident customers, whereas subcategories like construction split sales between resident and non-resident customers.

Analysis with Adjustments

	(\$Millions)
Residents' \$ share	\$28.61
Non-residents \$ share	\$53.14
Total	\$81.76
Non-resident share	65%

APPENDIX A: RESEARCH ON THE EFFECTS OF A LOCAL OPTION SALES TAX

Policymakers are often concerned that enacting a local sales tax will result in a loss of consumer purchases to neighboring communities that have not adopted the tax.

The Minnesota Department of Revenue records the tax collected from a set of Minnesota jurisdictions that have had a local sales or use tax in effect for at least eight years. Most of these cities show continued sales growth. A comparison that includes 11 Minnesota cities adopting a 0.5 percent local option sales tax is offered below (refer to Figures 4, 5, 6, and 7).

Policymakers must determine the best allowable method to raise revenue from a variety of options. One option is raising property taxes, which is not directly related to a household's current income and raises the financial burden of low-income or retired homeowners. Sales taxes raise revenues based on household expenditures, which, in Minnesota, excludes the basic necessities of food and clothing. However, since sales tax raises revenues from non-residents who shop in Marshall, resident contributions to tax revenues are significantly lower than a tax generated exclusively by local residents, such as a property tax. Policymakers must carefully consider these and other factors before making a decision about enacting a local sales tax.

Figure 4: Taxable retail and service sales by communities that began collecting a local option sales tax from 1999 to 2006

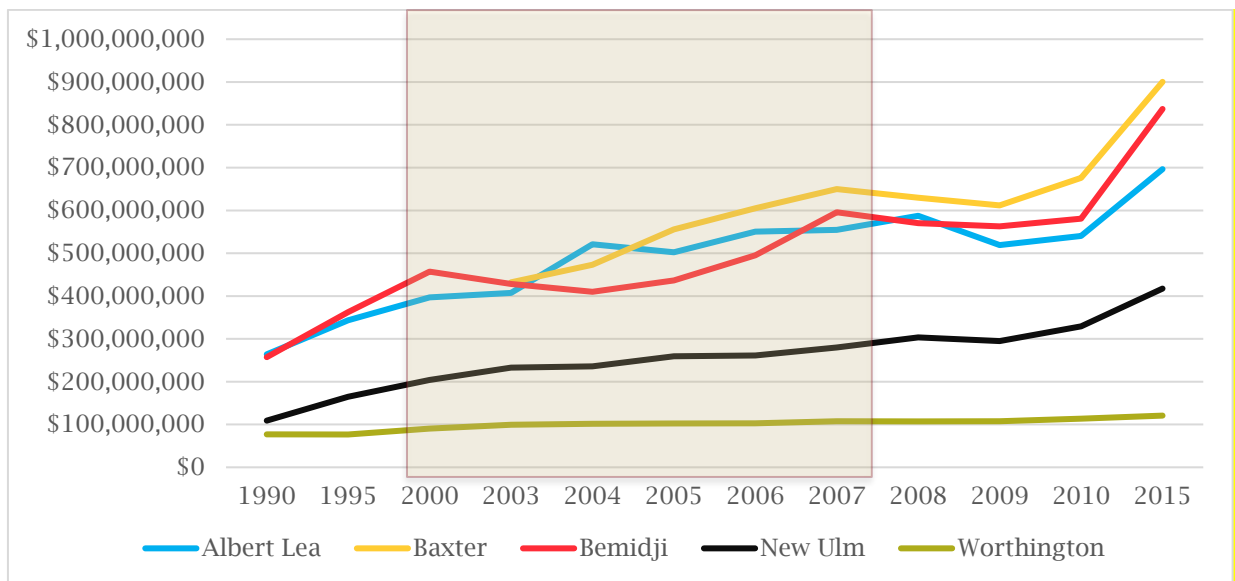


Figure 5: Data table for example communities, taxable retail and service sales (in millions)

Town Name	2015 Population	Year LOST	90	95	00	03	04	05	06	07	08	09	10	15
Albert Lea	18,356	2006	\$264	\$344	\$397	\$407	\$521	\$502	\$551	\$555	\$588	\$519	\$541	\$696
Baxter	8,065	2006				\$432	\$473	\$556	\$605	\$650	\$630	\$612	\$676	\$900
Bemidji	11,917	2005	\$257	\$362	\$457	\$428	\$410	\$437	\$495	\$596	\$570	\$563	\$581	\$837
New Ulm	13,594	1999	\$109	\$165	\$204	\$233	\$236	\$259	\$261	\$280	\$303	\$295	\$329	\$417
Worthington	11,283	2005	\$77	\$77	\$91	\$99	\$102	\$103	\$103	\$108	\$107	\$108	\$114	\$121

Figure 6: Taxable retail and service sales by communities that began collecting a local option sales tax between 2011- 2012

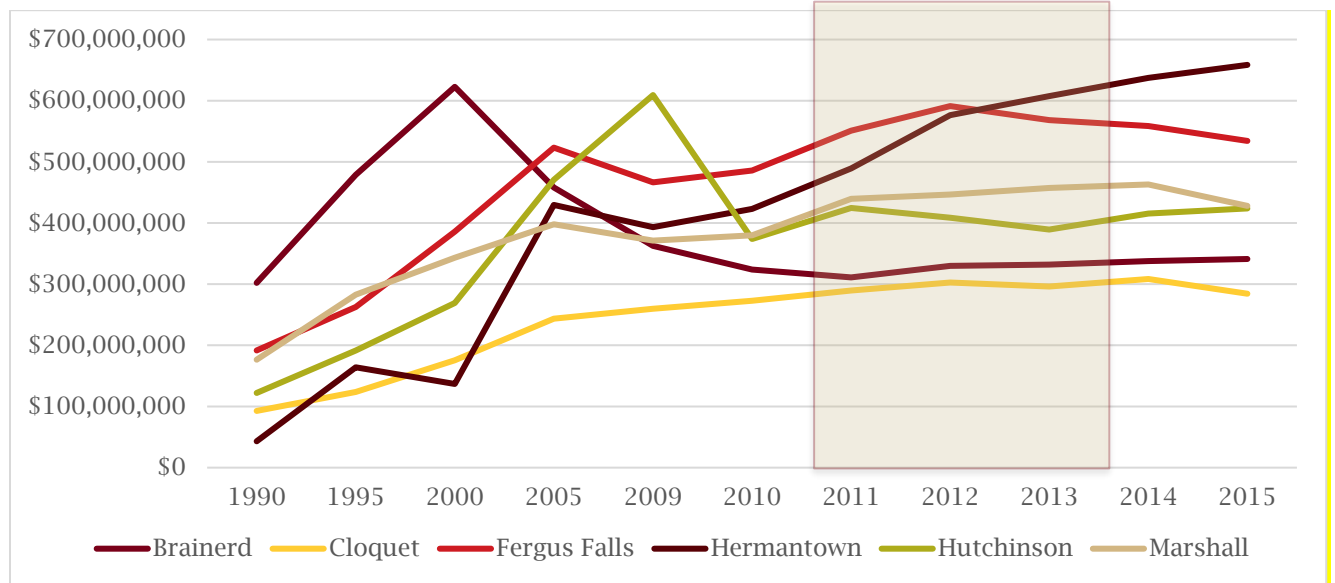


Figure 7: Data table for example communities, taxable retail and service sales (in millions)

Town Name	2015 Pop	Year LOST	90	95	00	05	09	10	11	12	13	14	15
<i>Brainerd</i>	13,178	2011	\$302	\$479	\$623	\$458	\$362	\$324	\$311	\$330	\$332	\$338	\$341
<i>Cloquet</i>	11,201	2011	\$93	\$124	\$175	\$244	\$260	\$273	\$290	\$303	\$296	\$308	\$284
<i>Fergus Falls</i>	13,471	2011	\$192	\$263	\$386	\$523	\$467	\$486	\$551	\$591	\$568	\$558	\$534
<i>Hermantown</i>	7,448	1996 - increase 2012	\$43	\$164	\$137	\$430	\$393	\$423	\$489	\$576	\$607	\$637	\$659
<i>Hutchinson</i>	13,080	2011	\$122	\$191	\$269	\$471	\$609	\$374	\$425	\$409	\$389	\$415	\$424
<i>Marshall</i>	12,735	2011	\$176	\$283	\$343	\$398	\$371	\$380	\$440	\$447	\$457	\$463	\$428

APPENDIX B: DEFINITIONS OF TERMS

Gross sales

Gross sales include taxable sales and exempt businesses with sales and use tax permits. This is the most inclusive indicator of business activity for reporting jurisdictions, but it can be misleading when used in comparisons. At times, non-taxable commodity items (e.g., gasoline) can have large price variations, creating huge swings in gross sales.

Taxable sales

Taxable sales are sales subject to sales tax. Taxable sales exclude exempt items, items sold for resale, items sold for exempt purposes, and items sold to exempt organizations. For the purpose of this study, taxable sales were the focus of the analysis. For more information on what is taxed in Minnesota, see the "Minnesota Sales and Use Tax Instruction Booklet" available at <https://www.revenue.state.mn.us/minnesota-tax-handbooks>

Taxable retail and service sales

In this study and other retail trade analyses conducted by University of Minnesota Extension, the term "taxable retail and service sales" refers to the North American Industry Classification System (NAICS) numbers of 441 to 454 (retail) and 511 to 812 (most service industries) released by the Minnesota Department of Revenue for a geographic area.

Current and constant dollar sales

Current dollar (or "nominal dollar") sales are those reported by the state. No adjustment has been made for price inflation. In general, this measure of sales is not satisfactory for comparisons over long periods of time since it does not account for changes in population, inflation, or the state's economy. Constant dollar (or "real dollar") sales reflect changes in price inflation by adjusting current dollar sales according to the Consumer Price Index (CPI). Constant dollar sales indicate the real sales level with respect to a base year. This is a more realistic method of evaluating sales over time than current dollar comparisons, but it still does not take into consideration changes in population or the state's economy.

Number of businesses

The number of sales and use tax permit holders who filed one or more tax returns for the year.

Index of income

This index provides a relative measure of income, calculated by dividing local per capita income by state per capita income. The base is 1.00. For example, a 1.20 index of income indicates that per capita income in the area is 20 percent above the state average.

Potential sales

Potential sales are an estimate of the amount of money spent on retail goods and services by residents of a county or county. It is the product of county population, state per capita sales, and the index of income (based on the county personal per capita income).

Actual sales

For this study, the Minnesota Department of Revenue's 2019 sales data for Marshall provides the actual sales numbers used.

Variance between actual and potential sales

The variance between actual and expected sales is the difference in sales from the “norm” (i.e., the amount above or below the standard established by the expected sales formula). When actual sales exceed expected sales, the county has a “surplus” of retail sales. When actual sales fall short of expected sales, the county has a retail sales “leakage.” Discrepancies between expected and actual sales occur for a variety of reasons. For this study, we use potential sales per merchandise group to create a first-cut estimate of residents’ purchase activities.

Cautions

Gross sales

Gross sales are a comprehensive measure of business activity, but it should be noted the numbers in this report are self-reported. Furthermore, gross sales are not audited by the state of Minnesota. It is believed that gross sales figures are generally reliable, but there is the possibility of distortions, especially in smaller cities where misreporting may have occurred.

Misclassification

Holders of sales and use tax permits select the North American Industry Classification System (NAICS) category that best fits their business. All sales reported by a business is attributed to that selected NAICS category. Regardless of who makes this classification, errors are occasionally made. Also, sometimes a business will start out as one type but evolve over time to a considerably different type. Misclassifications can distort sales among business categories, especially in smaller cities. For example, a furniture store that is classified as a general merchandise store will underreport sales in the furniture store category and over-report sales in the general merchandise category.

Suppressed data

The sales data for merchandise categories that have less than four reporting firms are not reported. This is a measure taken by most states to protect the confidentiality of sales tax permit holders. Sales for suppressed retail categories are placed into the miscellaneous retail category (NAICS 999) and included in total sales but not total sales of a typical retail trade analysis. For this report, however, all taxable sales—including NAICS 999—are part of calculating the amount of special taxes collected.

Consolidated reporting

Vendors with more than one location in Minnesota have the option of filing a separate return for each location or filing one consolidated return for all locations. The consolidated return shows sales made, tax due, and location by county, and county for each business. Data for consolidated filers are combined with data for single-location filers to produce the figures in this report. Occasionally, consolidated reports may not be properly deconstructed, and all sales for a company may be reported for one town or county. Whenever misreporting is discovered, the Minnesota Department of Revenue is contacted to clarify the situation.

Presenter:	Mayor Byrnes
Meeting Date:	Tuesday, September 26, 2023
Category:	COUNCIL REPORTS
Type:	INFO
Subject:	Commission/Board Liaison Reports
Background Information:	<p>Byrnes - Fire Relief Association and Regional Development Commission</p> <p>Schafer – Airport Commission, Joint LEC Management Committee, MERIT Center Commission, SW Amateur Sports Commission</p> <p>Meister – Adult Community Center, Cable Commission, Economic Development Authority</p> <p>Schroeder – Economic Development Authority, Planning Commission, Public Housing Commission</p> <p>Alcorn – Community Services Advisory Board, MMU Commission</p> <p>Moua-Leske – Convention & Visitors Bureau; Diversity, Equity & Inclusion Commission; Library Board</p> <p>Lozinski – Marshall Area Transit Committee, Joint LEC Management Committee, Police Advisory Board</p>
Fiscal Impact:	
Alternative/Variations:	
Recommendations:	

**PUBLIC HOUSING COMMISSION
OF THE CITY OF MARSHALL
PARKVIEW APARTMENTS**

Minutes of the Meeting of
July 17th, 2023

Meeting called to Order: 3:35 P.M. by Vice-Chair Rickgarn.
Members Present: Farrell, Rickgarn, Reilly, Knutson, Juarez,
Schroeder, Katz.

MOTION by Knutson, seconded by Reilly, to approve the minutes of the June 12th, 2023 meeting. All voted in favor, Motion passed.

REPORTS: Eight-Month Operating Statement for FYE 23 was reviewed by the Board. Motion by Rickgarn, second by Knutson to approve the eight-month report. All voted in Favor, Motion passed to approve the report.

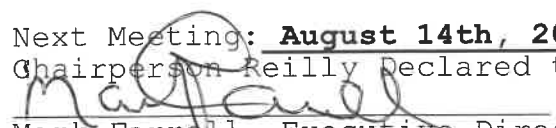
Account Receivable/Payable: A One-month report was reviewed; several items were pointed out and discussed to the Board by the Director, including checks from # 021363 to # 021412 in the amount of \$ 69,362.38 Motion by Rickgarn, second by Knutson, to approve the report.

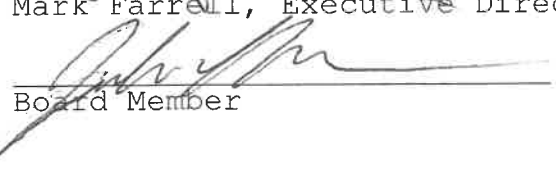
Occupancy Report: Currently working with several applicants for Parkview, and Family Units. Detailed Maintenance report included. CFP- 2022, Architects waiting for forms from Lozinski Const.

New Business:

- A. Washer /Dryer Update-payment.
- B. Motion by Knutson, second by Rickgarn to pay the original invoice for the fire restoration at Unit #1 and ask for an invoice and paper work for the Asbestos testing. All voted in favor, motion passed.
- C. The Director reported that signers on the checking account at Wells Fargo has been completed.
- D. Budget for FY 24, will change as Rick Banbury, our painter is retiring, but wants to continue painting the units. Will discuss with our fee Accountant.
- E. Motion by Knutson, second by Reilly, to Approve Resolution # 23-08, Change Order to weld canopy framing , all voted in Favor, Motion passed.
- F. Motion by Knutson, second by Reilly, to nominate Rickgarn as the Chair, all voted in favor, Motion passed. Motion by Rickgarn, second by Knutson to nominate Reilly as Vice-Chair, All voted in favor, Motion passed. Motion by Knutson, second by Rickgarn to nominate Juarez as Secretary/Treasurer. All voted in favor, Motion passed.

Next Meeting: August 14th, 2023 3:30 p.m. Community Room.
Chairperson Reilly Declared the meeting adjourned at 4:26p.m.


Mark Farrell, Executive Director


Board Member



MARSHALL

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

Applicant Name	Location	Description of Work	Valuation	Approved Date
ADELMANN CONSTRUCTION LLC	401 SUNRISE LN	Windows	6000.00	09/18/2023
Bladholm Construction inc	400 ERIE RD W	Building Addition	1000000.00	09/13/2023
BOELTER WINDOW SIDING & ROOFING	503 BRUCE ST N	Re-Roofing	14781.00	09/13/2023
Buyse Roofing Systems& Sheet Metal, Inc.	236 MAIN ST W	Re-Roofing	54900.00	09/18/2023
D & G Excavating, Inc.	1307 MAIN ST E	Building Demolition - Total Building ONLY	3000.00	09/11/2023
D & G Excavating, Inc.	1106 HORIZON DR	Building Demolition - Total Building ONLY	12000.00	09/19/2023
DUSTIN L & TANYA F DRAKE JT	500 1ST ST S	Deck	1000.00	09/13/2023
Dustin Westover	107 FREMONT ST	Plumbing - Water heater	750.00	09/19/2023
Dustin Westover	1406 WESTWOOD DR	Plumbing - Water heater	750.00	09/20/2023
Dustin Westover	207 RAINBOW DR	Plumbing - Water heater	750.00	09/20/2023
Eric Mathiowetz	1308 PETERSON ST	HVAC - Air Conditioning	4500.00	09/20/2023
Eric Mathiowetz	1214 MAIN ST W	HVAC - Air Conditioning	6000.00	09/19/2023
Eric Mathiowetz	305 ELM ST	HVAC - [boiler]	8100.00	09/20/2023
HANSEN/CHRISTAIN/&	1101 WASHINGTON AVE	Re-Siding	3375.00	09/07/2023
HEYN BROTHERS CONSTRUCTION CORP	1111 LYON ST E	Re-Roofing	19400.00	09/18/2023
INDEPENDENT LUMBER OF MARSHALL INC	301 G ST	Re-Siding	7500.00	09/18/2023
INDEPENDENT LUMBER OF MARSHALL INC	1122 HORIZON CR	Interior Remodeling - ANY Work Inside, Except Fireplace	15000.00	09/18/2023
Jeremy Swenson	404 WILLIAMS ST	Plumbing - Bathroom remodeling, Interior remodeling	0.00	09/19/2023
Karley Gilb	205 DONITA AVE	HVAC - Furnace	7000.00	09/18/2023
kevin hart	230 LYON ST W	HVAC - Air Conditioning, Furnace	21900.00	09/13/2023
Kevin V Goslar	605 KENDALL ST	HVAC - Air Conditioning	3750.00	09/11/2023
Kevin V Goslar	602 PELTIER ST	HVAC - Air Conditioning, Furnace	7000.00	09/11/2023
LALEMAN CONSTRUCTION LLC	302 HIGH ST N	Accessory Building (Garages, Sheds, Gazebos, etc)	4500.00	09/13/2023
LAYLE FRENCH CONSTRUCTION INC	702 KENNEDY ST	Deck	9000.00	09/13/2023
Mathew Henry Coequyt	1122 HORIZON CIR	Plumbing - Bathroom remodeling	5000.00	09/19/2023
MIKE BUYSE CONSTRUCTION INC	500 MINNESOTA ST N	Windows	3000.00	09/13/2023
Schwickerts Tecta America LLC	300 BRUCE ST S	Re-Roofing	117570.00	09/11/2023
Scott Williams	513 LAWERENCE ST	Plumbing - Water heater	200.00	09/18/2023

2023 Regular Council Meeting Dates

2nd and 4th Tuesday of each month *(Unless otherwise noted)*

5:30 P.M.

City Hall, 344 West Main Street

January

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

February

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

March

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

April

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

May

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

June

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

July

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

August

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

September

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

October

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

November

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

December

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

2023 Uniform Election Dates

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

204C.03 PUBLIC MEETINGS PROHIBITED ON ELECTION DAY.

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



Upcoming Meetings

September

- 09/26 Public Improvement & Transportation Committee, 4:00 PM, City Hall
 - 09/26 Regular Meeting, 5:30 PM, City Hall
-

October

- 10/10 Rental Ordinance Committee, 12:00 PM, City Hall
- 10/10 Work Session, 4:00 PM, City Hall
- 10/10 Regular Meeting, 5:30 PM, City Hall
- 10/24 Regular Meeting, 5:30 PM, City Hall