



**CITY OF MARSHALL**

**City Council Meeting**

**A g e n d a**

**Tuesday, January 10, 2023 at 5:30 PM**  
**City Hall, 344 West Main Street**

**OPENING ITEMS**

1. Ceremonial Swearing in of Elected Officials
2. Marshall Area Youth Baseball Association Donation to Legion Field

**APPROVAL OF AGENDA**

**APPROVAL OF MINUTES**

3. Consider Approval of the Minutes from the Regular Meeting Held on December 27, 2022

**PUBLIC HEARING**

**AWARD OF BIDS**

**CONSENT AGENDA**

4. Consider Resolution Designating the Official Newspaper
5. Consider Resolution Delegating Authority to the City to Make Electronic Fund Transfers
6. Consider Resolution Designating the Official Depositories for City Funds for 2023
7. Consider Approval of a Resolution to Authorize the Finance Director to Pay Certain Claims
8. Adopt Ordinance Amendment to Chapter 82, Article 82-I, Section 82-1 Grass, and Weeds on Private Property
9. Adopt Ordinance Amending Chapter 70, Article 70-II Lodging Tax, Sec. 70-22 Imposition
10. Adopt Ordinance Amending Chapter 2, Article 2-VI-1 Generally, Sec. 2-145 Qualifications and Compensation
11. Introduce Ordinance Authorizing Sale of City Owned Land
12. Project ST-002-2023: Bituminous Overlay Project – Consider Authorization to Advertise for Bids
13. Consider Approval of 2023 Liquor License Renewal
14. Consider Approval of a Temporary On-Sale Liquor License
15. Adopt an Annual Election to Set a Micro-Purchase Threshold of \$25,000
16. Consider Approval of an Updated Conduit Debt (Private Activity Tax Exempt Financing) Policy
17. Declare Surplus Items at the Adult Community Center
18. Approve Flaherty and Hood Lobbying Services Contract for Technical Education Pilot Program
19. Consider Approval of the Bills/Project Payments

**APPROVAL OF ITEMS PULLED FROM CONSENT**

**OLD BUSINESS**

**TABLED ITEM**

**NEW BUSINESS**

20. Selection of City Council President Pro Tempore by City Council
21. Consider Mayoral Appointment for Councilmembers to Boards/Commissions and Committees
22. Consider Appointments to Various Boards, Commission, Bureaus, and Authorities
23. Project ST-009: W Lyon St. / N 3rd St. Reconstruction Project - Consider Resolution Receiving Feasibility Report and Calling Hearing on Improvement
24. Projects Z88/SAP 139-103-004: 2021 State Aid Overlay Project and Project ST-008/SP 139-121-004: Channel Parkway Resurfacing Project – Consider Resolution for Municipal State Aid Street System (MSAS) 2023 Advance Funds
25. Consider Resolution of Support for a RAISE Grant Application for the MnDOT 2025 College Drive Reconstruction Project

**COUNCIL REPORTS**

26. Commission/Board Liaison Reports

**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.**

27. Councilmember Individual Items

**STAFF REPORTS**

28. City Administrator

29. Director of Public Works/City Engineer

30. City Attorney

**ADMINISTRATIVE REPORTS**

[31.](#) Administrative Brief

**INFORMATION ONLY**

[32.](#) Public Housing Commission Minutes

[33.](#) Building Permits

**MEETINGS**

[34.](#) Upcoming Meetings

**ADJOURN**

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## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Presenter:</b>	Mayor Byrnes
<b>Meeting Date:</b>	Tuesday, January 10, 2023
<b>Category:</b>	APPROVAL OF MINUTES
<b>Type:</b>	ACTION
<b>Subject:</b>	Consider Approval of the Minutes from the Regular Meeting Held on December 27, 2022
<b>Background Information:</b>	Enclosed are the minutes from the meetings held on December 27.
<b>Fiscal Impact:</b>	
<b>Alternative/ Variations:</b>	Staff encourages City Council Members to provide any suggested corrections to the minutes in writing to City Clerk, Steven Anderson, prior to the meeting.
<b>Recommendations:</b>	That the minutes from the meeting held on December 27 be approved as filed with each member and that the reading of the same be waived.

**CITY OF MARSHALL  
CITY COUNCIL MEETING  
M I N U T E S  
Tuesday, December 27, 2022**

The regular meeting of the Common Council of the City of Marshall was held December 27, 2022, 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: Amanda Schroeder, Craig Schafer, Steve Meister, John DeCramer, Russ Labat and James Lozinski. Absent: None. Staff present included: Sharon Hanson, City Administrator; Jason Anderson, Director of Public Works/City Engineer; E.J. Moberg, Director of Administrative Services; Karla Drown, Finance Director; Ilya Gutman, Plans Examiner; Lauren Deutz, Economic Development Director; Scott Truedson, Wastewater Supervisor and Steven Anderson, City Clerk.

The Pledge of Allegiance was recited at this time.

**Recognition of Departing Councilmembers**

Mayor Byrnes presented plaques to councilmembers Russ Labat and John DeCramer who did not run for re-election and are finishing their terms. Councilmember Labat served one term for Ward 2 from 2019-2022. Councilmember DeCramer served three terms for Ward 1 from 2009-2022.

**Approval of the Agenda**

E.J. Moberg, Director of Administrative Services, requested that council remove item number 11. Consider Approval of 2023 Workers Compensation Insurance to further evaluate a secondary quote. Motion made by Councilmember Meister, Seconded by Councilmember DeCramer to remove agenda item 11. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 7-0.**

**Consider Approval of the Minutes from the Regular Meeting Held on December 13, 2022**

Motion made by Councilmember Schafer, Seconded by Councilmember Labat to approve the minutes. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 7-0.**

**Public Hearing – Written Spending Plan and Resolution that Authorizes Providing Assistance and Transfer of Unobligated Tax Increments**

Sharon Hason, City Administrator, explained that as part of the omnibus tax bill enacted in July 2021, state statute 469.176 was amended, giving Minnesota communities temporary flexibility to use unobligated increment from existing tax increment districts to help stimulate private development that would not otherwise commence without the assistance before December 31, 2025. The bill states that municipalities may provide loans, interest rate subsidies, or assistance in any form (including an equity or similar investment in a private project) to private development, if it consists of new construction or substantial rehabilitation of buildings and ancillary facilities and if doing so will create or retain jobs in the State (including construction jobs). Mikaela Huot from Baker Tilly Municipal Advisors, LLC presented the information on the Tax Increment Financing spending plan. Up to \$500,000 are anticipated to be available as of December 31, 2022 to be used as improvements, loans, interest rate subsidies or assistance in any form to private development to further the Authority's redevelopment goals and objectives. Councilmembers verified that since the money is not required to be used in a TIF district businesses can use the money and immediately be on the tax rolls.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to close the public hearing. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 7-0.**

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer to approve Resolution 22-105. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat,

Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 7-0.**

**Approval of the Consent Agenda**

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

- Consider Approval of Various 2023 Liquor Licenses
- Consider Approval of Taxicab License Renewals
- Acknowledgement of Grants of Easement from Marshall ISD #413 (Lot 1, Block 1, Progress Addition) - 1) Grant of Sanitary Sewer Easement; 2) Grant of Pedestrian Facilities / Utility Easement
- Project ST-009: W Lyon St. / N 3rd St. Reconstruction Project - Consider Resolution Ordering Preparation of Report on Improvement
- Consider Lease Agreement Between Vishay Hirel Systems LLC and the City of Marshall
- Consider Approval of the Bills/Project Payments

**Proposed Adoption of Marshall 2040 Comprehensive Plan**

Minnesota State Law (Minnesota Statute §462.351) requires that all communities that wish to adopt and enforce zoning regulations or subdivision regulations shall have a Comprehensive Plan that guides the development and implementation of those official controls. Under State Statute, plans should include a combination of policy statements, goals, standards, and maps that guide the physical, social, and economic development of the community. At its core, the Comprehensive Plan should include policies and recommendations on land use that guide future land use decisions. However comprehensive plans generally include information on other topics, including economic development, utilities and facilities, the environment, cultural resources, and others. Mitchell Brouse and Stephanie Falkers from the SRF Consulting Group presented the City of Marshall 2040 Comprehensive Plan. This plan was developed over a 15-month planning process that included input from several community stakeholders, including a Comprehensive Plan Task Force, City of Marshall staff, local and regional stakeholders, and community members. A variety of community engagement activities were hosted to understand and incorporate the community opinions into the planning process. The plan includes eight chapters that highlight the goals, policies, and recommendations for the community and three appendices that support the plan. The following is an overview of the contents of each chapter within the plan:

Chapter 1: Introduction – Introduces readers to the comprehensive plan, including describing the purpose for a comprehensive plan, providing a brief history of planning in Marshall, and overviewing the planning process.

Chapter 2: Issues and Opportunities – Highlights the issues and opportunities identified throughout the planning process and illustrates how they were used to inform the plan’s goals, key themes, and focus areas.

Chapter 3: Land Use – Provides future development guidance for Marshall, including highlighting existing land uses and zoning districts, outlining future development guidance, and suggesting considerations and actions for the future.

Chapter 4: Utilities and Services – Reviews the existing utility and service infrastructure available within the City of Marshall and highlights tools and strategies for maintaining quality infrastructure while balancing growth opportunities.

Chapter 5: Economic Development – Highlights the existing economic characteristics within Marshall and the greater region, explores changing trends and opportunities, and highlights strategies that will inform future action and implementation.

Chapter 6: Environmental and Cultural Resources - Recognizes the diverse natural and cultural features that contribute to the identity of the community. Identifies tools for enhancing, preserving, and maintaining these resources.

Chapter 7: Communities Facilities – Reviews the existing community facilities and offerings available to Marshall community members, including those both offered by the city and other regional partners.

Chapter 8: Implementation –Identifies a plan for action that will be used to inform investment and growth decision making within the community that supports the goals and key themes identified through community input.

Appendix A: Early Engagement Summary – Provides a summary of the early engagement events and techniques used to inform the planning process and highlights the input heard through each event.

Appendix B: Community Profile – Provides an overview of existing and historic demographic and physical information about the community that informed the planning process. This information is intended to provide a snapshot of the community at the time the plan was drafted.

Appendix C: Zoning Analysis – Summarizes the findings of an analysis of Marshall’s existing zoning code to identify recommended updates and serve as a guide for making code amendments that facilitate implementation of the Comprehensive Plan.

Motion made by Councilmember Schroeder, Seconded by Councilmember Schafer to adopt the Marshall 2040 Comprehensive Plan. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 7-0.**

#### **Consider Approval of 2023 Workers Compensation Insurance**

This item was removed from the agenda.

#### **Project ST-002-2023: Bituminous Overlay on Various City Streets - Consider Memorandum of Understanding with ADM for North 7th Street Resurfacing**

City staff is proposing to include the resurfacing of North 7<sup>th</sup> Street with the ST-002-2023 project. City staff has communicated with ADM staff regarding the simultaneous resurfacing of the truck stacking lane to the east of North 7<sup>th</sup> Street that serves ADM truck traffic. City staff and ADM staff believe that it makes sense to resurface these areas at the same time to ensure the best, most uniform final product. The project is proposed as a bituminous mill and overlay, likely at a 2” depth. The City of Marshall Engineering Department will provide engineering services related to construction project administration for ST-002-2023. The construction project administration duties will include project design, bidding, inspection, testing and general construction project administration for the ST-002-2023 construction project. The ADM truck stacking lane area will be included within the scope of the ST-002-2023 construction project. The City of Marshall will cover all costs associated with construction project administration. ADM will provide financial support for the resurfacing of the pavement in the truck stacking lane area as shown on the MOU exhibit. The City is providing an initial cost estimate of \$115,065 for the pavement mill and overlay of the truck stacking lane area. This cost is an estimate for budgeting purposes only, and the actual project quantities and costs will be utilized for determination of costs to be billed to and paid by ADM. Councilmember Schafer questioned if the stacking lanes were private or public. Anderson confirmed that the lanes are owned and maintained by ADM.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to approve the memorandum of understanding with ADM. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 7-0.**

#### **Consider Appointment of Members to the Joint Airport Zoning Board**

The City of Marshall is in the process of updating the Airport Zoning Ordinance for the Southwest Minnesota Regional Airport (MML) to match the Airport Layout Plan (ALP). The purpose of updating the Airport Zoning Ordinance is to restrict land uses which may be hazardous to the operational safety of aircraft using the airport and to protect the safety and property of people on the ground in the area near the airport. At their meeting on January 11, 2022, the City

Council authorized entering into a professional services agreement with TKDA for update to the Airport Zoning Ordinance in the amount of \$49,500. At their meeting on March 22, 2022, the City Council authorized execution of Mn/DOT Grant Agreement No. 1049819 (S.P. A4201-104) for the Airport Zoning Ordinance Update in the amount of \$51,500 with participation rates of 70% State (\$36,050)/30% local (\$15,450). A part of the Zoning Ordinance update process includes the re-establishment of the Joint Airport Zoning Board (JAZB) in accordance with attached Minnesota Statutes Section 360.063, Subdivision 3, which indicates appointment of up to two individuals from each jurisdiction. Request letters for appointment of members were sent to Lyon County, City of Minnesota, City of Ghent and the 10 affected townships. City appointees cannot be elected officials or staff that is involved with decision-making for the airport or the City. City staff recommended that the City Council appoint an Airport Commission member and a Planning Commission member to represent the City on the JAZB. Staff has had conversation with Ron Halgerson, Airport Commission, and Larry Doom, Planning Commission, and both have expressed their willingness to serve the City of Marshall on the JAZB.

Motion made by Councilmember Meister, Seconded by Councilmember DeCramer to approve Ron Halgerson and Larry Doom as City of Marshall representatives on the JAZB. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 7-0.**

**Consider Resolution of Intent to Apply for the Minnesota Active Transportation State Infrastructure Program**

MnDOT is currently soliciting for Active Transportation Infrastructure Program grants between \$50,000 and \$500,000. If awarded, grants must be expended in 2023 or 2024. Community Transit of United Community Action Partnership (UCAP) has already submitted a letter of intent to submit a grant application, as required by the program. UCAP is now seeking to submit their full grant application for AT grant funding. UCAP needs the City of Marshall to serve as the sponsoring agency of their grant application. Grant applications are due by December 30<sup>th</sup>. The City of Marshall has some past precedence acting as the sponsoring agency for UCAP. Recently, Project Z52/SP139-090-005/MinnProj TA4219(231) UCAP Transit ADA Bus Access Project was completed in 2020 in the amount of \$182,655.20. The project resulted in the completion of bus shelter installation and sidewalk improvements at S. 4<sup>th</sup>/Stephen, N. 4<sup>th</sup>/Redwood, and Birch Street, including bus bump out on S. 4<sup>th</sup> Street. City staff has already worked up cost estimates and preliminary drawings bus stop improvements at locations near Walmart, Pizza Ranch, and Halta Villa Apartments, per UCAP request. These locations were all supposed to be included with a prior grant appropriation to UCAP that was unable to be fulfilled. The grant request is for the entire construction cost amount of \$203,499. Engineering fees are not a grant eligible expense. City staff plans to work with UCAP to determine if some engineering fees may be paid from UCAP to the City to help cover staff costs.

Motion made by Councilmember Labat, Seconded by Councilmember Schroeder to approve Resolution 22-106. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. Voting Abstaining: Councilmember DeCramer. The motion **Carried. 6-0-1.**

**Consider Resolution Supporting Pursuit of Active Transportation Infrastructure Funding for US 59 Pedestrian Crossing Improvements, CR 7/Airport Road Trail Crossing Improvements and Trail Realignment, and US 59 Trail Extension**

MnDOT is currently soliciting for Active Transportation Infrastructure Program grants between \$50,000 and \$500,000. If awarded, grant funds must be expended in 2023 or 2024. City of Marshall staff has been working with Bolton & Menk to submit a grant application for a project that would improve pedestrian and trail connectivity and safety at three different locations. The proposed project would add trail along US 59 between Boyer Drive and Windstar Street, add a RRFB pedestrian crossing and possible median at A Street/US 59, and add a RRFB pedestrian crossing on CR 7/Airport Road and realign the Camden Regional Trail to eliminate the need to use Airport Road as bike trail. Staff and Bolton and Menk are proposing to apply for the entire construction cost amount to be covered by the grant, with engineering costs to be covered with local funds. Engineering costs are not grant eligible. City staff would propose to hire Bolton & Menk to design the project and address all federal or state grant requirements. City staff would then administer and inspect the construction project; essentially, city staff would complete all tasks outside of initial project design and approvals. It

is estimated at this time that engineering services would not exceed \$50,000, and some of the costs may be split with Lyon County for the improvements to occur at CR 7. No formal agreement between Lyon County and the City exists at this time, and the City may need to cover all engineering costs if Lyon County is not agreeable to participate. The project construction estimate is \$360,381 for improvements at all locations. If a grant is offered, City staff will return to the City Council for consideration of acceptance and consideration of engineering contract with Bolton & Menk for project design.

Motion made by Councilmember Schafer, Seconded by Councilmember Schroeder to approve Resolution 22-107. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 7-0.**

**Consider Request of Wastewater Department for Northwest Industrial Lift Station Pump Replacement**

Scott Truedson, Wastewater Supervisor, presented the pump replacement request. The northwest industrial life station serves the Northwest Industrial Park and is a critical lift station. The two existing pumps are 11 years old with approximately 48,000 hours and are failing. These pumps were sized for a large service area that has not yet fully developed. We are proposing to replace the existing 30 hp pumps with smaller, 15hp pumps that are better suited for the current flow requirements. This will result in electrical savings and longer pump life. The two 15hp pumps can be purchased for \$33,874 a much larger cost saving than repairing or replacing with 30hp pumps.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to approve the purchase of two 15hp replacement pumps. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 7-0.**

**Consider Appointments to Library Board**

Mayor Byrnes requested that an item to consider appointments to the Library Board be added at this time.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to add the library board appointments item. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 7-0.**

Motion made by Councilmember Schafer, Seconded by Councilmember Labat to Appoint Ben Walker and Paula Botsford to the Library Board with terms ending 12/31/2025. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 7-0.**

**Commission/Board Liaison Reports**

Byrnes	No report.
Schafer	No report.
Meister	No report.
Schroeder	<u>Planning Commission</u> : Discussed rental code and the 2040 comprehensive plan.
DeCramer	<u>EDA</u> : Reviewed on-going projects and strategic planning. <u>MMU</u> : Approved 2023 budget and have either completed or in progress of switching all the downtown streetlamps to LEDs. <u>Public Housing</u> : Has not met because of weather but there will be an opening at the end of the year and the commission is looking for a replacement.

Labat                No report.  
Lozinski            No report.

**Councilmember Individual Items**

Councilmember Schafer gave praises to the City of Marshall Street Department for their efforts during the snowstorms. Shafer also gave thanks to citizens who were actively removing and clearing snow.

Councilmember Meister and Schroeder echoed Councilmember Schafers sentiments regarding the street department and snow removal.

Councilmember Lozinski commented how well cleared the roads in Marshall are compared to some twin cities neighborhoods and that the levy increases to keep services will be well utilized. Lozinski also gave credit to staff regarding the agenda item that was removed.

Councilmember Labat wanted to remind citizens to clear snow around fire hydrants. Councilmember Labat thanked city staff, commission/board members, the citizens of ward 2, and his wife and family for the time spent during the past four years.

Councilmember DeCramer thanked the citizens of Marshall and recounted the various projects and events that happened during his tenure on city council.

**City Administrator**

Hanson noted that the Parks Department also spent a considerable amount of time to clear trails from the snowstorms.

**Director of Public Works/City Engineer**

Anderson will be meeting with the Downtown Business Association on January 4<sup>th</sup> to discuss the 3<sup>rd</sup> Street project.

**City Attorney**

Absent.

**Informational Only**

There were no questions on the information only items.

**Upcoming Meetings**

There were no questions on the upcoming meetings.

**Adjourn**

Motion made by Councilmember Labat, Seconded by Councilmember DeCramer to adjourn. Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. Voting Nay: Councilmember Schafer. The motion **Carried. 6-1.**

Attest:

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

\_\_\_\_\_  
Mayor

**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Presenter:</b>	Steven Anderson
<b>Meeting Date:</b>	Tuesday, January 10, 2023
<b>Category:</b>	CONSENT AGENDA
<b>Type:</b>	ACTION
<b>Subject:</b>	Consider a Resolution Designating the Official Newspaper.
<b>Background Information:</b>	<p>City Charter, Section 12.01 of the City of Marshall requires the City Council to annually designate a local newspaper as its official newspaper for purposes of public notices.</p> <p>The Marshall Independent is the local paper and is currently the identified paper.</p>
<b>Fiscal Impact:</b>	
<b>Alternative/ Variations:</b>	
<b>Recommendations:</b>	To adopt the resolution designating the Marshall Independent as the official newspaper for the City of Marshall

**RESOLUTION NUMBER 23-001**

**RESOLUTION DESIGNATING THE MARSHALL MINNESOTA "INDEPENDENT" AS  
THE OFFICIAL NEWSPAPER FOR  
THE CITY OF MARSHALL**

WHEREAS, the City Charter, Section 12.01 of the City of Marshall, Minnesota requires the City Council to annually designate a local newspaper as its official newspaper;

NOW THEREFORE, BE IT RESOLVED, the Marshall, Minnesota "Independent" is designated as the official Newspaper for the City of Marshall, Minnesota.

Passed and adopted this 10<sup>th</sup> day of January 2023.

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Mayor of the City of Marshall

ATTEST:

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City Clerk



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Presenter:</b>	Karla Drown
<b>Meeting Date:</b>	Tuesday, January 10, 2023
<b>Category:</b>	CONSENT AGENDA
<b>Type:</b>	ACTION
<b>Subject:</b>	Consider resolution delegating authority to the city to make electronic fund transfers
<b>Background Information:</b>	Minnesota Statute 471.38 allows for electronic fund transfers (EFT) payments for payroll, contributions to pension and retirement funds, vendors and bond principal, bond interest and fiscal agent fees.
<b>Fiscal Impact:</b>	
<b>Alternative/ Variations:</b>	
<b>Recommendations:</b>	Approve Resolution Number 23-002 giving the City authority to make Electronic Fund Transfers

**RESOLUTION NUMBER 23-002**

**RESOLUTION GIVING THE CITY AUTHORITY TO  
MAKE ELECTRONIC FUND TRANSFERS**

WHEREAS, Minnesota Statute, Section 471.38 allows the use of electronic funds transfer for the following payments:

- a. for a claim for payment from an imprest payroll bank account or investment of excess money;
- b. for a payment of tax or aid anticipation certificates;
- c. for vendor payments;
- d. for payment of bond principal, bond interest and a fiscal agent service charge from the debt redemption fund; and

WHEREAS, Section 471.38 requires that certain policy controls be enacted in order for a local government to utilize electronic funds transfer, including that the governing body annually delegate the authority to make electronic funds transfers to a designated business administrator or chief financial officer or the officer's designee.

NOW THEREFORE, BE IT RESOLVED, the City Council of the City of Marshall delegates the authority to make electronic funds transfers on behalf of the city to the city's finance director or their designee.

BE IT FURTHER RESOLVED, the Finance Director is directed to take all steps necessary for compliance with Minn. Stat. § 471.38.

Passed and adopted by the City Council this 10<sup>th</sup> day of January 2023.

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

ATTEST:

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



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Presenter:</b>	Karla Drown
<b>Meeting Date:</b>	Tuesday, January 10, 2023
<b>Category:</b>	CONSENT AGENDA
<b>Type:</b>	ACTION
<b>Subject:</b>	Consider Resolution designating the Official Depositories for City Funds for 2023.
<b>Background Information:</b>	State Statutes requires that the City designates general depositories for the City monies. The attached resolution designates Bremer Bank, N.A. as the official general depository for 2023.
<b>Fiscal Impact:</b>	
<b>Alternative/ Variations:</b>	
<b>Recommendations:</b>	The adoption of RESOLUTION NUMBER 23-003, appointing the Official Depositories for City Funds for 2023.

RESOLUTION NUMBER 23-

APPOINTING OFFICIAL DEPOSITORIES FOR CITY FUNDS FOR 2023

WHEREAS, State Statutes require that the City designate general depositories for the City monies:

WHEREAS, Additional banks have been added or changed names;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARSHALL, MINNESOTA, that Bremer Bank, N.A. be designated as the official general depository for 2023 for the City's general operating checking accounts;

BE IT FURTHER RESOLVED that the following be designated as official depositories for the City's temporary investment program for 2023.

Bank of the West	Bremer Bank, N.A.
Bremer Trust, N.A.	First Independent Bank
First Interstate Bank	Minnwest Bank
U.S. Bank	United Southwest Bank
Wells Fargo Bank Minnesota, N.A.	State Bank of Taunton
4M Fund – Minnesota Municipal Money Market Fund	

BE IT FURTHER RESOLVED that investment counselors may be utilized for the acquisition of commercial paper, banker's acceptances, brokered CDs, taxable munis and governmental securities;

BE IT FURTHER RESOLVED that the designation of the foregoing depositories is contingent upon receipt by the City of Marshall of evidence of sufficient collateral in the amount and kinds as required by the State Statutes.

BE IT FURTHER RESOLVED, that the Finance Director shall have authority to wire transfer funds from one official depository to another for the purpose of investing City funds.

Passed and adopted by the City Council this 10<sup>th</sup> day of January 2023.

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

ATTEST:

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

**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Presenter:</b>	E.J. Moberg
<b>Meeting Date:</b>	Tuesday, January 10, 2023
<b>Category:</b>	CONSENT AGENDA
<b>Type:</b>	ACTION
<b>Subject:</b>	Consider approval of a resolution to authorize the Finance Director to pay certain claims
<b>Background Information:</b>	<p>Minnesota State Statute §412.271, subd. 8 authorizes the council to delegate the authority to pay certain claims made against the city to a city administrative official. Minnesota State Statute §471.425 requires Minnesota cities to pay bills within 35 days from the “date of receipt” defined as the completed delivery of the goods or services or the satisfactory installation, assembly or specified portion thereof, or the receipt of the invoice for the delivery of goods or services, whichever is later.</p> <p>With the Council only scheduled to meet twice a month and with the process to receive, approve and submit claims by city division heads, the timing of the entire process could impact prompt claim approval. For operational efficiency and to comply with state statute for the prompt payment of claims, delegating the authority to pay certain claims prior to Council approval is recommended.</p> <p>Authorization requested annually. No significant changes from previous year.</p>
<b>Fiscal Impact:</b>	
<b>Alternative/ Variations:</b>	No alternative actions recommended.
<b>Recommendations:</b>	Approve the resolution authorizing the Finance Director to pay certain claims.

**RESOLUTION NUMBER 23-004**

**RESOLUTION TO AUTHORIZE THE FINANCE DIRECTOR TO PAY  
CERTAIN CLAIMS**

WHEREAS, Minnesota State Statute §412.271 subd. 8 authorizes the council to delegate the authority to pay certain claims made against the city to a city administrative official; and,

WHEREAS, Minnesota State Statute §471.425 requires Minnesota cities to pay bills within 35 days from the “date of receipt,” defined as the completed delivery of the goods or services or the satisfactory installation, assembly or specified portion thereof, or the receipt of the invoice for the delivery of goods or services, whichever is later; and,

WHEREAS, the Marshall City Council (“Council”) meets the second and fourth Tuesday of the month throughout the year and approves bill claims lists as part of its regular business meetings; and,

WHEREAS, on occasion there is an extra week in between Council meetings, which may create difficulty for the City to meet the statutory 35-day requirement;

BE IT HEREBY RESOLVED, that the Council delegates and authorizes the Finance Director may pay the following types of claims made against the City prior to Council Approval:

- Payroll activity, including insurance (medical, dental, etc.), all other withholdings, and non-overnight meals and other taxable expenses
- Insurance premiums and deductibles – workers’ comp, property casualty, liability, auto, etc.
- Subpoena/service fees
- Monthly support and maintenance (County PD Support, copier leases, postage, etc.)
- Credit cards and/or other charge cards or accounts with supporting detail for transaction(s) - - to company/business only;
- Expenses that would receive a discount or incur a penalty if not paid before claims submitted at the next regularly scheduled meeting would be issued by the City and reasonably expected to be received by the vendor
- Miscellaneous taxes, including property tax & lodging tax
- Payments to Recorder for document/lien recordings or releases
- Debt payments or other claims with fixed payment schedules (TIF PayGo payments, etc.)
- Payments on City approved contracts or agreements (such as City Attorney, garbage/recycling, CVB and Chamber agreements)
- Registrations and dues approved by the Division Director
- Reimbursement to employees for travel related expenses (hotel, mileage, parking, overnight meals, etc.) approved by the Division Director
- Monthly employee cell phone allowance

- Tall Grass Liquor inventory purchases
- Petty Cash Requests for special events
- To reissue any check, after receiving a signed affidavit

BE IT FURTHER RESOLVED, that on considering the sum charged excessive or for any claims with other possible questions or issues, as determined by the Finance Director, those bills will not be issued but will be presented to the Council for action at its next regularly scheduled meeting;

BE IT FURTHER RESOLVED, that the Finance Director will not be held personally liable for payment for any claim falling into the above authorized types the City Council later disagrees with, disapproves of, or questions;

BE IT FURTHER RESOLVED, the above delegation and authority conferred shall be and remain in full force and effect until written notice of any amendment or revocation thereof shall have been delivered to the Finance Director; and

BE IT FURTHER RESOLVED, that as part of internal accounting and administrative control procedures and for informational purposes, a list of all such claims paid be presented to the City Council at its next regularly scheduled meeting.

Passed and adopted by the Council this 10<sup>th</sup> day of January 2023.

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Robert Byrnes, Mayor

Attest:

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Steven Anderson, City Clerk

**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Presenter:</b>	Ilya Gutman and Amanda Beckler
<b>Meeting Date:</b>	Tuesday, January 10, 2023
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	INFO/ACTION
<b>Subject:</b>	Ordinance Amendment to Chapter 82, Article 82-I, Section 82-1 Grass, and Weeds on Private Property
<b>Background Information:</b>	<p>The added subparagraphs (1) and (2) will permit reduced mowing in areas far away from where people usually are and from around bodies of water. This will save people (and the City) money and will also leave more natural areas around without negatively affecting appearance and safety.</p> <p>Additionally, City Council approved and adopted the resolution calling for the increase and improvement of pollinator habitat at the September 27, 2022, City Council meeting. Considering pollinator habitat includes a large variety of plant species which grow to heights greater than eight inches, new subparagraph (3) will remove grass height restrictions for city-owned property to increase and maintain quality habitat for at-risk species.</p> <p>At the meeting on November 22, 2022, Legislative and Ordinance Committee voted to recommend to council the approval of revisions to City Ordinance Sections Chapter 82, Article 82-I, Section 82-1 Grass, and Weeds.</p> <p>The Ordinance Amending Chapter 82, Article 82-I, Section 82-1 Grass, and Weeds on Private Property was introduced on December 13, 2022, City Council meeting.</p>
<b>Fiscal Impact:</b>	N/A
<b>Alternative/ Variations:</b>	None
<b>Recommendations:</b>	that the Council adopt Ordinance No. 23-001, which is the Ordinance Amending Chapter 82, Article 82-I, Section 82-1 Grass, and Weeds on Private Property.

**SUMMARY ORDINANCE NO. 23-001  
AMENDING CHAPTER 82 SEC. 82-1  
GRASS AND WEEDS ON PRIVATE PROPERTY**

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

Section 1: City Code of Ordinances, Chapter 82, Article 82-1, Section 82-1 Grass, and Weeds on Private Property is hereby amended.

Section 2: It is hereby determined that publication of this Title and Summary Ordinance will clearly inform the public of the intent and effect of Ordinance No. 23-001.

It is hereby directed that only the above Title and Summary of Ordinance No. 23-001 be published conforming to Minnesota Statutes §331A.01 with the following:

**NOTICE**

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

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

Passed and adopted by the Common Council this 10th day of January 2023.

THE COMMON COUNCIL

ATTEST:

\_\_\_\_\_  
Mayor of the City of Marshall, MN

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

Introduced on: December 13, 2022

Final Passage on:

Published in the Marshall Independent:

Sec. 82-1. - Grass and weeds ~~on private property~~.

(a) It is unlawful for any owner, occupant or agent of any lot or parcel of land in the city, to allow any weeds or grass growing upon any such lot or parcel of land to grow to a greater height than eight inches ~~or to allow such weeds or grass to go to seed~~, unless such grass ~~or seed~~ is brome grass or alfalfa, which is cut, baled and removed from the premises according to normal farming practices.

(1) The provision of subparagraph (a) does not apply to any area within Industrial and Agricultural zoning districts, as defined in Chapter 86 Zoning, provided that the area with grass exceeding 8 inches in height is located at least 200 feet from the nearest occupiable building and 100 feet from such building on the same lot; and at least 50 feet from the public right of way, a sidewalk, bike path, parking lot, or any other site feature reasonably expected to be visited by the general public on a regular basis.

(2) The provision of subparagraph (a) does not apply, with the approval of the City Engineer, in all zoning districts within 15 feet of the top of the slope of any permanent body of water such as a pond or a river.

(3) The provision of subparagraph (a) does not apply to City owned agriculturally zoned land maintained as weeded prairie, pollinators, meadow or natural landscape vegetation that does not contain noxious weed growth and that includes the cultivation of native grasses indigenous to Minnesota; and native vegetation shall be cut at least once annually between April 15 and July 15 to a height no greater than ten inches.

(b) If any such owner, occupant or agent fails to comply with this height limitation and, after notice given by the city clerk, has not within seven days of such notice complied, the city shall cause such weeds or grass to be cut and the expenses thus incurred shall be a lien upon such real estate. The finance director shall certify to the county auditor a statement of the amount of the cost incurred by the city. Such amount, together with interest, shall be entered as a special assessment against such lot or parcel of land and be collected in the same manner as real estate taxes.

(Code 1976, § 10.25; Ord. No. 723 2nd Series, § 1, 8-8-2017)

**State Law reference**— Minnesota Noxious Weed Law, Minn. Stat. § 18.75 et seq.; special assessment authorized, Minn. Stat. § 429.101.

**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Presenter:</b>	Cassi Weiss/Steven Anderson
<b>Meeting Date:</b>	Tuesday, January 10, 2023
<b>Category:</b>	CONSENT AGENDA
<b>Type:</b>	ACTION
<b>Subject:</b>	Adopt Ordinance Amending Chapter 70, Article 70-II Lodging Tax, Sec. 70-22 Imposition
<b>Background Information:</b>	<p>Visit Marshall/Convention and Visitors Bureau met and discussed changes to the current makeup of the CVB. Suggestions brought up were to keep three hotel members, add a SMSU representative and a food/beverage position. To keep members at nine the CVB wants to eliminate the Marshall Chamber of Commerce position and one at large.</p> <p><u>Current Members:</u>            3 Hotel and 1 Chamber (no city residency requirement)            5 At Large (city residency requirement)</p> <p><u>Suggested Members:</u>            3 Hotel, 1 SMSU, and 1 Food &amp; Beverage (no city residency requirement)            4 At Large (city residency requirement)</p>
<b>Fiscal Impact:</b>	
<b>Alternative/ Variations:</b>	
<b>Recommendations:</b>	To Adopt an Ordinance Amending Chapter 70, Article 70-II Lodging Tax, Sec. 70-22 Imposition

**CITY OF MARSHALL  
ORDINANCE 23-002**

**NOW THEREFORE**, be it ordained by the Common Council of the City of Marshall, in the State of Minnesota, as follows:

**SECTION 1:**            **AMENDMENT** “Section 70-22 Imposition” of the Marshall Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Section 70-22 Imposition

- (a) There is hereby imposed a tax of four and one-half percent on the rent charged by an operator for providing lodging to any person. The tax shall be stated and charged separately and shall be collected by the operator from the lodger. The tax collected by the operator shall be a debt owed by the operator to the city and shall be extinguished only by payment to the city. In no case shall the tax imposed by this article upon an operator exceed the amount of tax, which the operator is authorized and required by this article to collect from a lodger.
- (b) The officially recognized local convention or tourism bureau (hereafter referred to as the "bureau") shall be established to promote convention, visitor, and tourism economic development activities benefitting the city and have all powers, rights, duties, and obligations set forth in Minn. Stat. § 469.190, inclusive, as amended, and other law and to be further set forth by ordinance adopted by the city council except as otherwise limited as follows:
  - (1) The bureau's board of directors shall be composed of nine voting members. The voting members shall include: ~~one active member of the Marshall Area Chamber of Commerce as they shall appoint~~; three active lodging operators as they shall appoint; one representative from Southwest Minnesota State University (SMSU) as they shall appoint; one representative from the food and beverage industry as they shall appoint; and ~~five~~ four additional representatives, not serving as members of any of the aforementioned organizations or lodging operators with designated appointments, who reside within the incorporated municipal boundaries of the city and are appointed by the mayor and confirmed by the city council. The bureau shall also include one non-voting liaison member who is a member of the city council and is appointed by the mayor and confirmed by the city council.
  - (2) Meetings of the bureau shall be public. Written notice of the date, time, place, and agenda of the meeting must be posted at its place of business and at the city officially designated board at least three days before the meeting. In addition to posting notice, the bureau must also provide advance notice to each person who has filed a written request for notice of special meetings with

- the bureau.
- (3) The bureau shall annually present the city council at a scheduled meeting the final proposed budget prior to adoption.
  - (4) The bureau shall complete an audit at their expense for its past fiscal year to be provided and presented to the city after completion.
  - (5) The bureau shall annually present to the city council at a scheduled meeting a report illustrating the expenditures and activities of the bureau for the previous fiscal year.
  - (6) The city council must authorize the official location of the bureau for purposes of day to day operations by a majority approval following a public hearing at a regularly scheduled meeting.
  - (7) The bureau shall govern under formally adopted bylaws and other written policies and procedures as it shall determine necessary and appropriate. Such bylaws and other written policies shall be provided as adopted and amended from time to time to the city clerk.
  - (8) The bureau shall make available all bylaws, policies, procedures, financial records, payroll records, documents and other relevant information to the city upon request to ensure appropriate disposition of public tax proceeds.

(Ord. No. 668 2nd series, § 1, 12-18-2012; Ord. No. 683 2nd series, 12-10-2013)

**Note(s)**—Laws of Minnesota 2010 Chapter 389, Article 5, Section 6, as amended, authorized the city to impose a one and one-half percent tax on lodging related services provided within a guest room on hotels, motels and other lodging facilities in the city to assist in funding the new and existing facilities of the Minnesota Emergency Response and Industry Training Center and the new and existing facilities of the Southwest Minnesota Regional Amateur Sports Center. The city approved the Act in accordance with applicable law. This tax is in addition to all other lodging taxes imposed by the city pursuant to Minn. Stat. § 469.190 including additional powers, rights, duties, and obligations provided in section 70-22(b). This portion of the lodging [tax] shall take effect June 1, 2013.

PASSED AND ADOPTED BY THE CITY OF MARSHALL COMMON COUNCIL  
January 10, 2023.

Presiding Officer

Attest

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

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

**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Presenter:</b>	Steven Anderson
<b>Meeting Date:</b>	Tuesday, January 10, 2023
<b>Category:</b>	CONSENT AGENDA
<b>Type:</b>	ACTION
<b>Subject:</b>	Adopt Ordinance Amending Chapter 2, Article 2-VI-1 Generally, Sec. 2-145 Qualifications and Compensation
<b>Background Information:</b>	<p>Ordinance 21-001 was passed and adopted by the city council on January 26, 2021. This ordinance amendment allowed the MERIT Center Commission and DEI Commission to broaden it available pool of applicants. Ordinance 22-003 passed on May 10, 2022 updated the non-residency requirement to include the Airport and Adult Community Center Commissions as well, both of which were lacking in the interest of city residents to join and had outstanding vacancies.</p> <p>It was brought to the attention of the City Clerk that this ordinance be reviewed and limit the non-residency requirement to 25% of a board, commission, or authority members. On November 22, 2022 the Legislative and Ordinance Committee reviewed the proposed language and voted 3-0 to recommend the ordinance be brought to council. The amended Ordinance was introduced on December 13, 2022.</p>
<b>Fiscal Impact:</b>	
<b>Alternative/ Variations:</b>	
<b>Recommendations:</b>	To Adopt the amendment to Chapter 2, Article 2-VI-1 Generally, Sec. 2-145 Qualifications and Compensation.

**CITY OF MARSHALL  
ORDINANCE 22-XXX**

**NOW THEREFORE**, be it ordained by the Common Council of the City of Marshall, in the State of Minnesota, as follows:

**SECTION 1:****AMENDMENT** “Section 2-145 Qualifications And Compensation” of the Marshall Municipal Code is hereby *amended* as follows:

**B E F O R E   A M E N D M E N T**

Section 2-145 Qualifications And Compensation

- (a) All members to any board, commission, bureau, or authority must be a resident of the city with the exception of the MERIT Center Commission; Diversity, Equity, and Inclusion Commission; Adult Community Center Commission; and Airport Commission
- (b) All appointed board, commission, bureau or authority members shall serve without compensation, but may be reimbursed for out-of-pocket expenses incurred in the performance of their duties.

(Ord. No. 718 2nd series, 4-11-2017; Ord. No. 21-001, 1-26-2021)

**A F T E R   A M E N D M E N T**

Section 2-145 Qualifications And Compensation

- (a) All members to any board, commission, bureau, or authority must be a resident of the city with the exception of the MERIT Center Commission; Diversity, Equity, and Inclusion Commission; Adult Community Center Commission; and Airport Commission **which are restricted to twenty-five percent (25%), rounded up to the nearest whole number, of its members residing outside of the city.**
- (b) All appointed board, commission, bureau or authority members shall serve without compensation, but may be reimbursed for out-of-pocket expenses incurred in the performance of their duties.

(Ord. No. 718 2nd series, 4-11-2017; Ord. No. 21-001, 1-26-2021)

PASSED AND ADOPTED BY THE CITY OF MARSHALL COMMON COUNCIL

Presiding Officer

Attest

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

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

**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Presenter:</b>	Sharon Hanson
<b>Meeting Date:</b>	Tuesday, January 10, 2023
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	ACTION
<b>Subject:</b>	Introduce Ordinance Authorizing Sale of City Owned Land
<b>Background Information:</b>	<p>The City of Marshall owns a parcel of property approximately 30,000 square feet located at the northeast corner of Main &amp; Boyer.</p> <p>CenterPointe Real Estate Group and the City entered into a Letter of Intent dated November 18, 2022 and the Letter of Intent specifically states that it is not intended to be contractual in nature or create any legal obligations and that the parties shall not be bound in any way until a formal agreement is executed between the parties.</p> <p>City Charter Ch.12 Section 05 requires that no real property of the City shall be disposed of except by ordinance. The City Charter also specifies that no ordinance shall be passed in the same meeting that it is introduced.</p> <p>A real estate contract between the City of Marshall and CenterPointe Real Estate Group, LLC has been received and is attached for consideration. Pursuant to Section 12.05 of the Marshall Charter, the City Council will have final approval of sale of the property.</p>
<b>Fiscal Impact:</b>	
<b>Alternative/ Variations:</b>	
<b>Recommendations:</b>	To introduce an ordinance authorizing the sale of city owned land.

## REAL ESTATE CONTRACT

**THIS REAL ESTATE CONTRACT** (the "Agreement") dated this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by and between the City of Marshall, a Minnesota municipal corporation (the "Seller") and CenterPointe Real Estate Group, LLC, an Arizona limited liability company (the "Purchaser").

1. **Conveyance:** Seller agrees to sell and convey to Purchaser and Purchaser agrees to purchase from Seller that certain real property consisting of approximately 30,000 square feet of land located at the northeast corner of Main and Boyer in City of Marshall, Lyon County, Minnesota (PID 27-60536-0), together with all rights, title and interest, if any, of Seller in and to (i) all adjacent streets, alleys and rights-of-way lying between such real property and adjacent properties, (ii) all rights (but excluding mineral, water and irrigation rights), privileges, leases, tenements, hereditaments, access rights, common area rights, and easements appurtenant to, benefitting, or belonging to such real property; and (iii) all buildings and improvements located on the real property (collectively, the "Property"). The Property is shown on the attached Exhibit A.

2. **Price:** Purchase agrees to pay Seller **\$55,000.00** (the "Purchase Price") for the Property at closing. The Purchase Price, less any Earnest Money shall be payable by either a certified check or by wire transfer.

3. **Earnest Money:** Purchaser shall deposit with the Escrow Agent referred to in Section 4, within fifteen (15) business days after the Escrow Agent receives a fully executed copy of this Agreement, (the date Escrow Agent receives a fully-executed copy of this Agreement being the "Opening Date") \$1,000.00 (the "Earnest Money"), to be credited against the Purchase Price at Closing and refundable as set forth herein. The Earnest Money shall be refundable until expiration of the Due Diligence Period (defined below) and all exercised extensions.

4. **Due Diligence:** This Agreement is subject to the following conditions:

A. Within fifteen (15) business days after the Opening Date, Purchaser shall obtain a title commitment for an ALTA extended coverage owner's title insurance policy in the amount of the Purchase Price (the "Title Policy") from Kari Hollencamp, Tri-County Abstract and Title Guaranty, 122 12<sup>th</sup> Ave N., St. Cloud, MN 56303; karih@tricityabstract.com; 320-253-2096 (the "Escrow Agent") and deliver a copy thereof, together with all documents listed in Schedule B of the title commitment to Purchaser. At least ten (10) business days prior to expiration of the Due Diligence Period ("Title Objection Date"), Purchaser shall deliver written notice to Seller of any objections to matters set forth in the title commitment, any survey obtained by Purchaser and/or the Schedule B documents (collectively, the "Title Objection Notice"). Within five (5) business days after receipt of the Title Objection Notice, Seller shall advise Purchaser in writing ("Title Response Notice") whether: (i) Seller will remove or endorse over (at Seller's expense) the objectionable exceptions on or before the Closing (in which case, such exceptions shall not be Permitted Encumbrances and shall be either removed or endorsed over by Seller on or before the Closing); or (ii) Seller elects not to cause such exceptions to be removed or endorsed over. Seller's failure to timely and properly give notice to Purchaser on or before such date shall

be deemed to be Seller's election not to cause such exceptions to be removed or endorsed over. If Seller gives Purchaser notice or is otherwise deemed to have elected not to cause such exceptions to be removed, Purchaser shall, prior to expiration of the Due Diligence Period, elect to: (i) proceed with the purchase and accept title to the Property subject to the exceptions to title to which Purchaser objected, or (ii) terminate this Agreement. If Purchaser shall fail to give Seller notice of its election on or before the end of the Due Diligence Period, Purchaser shall be deemed to have elected to proceed with the purchase and to have waived its objections to such exceptions. Any exceptions to title contained approved by Purchaser are referred to in this Agreement as the "Permitted Encumbrances." Notwithstanding anything to the contrary set forth herein, any and all monetary liens (including mechanics' liens) shown on the title commitment, and any delinquent taxes and assessments, shall be removed by Seller from title on or before the Closing and shall not constitute Permitted Encumbrances (regardless of whether or not Purchaser objects to such exception). If Purchaser opts to terminate this Agreement pursuant to this paragraph, the Earnest Money shall be refunded to Purchaser.

- B. Within fifteen (15) business days after the Opening Date, Seller shall deliver all leases encumbering the Property and other reports, surveys, and inspections, if any, in Seller's possession (the "Seller Due Diligence Materials"). If Purchaser is not satisfied with Purchaser's investigations and inspections with respect to the Property, including Purchaser's ability to obtain all governmental approvals and permits related to Purchaser's proposed development of the Property and the lot split creating the Property, within one hundred twenty (120) days following the Opening Date (the "Due Diligence Period"), Purchaser will have the absolute right to cancel this Agreement for any reason whatsoever or no reason, in Purchaser's sole and absolute discretion. In the event of such cancellation, the Earnest Money shall be returned to Purchaser. Unless Purchaser gives notice of cancellation prior to expiration of the Due Diligence Period (as may be extended as set forth below), then Purchaser will be deemed to have elected not to cancel the Agreement under this provision and the Earnest Money shall become non-refundable to Purchaser except due to a Seller default or as otherwise provided hereinafter. Notwithstanding the foregoing, Purchaser shall have the option to extend the Due Diligence Period for three (3) thirty (30) day periods with notice to Seller prior to expiration of the then expiring Due Diligence Period and deposit with Escrow Agent within three (3) business days after such expiration the amount of \$500.00 per extension, which amounts shall be applicable to the Purchase Price and shall be non-refundable (except as to a Seller default).
- C. During the Due Diligence Period Purchaser shall be entitled to obtain boring, percolation, and other soil tests determining the physical characteristics of the sub-strata of the Property and showing that the soil and ground water are not contaminated and that the Property is satisfactory, in Purchaser's sole judgment. Seller hereby grants to Purchaser, its agents and contractors, the right to enter upon the Property for such testing. Purchaser hereby agrees to indemnify, defend, and hold Seller harmless from and against any and all losses, claims, causes of action, liabilities and costs of defense incurred by Seller arising out of the actions of Purchaser, its agents, employees, contractors, or invitees in carrying out Purchaser's investigations of the Property, unless due to the negligence or willful misconduct of Seller or its agents, employees, or contractors.

5. **Closing:** This sale shall be closed in escrow with the Escrow Agent listed in Section 4, sixty (60) days after the expiration of the Due Diligence Period, as may be extended (the "Closing"). All real estate taxes are to be paid through the date of Closing by Seller. If the amount of such taxes for the year Closing occurs are not then ascertainable, the amount of taxes shall be pro rated between Seller and Purchaser based on the amount of the most recent ascertainable taxes. All transfer and conveyance taxes or documentary stamps and special real estate taxes and assessments existing on the date of Closing shall be paid for by Seller. Seller agrees to pay all costs related to preparation of the Deed (defined below) and commissions to Seller's broker. Purchaser agrees to pay the cost of the title commitment and any title search and examination fees, the premium for the title insurance policy and any extended coverage and any title endorsements desired by Purchaser, and for any lender's policy of title insurance. Purchaser shall be responsible for the recording costs of the Deed. Purchaser shall be responsible for commissions to Purchaser's broker. Seller shall be responsible for the recording costs for recording any documents necessary to make title marketable. All monthly prorations (including rental income and expenses, if any) will be made on the basis of a thirty (30) day month. All escrow fees, recording fees and other escrow-related charges are to be paid by the Purchaser. Each party shall be responsible for its own attorneys and accounting fees.

In addition to the foregoing, at Closing, Seller shall execute and/or deliver to Escrow Agent the following: (i) a limited warranty deed ("Deed") conveying all of Seller's right, title and interest in and to the Property to Purchaser, free and clear of all encumbrances, except the Permitted Encumbrances; (ii) an Affidavit of Seller indicating that on the date of Closing, to the best of Seller's knowledge, there are no outstanding, unsatisfied judgments, tax liens (other than the lien of real estate taxes not yet due and payable) or bankruptcies against or involving Seller or the Property; (iii) a non-foreign affidavit properly containing such information as is required by IRC Section 1445(b)(2) and its regulations; (iv) a closing and disbursement statement showing the Purchase Price, the costs and expenses of the Closing attributable to each of Purchaser and Seller, and the disbursement of funds; and (v) such other documents required by the Escrow Agent required to record the Deed and issue the Title Policy.

As Closing Purchaser will execute and/or deliver or cause to be executed to Escrow Agent the following: (i) the Purchase Price, by wire transfer of immediately available funds; (ii) a closing and disbursement statement showing the Purchase Price, the costs and expenses of the Closing attributable to each of Purchaser and Seller; and (iii) such other documents, instruments and affidavits as shall be necessary to consummate the transaction contemplated hereby.

6. **Possession:** Seller promises to deliver sole and actual possession of the Property to Purchaser, free and clear of all tenancies and parties in possession at Closing.

7. **Brokerage:** Each party warrants and represents to the other that no real estate sales or brokerage commissions or like commissions are or may be due in connection with this transaction. Each party agrees to indemnify, defend (with legal counsel reasonably acceptable to the indemnitee) and hold harmless the other party for, from and against any claims by third parties made by or through the acts of such party, for real estate or brokerage commissions, or a finder's fee, in connection with the transactions provided herein, and all costs and expenses incurred by the indemnitee in connection therewith including, but not limited to, reasonable attorneys' fees. Seller

acknowledges that J. Clint Jameson, who is a member and/or manager of Purchaser is a real estate agent or broker licensed in the State of Arizona.

8. **Default.** (a) If Purchaser defaults in its obligations hereunder, Seller shall deliver written notice of such default and Purchaser shall have ten (10) business days from the receipt of written notice of default, to cure the default. Should Purchaser fail to cure the default timely, Seller, as its sole and exclusive remedy, shall be entitled to terminate this Agreement and the Earnest Money shall be forfeited to Seller; (b) if Seller defaults in its obligations hereunder, Purchaser shall deliver written notice of such default and Seller shall have ten (10) business days to cure the default. Should Seller fail to cure the default timely, Purchaser shall be entitled to terminate this Agreement and have the Earnest Money returned.

9. **Notices.** Any notice or other communication in connection with this Agreement shall be in writing and shall be sent by United States certified mail, return receipt requested, postage prepaid, by nationally recognized overnight courier guarantee next day delivery, by email, or by personal delivery, properly addressed as follows:

If to Seller:                   City of Marshall Minnesota  
344 W. Main Street  
Attn: Sharon Hanson  
Marshall, MN 56258  
Email: Sharon.Hanson@ci.marshall.mn.us

If to Purchaser:               CenterPointe Real Estate Group, LLC  
Attn: J. Clint Jameson  
4526 E. Calle Tuberia  
Phoenix, AZ 85018  
[clint@centerpointe-dev.com](mailto:clint@centerpointe-dev.com)  
[amy@centerpointe-dev.com](mailto:amy@centerpointe-dev.com)

All notices shall be deemed given three (3) business days following deposit in the United States mail with respect to certified or registered letters, one (1) business day following deposit if delivered to an overnight courier guaranteeing next day delivery, and on the same day if sent by personal delivery or email. Attorneys for each party shall be authorized to give notices for each such party. Any party may change its address for the service of notice by giving written notice of such change to the other party, in any manner above specified.

10. **Counterparts; Entire Agreement/Modification:** This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. It is understood that there are no oral or written agreements or representations between Seller and Purchaser affecting this contract, and this contract supersedes and cancels any and all previous negotiations, arrangements and understandings between the parties. This Agreement may be modified or altered only by an agreement in writing between the parties.

11. **Assignment.** At any time prior to the Closing, Purchaser may assign its rights under this Agreement to an assignee, who is a related entity or under common control of Purchaser or a

member of Purchaser. All other assignments shall require Seller's prior written permission, which permission shall not unreasonably be withheld.

**12. Representations, Covenants and Warranties by Seller.** In addition to the express warranties under the Deed and other conveyance, assignment, and transfer documents to be delivered to Purchaser at Closing, Seller hereby represents and warrants to, and covenants with, Purchaser that:

- a. Authority and Binding Agreement. Seller has full right, power, and authority to execute and deliver this Agreement and to consummate the purchase and sale transactions provided herein, subject to approval of this Agreement by the City Council for the City of Marshall. Upon obtaining said approval, this Agreement, when executed and delivered by Seller and Purchaser, will constitute the valid and binding agreement as Seller and enforceable against Seller in accordance with its terms.
- b. Operation of the Property. From the date hereof until the Closing Date, Seller covenants to: (i) maintain and operate the Property in the same manner as Seller has heretofore done; and (ii) and not, without the prior written consent of Purchaser, enter into any agreement or instrument or take any action that would encumber the Property after Closing, that would bind Purchaser or the Property after Closing, or that would be outside the normal scope of maintaining and operating the Property.
- c. No Litigation; No Notice of Violation. There is no litigation or proceeding pending or threatened against or relating to any portion of the Property. Seller has not received any notice of violation of any law, rule or ordinance concerning any portion of the Property or the business being operated thereon.
- d. No Undisclosed Liens or Assessments; All Assessments Paid. There are no: (i) assessments (special, general, or otherwise) or benefits of any nature affecting the Property, or any portion thereof; and (ii) except as disclosed by the Title Commitment, there are no unrecorded liens or encumbrances. All obligations applicable to the Property under any declaration, easement agreement, restriction agreement or similar agreement of record are paid current.
- e. Bills Paid. All bills and other payments due with respect to the ownership, operation, construction, and maintenance of the Property are paid in the ordinary course of the operation of the Property.
- f. Leases; Rights of First Refusal or Rights of First Offer. Other than the Leases, there are no leases in effect on the Property and no party has a first of first refusal or right of first offer to purchase the Property.
- g. Encumbrances. Seller will not place (and will not allow to be placed) any encumbrances on the Property.
- h. "AS IS, WHERE IS." Purchaser acknowledges that it has inspected or will have the opportunity to inspect the Property and agrees to accept the Property "AS IS" with no

right of set off or reduction in the Purchase Price. Such sale shall be without representation of warranties, express or implied, either oral or written, made by the Seller or any official, employee or agent of the Seller with respect to the physical condition of the Property, including, but not limited to, the existence of or absence of petroleum, asbestos, lead, hazardous substances, pollutants, or contaminants in, on, or under, or affecting the Property except as otherwise set forth within this Agreement. Other than as expressly stated herein, or expressly stated in any closing document delivered by Seller at Closing, Purchaser acknowledges and agrees that Seller has not made and does not make any representations, warranties, or covenants of any kind or character whatsoever, whether expressed or implied, with respect to warranty of income potential, operating expenses, uses, habitability, tenant ability, or suitability for any purpose, merchantability, or fitness of the Property for a particular purpose, all of which warranties Seller hereby expressly disclaims, except as stated above. Purchaser expressly assumes, at closing, all environmental and other liabilities with respect to the Property. Except for the representations herein, Purchaser is solely relying upon information and knowledge obtained from its own investigation, experience, and knowledge obtained from its own investigation, experience, or personal inspection of the Property. The foregoing provision shall survive Closing and shall not be deemed merged into any instrument of conveyance delivered at Closing.

- i. Wells. Seller certifies that Seller does not know of any wells on the Property
- j. Sewage Systems. Seller does not know of any individual sewage treatment systems on or serving the Property.
- k. Underground Tanks. To the best of Seller's knowledge, the Property does not contain any underground storage tanks of any size or description.

All representations and warranties of Seller contained in this Agreement are true and correct in all material respects as of the date hereof and will be true and correct in all material respects on the date of the Closing. Warranties of Seller shall survive Closing for a period of six months.

13. **Time of the Essence; Binding Effect; Calculation of Time Periods.** Time is of the essence of this Agreement. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and permitted assigns. Unless otherwise specified herein, in computing any period of time described herein, the day of the act or event after which the designated period of time begins to run is not to be included and the last day of the period so computed is to be included, unless such last day is a Saturday, Sunday or legal holiday for national banks in the location where the Property is located, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday.

14. **Controlling Law.** This Agreement shall be governed by and construed in accordance with the laws of the State in which the Property is located.

15. **Severability.** The unenforceability or invalidity of any provisions hereof shall not render any other provision herein contained unenforceable or invalid.

16. **Condemnation and Casualty.** If, prior to the Closing, a casualty occurs on the Property or eminent domain proceedings are commenced against all or any substantial part of the Property, Seller shall immediately give notice to Purchaser of such fact and at Purchaser's option Purchaser may terminate this Agreement and the Earnest Money shall be returned to Purchaser; or, if no termination, Seller shall assign to Purchaser at the Closing all of Seller's right, title and interest in and to any insurance proceeds or award made or to be made in the condemnation proceedings.

17. **Exchange Facilitation.** At the option of either party, upon not less than five calendar (5) days written notice to the other party prior to Closing, a party may require the Closing to be achieved pursuant to an escrow created to effectuate an exchange pursuant to Section 1031 of the Internal Revenue Code of 1986, as amended. In such event, the other party agrees to cooperate with the party giving such notice; provided, however, that (a) the Closing will not be delayed thereby, (b) the other party will not incur any liability, undertake any additional obligation or have any obligation to acquire or convey any other property as a result of any such tax deferred exchange, and (c) the party making the exchange will pay all costs and expenses associated with effectuating such tax deferred exchange.

18. **Electronic Signatures; Execution in Counterparts.** The electronic signature of the parties to this Agreement shall be as valid as an original signature of such party and shall be effective to bind the parties hereto. For purposes hereof, (i) "electronic signature" means a manually signed original signature that is then transmitted by electronic means; and (ii) "transmitted by electronic means" means sent in the form of a facsimile or sent via the internet as a portable document format ("pdf") or other replicating image attached to an electronic mail or internet message. This Agreement may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

**SELLER AND PURCHASER**, by their execution below, indicate their consent to the terms of this Agreement as of the date set forth above.

**PURCHASER:**

CENTERPOINTE REAL ESTATE GROUP, an  
Arizona limited liability company

By: \_\_\_\_\_  
J. Clint Jameson, Manager

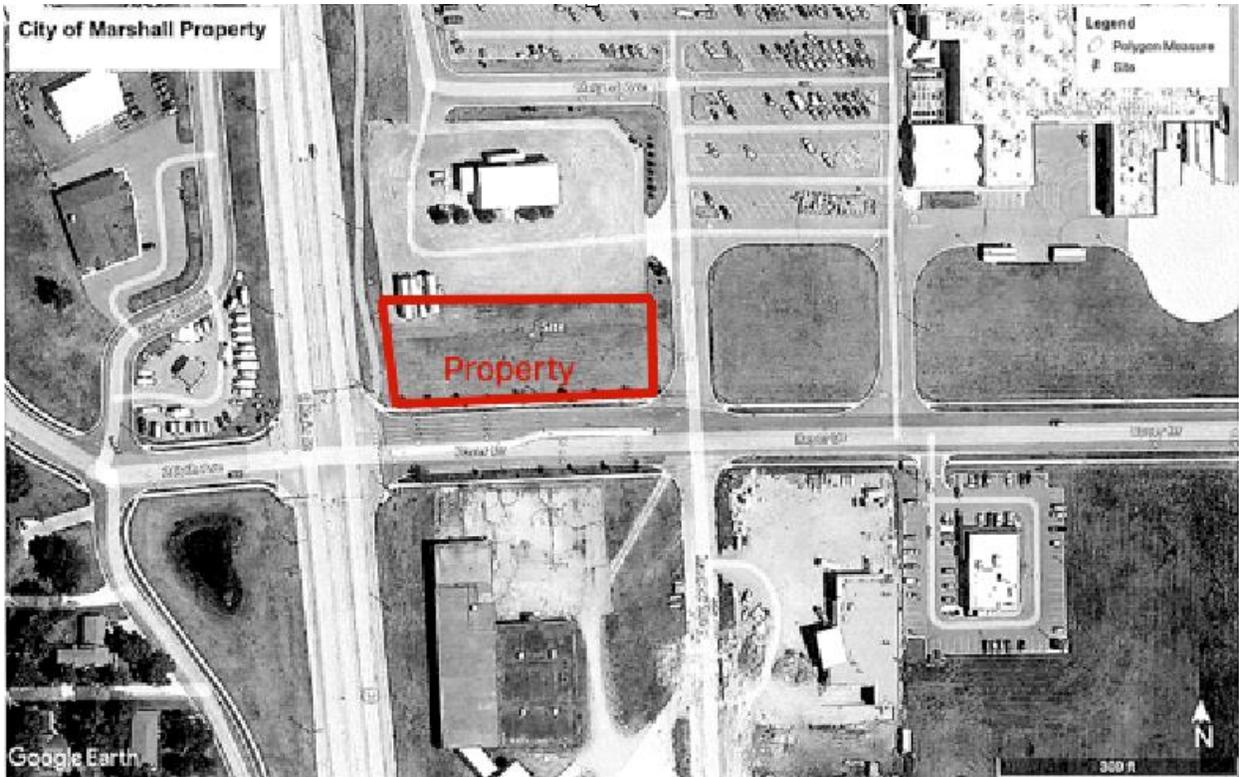
**SELLER:**

CITY OF MARSHALL

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

By: \_\_\_\_\_  
Sharon Hanson  
Its: City Administrator

**Exhibit A  
Depiction of the Property**



# centerPointe

DEVELOPMENT GROUP

4014 N. Goldwater Blvd, Suite 204  
Scottsdale, AZ 85251

Telephone: 602.538.3637  
clint@centerpointe-dev.com

November 18, 2022

**RE: Approximately 30,000 square feet of land located at the northeast corner of Main & Boyer – city owned property – in Marshall, MN with an APN of 27-605036-0**

On behalf of CenterPointe Real Estate Group ("CenterPointe"), this letter is being delivered to you to outline the basis upon which CenterPointe will enter into a contract to purchase the above referenced Premises.

**PREMISES:** Approximately 30,000 square feet of land located at the northeast corner of Main & Boyer – city owned property – in Marshall, MN with an APN of 27-605036-0 as shown on the attached Exhibit A.

**SELLER:** City of Marshall, MN

**BUYER:** CenterPointe Real Estate Group, an Arizona limited liability Co. or TBD  
4526 E. Calle Tuberia  
Phoenix, AZ 85018  
ATTN: J. Clint Jameson

**PURCHASE PRICE:** \$55,000

**TERMS OF PURCHASE:** Upon the mutual execution and delivery of a Purchase and Sale Agreement, Buyer shall, within fifteen (15) business days, deliver earnest money in the amount of \$1,000 (the "Deposit"), which shall be applicable to the Purchase Price, to Thomas Title & Escrow Company, 3100 McKinnon St, Suite 170, Dallas TX 75201 85251, ATTN: Stephanie Welch (the "Escrow Officer"). Buyer will deposit the balance of the Purchase Price with the above referenced title company on the day of Closing. The Deposit shall become non-refundable to Buyer upon expiration of Due Diligence Period as outlined below.

**SELLER'S DUE DILIGENCE ITEMS:** Within fifteen (15) business days following a fully executed Purchase and Sale Agreement between Buyer and Seller for the Premises, Seller shall deliver to Buyer all documents related to the Premises, including, but not limited to, a new title report and all back-up documents, reports, studies, inspections, leases, surveys and all other document and materials (the "Seller's Due Diligence Items").

**DUE DILIGENCE PERIOD:** Buyer shall have one hundred and twenty (120 days) following the receipt of all Seller's Due Diligence Items to complete Buyer's due diligence ("Due Diligence Period") with respect to the Premises, including without limitation, approval of the condition of title and survey matters, approval of environmental and soils condition and to create a new legal lot for the proposed Premises. If Buyer has not completed its inspections prior to the expiration of the Due Diligence Period, Buyer shall have the option for three (3) thirty (30) day extensions at a cost of \$500 per extension, which shall be applicable to the purchase price and shall be non-refundable.

# centerPointe

DEVELOPMENT GROUP

**TITLE INSURANCE:** Within fifteen (15) business days following the execution and delivery of the fully executed Purchase and Sale Agreement to the Title Company, Seller and the Title Company shall cause a title commitment (the "Commitment") for an Owner's Policy of Title Insurance to be delivered to Buyer, accompanied by a copy of all instruments affecting title to the Premises as set forth and identified in the Commitment. Upon closing, Seller, at Seller's expense, is to furnish Buyer with a Standard Owner's Policy of Title Insurance issued by the Title Company.

**HAZARDOUS SUBSTANCES:** Seller shall provide Buyer with copies of any and all of Seller's environmental studies (Phase I & 2, geotechnical reports, and all AutoCAD files), within five (5) days from opening of escrow for Buyer's approval.

**DOCUMENTATION:** Buyer shall draft the Purchase and Sale Agreement within five (5) business days following the final execution of this Letter of Intent.

**CLOSING:** Closing shall occur sixty (60) days following the expiration of the Due Diligence Period.

**ACCEPTANCE:** This offer shall become null and void if not accepted by 5:00 p.m. MST on Friday November 18<sup>th</sup>, 2022

**BROKERS:** None

**EXCLUSIVITY:** Seller hereby agrees that it shall exclusively negotiate with Buyer until the signing of the Purchase and Sale Agreement, and, neither Seller nor its affiliates will in any way continue to market the Premises or enter into any Letter of Intent or Purchase and Sale Agreement with other potential interested parties until after the termination of this Letter of Intent or any executed Purchase and Sale Agreement between Buyer and Seller.

Notwithstanding anything to the contrary contained in this letter: (i) nothing in this letter is intended to be contractual in nature or create any legal obligation or rights; (ii) the parties shall not be bound in any way until a formal agreement shall entirely supersede this letter and all prior writings and negotiate to reach such a formal agreement, and if the parties engage in further negotiations, either party may discontinue negotiations at any time for any reason whatsoever without any liability to the other party.

Please execute and return a copy to my attention. The other is for your files.

Very truly yours,



# centerPointe

DEVELOPMENT GROUP

J. Clint Jameson

Attachment:  
CC: Snell & Wilmer  
Andy Pidcock

AGREED AND ACCEPTED:

BUYER:

CENTERPOINTE REAL ESTATE GROUP, LLC  
an Arizona limited liability company

Signed By: J. Clint Jameson  
By: 9FC4898AA363456...  
Title: Managing Member  
Date: 11/18/2022

SELLER:

City of Marshall

By: [Signature]  
Title: City Administrator  
Date: 11-18-22

Exhibit A

# centerPointe

DEVELOPMENT GROUP



**CITY OF MARSHALL,  
MINNESOTA**

**ORDINANCE NO. 23-xxx**

**AN ORDINANCE AUTHORIZING THE SALE OF CITY-OWNED PROPERTY**

The Common Council of the City of Marshall do ordain:

**Article I.** The City of Marshall upholds the following as true and correct:

1. The City of Marshall (the “City”) is the owner of property located at the northeast corner of Main and Boyer in the City of Marshall, Lyon County, Minnesota (PID 27-60536-0)(the “Property”).
2. The City received an offer from CenterPointe Real Estate Group, LLC an Arizona limited liability company (the “Buyer”) to purchase the Property for \$55,000.00.
3. The City and the Buyer desire to enter into a real estate contract, pursuant to which the City will convey the Property to the Buyer.
4. Section 12.05 of the City Charter requires the sale of City-owned property to be by ordinance.

**Article II.** The City Council of the City of Marshall, Minnesota makes the following findings:

- A. An uncodified City ordinance is adopted pursuant to Section 12.05 of the City Charter to provide as follows:
  1. That the sale of the Property located at the northeast corner of Main and Boyer in the City of Marshall, Lyon County, Minnesota (PID 27-60536-0)(the “Property”) is in the best interest of the City.
  2. That the Council hereby approves the Real Estate Contract between the City and CenterPointe Real Estate Group, LLC in substantially the form presented to the Council, subject to modifications and addenda that do not alter the substance of the transaction and that are approved by the Mayor and the City Administrator.
  3. City officials, staff, and consultants are authorized to take all actions necessary to perform the City’s obligations under the Real Estate Contract as a whole, including, without limitation, execution of any documents to which the City is a party referenced in or attached to the Real Estate Contract, and any other documents necessary for the Property to be conveyed by the City to the Buyer, all as described in the Real Estate Contract.

4. In accordance with Section 12.05 of the City Charter, the proceeds of the sale of the Property shall be used as far as possible to retire any outstanding indebtedness incurred by the City in the purchase, construction, or improvement of the Property or other property used by the City for the same public purpose. If there is no such outstanding indebtedness, the Council may by resolution designate some other public use for the proceeds.

**ARTICLE III.**

Section 1. This Ordinance shall become effective immediately upon its passage and publication.

Adopted on this \_\_\_\_ day of \_\_\_\_\_ 2023 by a \_\_\_\_\_ vote of the City Council.

**BY THE CITY COUNCIL**

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

ATTEST:

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

Introduced on: \_\_\_\_\_

Final passage on: \_\_\_\_\_

Published in Marshall Independent: \_\_\_\_\_

<b>Presenter:</b>	Jason Anderson																																																
<b>Meeting Date:</b>	Tuesday, January 10, 2023																																																
<b>Category:</b>	CONSENT AGENDA																																																
<b>Type:</b>	ACTION																																																
<b>Subject:</b>	Project ST-002-2023: Bituminous Overlay Project – Consider Authorization to Advertise for Bids.																																																
<b>Background Information:</b>	<p>City staff has completed plans and specifications for our yearly city street mill and overlay project. Attached is the plan cover sheet that identifies each street that is scheduled to receive a mill and overlay treatment.</p> <p>Proposed streets include:</p> <table border="1"> <thead> <tr> <th>Street</th> <th>From-To</th> </tr> </thead> <tbody> <tr> <td>Tiger Drive (Mill All)</td> <td>T.H. 23 to 400' North of Victory Drive</td> </tr> <tr> <td>Mercedes Street</td> <td>T-Bird Drive to T-Bird Drive</td> </tr> <tr> <td>Viper Trail</td> <td>Mercedes Drive to 120' East</td> </tr> <tr> <td>Birch Street</td> <td>N. Hill Street to N. Bruce Street</td> </tr> <tr> <td>Poplar Street</td> <td>N. Hill Street to N. Bruce Street</td> </tr> <tr> <td>Pine Street</td> <td>N. Hill Street to N. Bruce Street</td> </tr> <tr> <td>N. Hill Street (Mill All)</td> <td>Boxelder Av to end of Curb (350' N. of College Dr)</td> </tr> <tr> <td>Floyd Wild Drive</td> <td>Susan Intersection to Canoga Park Dr.</td> </tr> <tr> <td>Canoga Park Drive</td> <td>T.H. 23 to 726' East</td> </tr> <tr> <td>Whitney Circle (Mill All)</td> <td>All</td> </tr> <tr> <td>Whitney Circle</td> <td>Leveling for island removal</td> </tr> <tr> <td colspan="2"><b>North 7th Street ADM Truck Lane 2" Mill and Overlay</b></td> </tr> <tr> <td>North 7th Street (2" Mill All)</td> <td>Erie Road to Tree Dump Entrance</td> </tr> <tr> <td>ADM Truck Lane (2" Mill All)</td> <td>Erie Road to Tree Dump Entrance</td> </tr> <tr> <td colspan="2"><b>Wastewater 1.5" Mill and Overlay Project</b></td> </tr> <tr> <td>Main Lift Station Driveway (Mill All)</td> <td>Off Kossuth Street</td> </tr> <tr> <td>WWTP Collections Shop Parking Lot (Mill All)</td> <td>Located at the WWTP</td> </tr> <tr> <td>WWTP Trickling Filter Driveway (Mill All)</td> <td>Located at the WWTP</td> </tr> <tr> <td>T.H. 23 Lift Station (Mill All)</td> <td>Off T.H. 23 by SMSU</td> </tr> <tr> <td colspan="2"><b>Alternate Streets</b></td> </tr> <tr> <td>Rainbow Drive</td> <td>Madrid Street south to Railroad Tracks</td> </tr> <tr> <td>Robert Street (Mill All)</td> <td>Saratoga Street to Lawrence Street</td> </tr> <tr> <td>Colt/Winchester/Camelot</td> <td>All</td> </tr> </tbody> </table> <p>This memo is intended to introduce the project and authorize staff to advertise for bids. Bid opening and award date to be determined.</p>	Street	From-To	Tiger Drive (Mill All)	T.H. 23 to 400' North of Victory Drive	Mercedes Street	T-Bird Drive to T-Bird Drive	Viper Trail	Mercedes Drive to 120' East	Birch Street	N. Hill Street to N. Bruce Street	Poplar Street	N. Hill Street to N. Bruce Street	Pine Street	N. Hill Street to N. Bruce Street	N. Hill Street (Mill All)	Boxelder Av to end of Curb (350' N. of College Dr)	Floyd Wild Drive	Susan Intersection to Canoga Park Dr.	Canoga Park Drive	T.H. 23 to 726' East	Whitney Circle (Mill All)	All	Whitney Circle	Leveling for island removal	<b>North 7th Street ADM Truck Lane 2" Mill and Overlay</b>		North 7th Street (2" Mill All)	Erie Road to Tree Dump Entrance	ADM Truck Lane (2" Mill All)	Erie Road to Tree Dump Entrance	<b>Wastewater 1.5" Mill and Overlay Project</b>		Main Lift Station Driveway (Mill All)	Off Kossuth Street	WWTP Collections Shop Parking Lot (Mill All)	Located at the WWTP	WWTP Trickling Filter Driveway (Mill All)	Located at the WWTP	T.H. 23 Lift Station (Mill All)	Off T.H. 23 by SMSU	<b>Alternate Streets</b>		Rainbow Drive	Madrid Street south to Railroad Tracks	Robert Street (Mill All)	Saratoga Street to Lawrence Street	Colt/Winchester/Camelot	All
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<b>Fiscal Impact:</b>	<p>Current project estimate for mill and overlay is \$859,247, including all streets shown above (excluding "Alternate Streets") and ADA sidewalk ramp work.</p> <p>Proposed funding for the project is as follows:  -2023 Street Department budget includes \$625,000.  -2023 Wastewater budget includes approximately \$149,500.  -ADM per MOU dated 12/27/2022 provides for approximately \$115,065. (Per MOU, actual project quantities and costs will be utilized for determination of costs to be billed to and paid by ADM.)</p>
<b>Alternative/ Variations:</b>	No alternative actions recommended.
<b>Recommendations:</b>	that the Council authorize advertisement for bids for Project ST-002-2023: Bituminous Overlay Project.

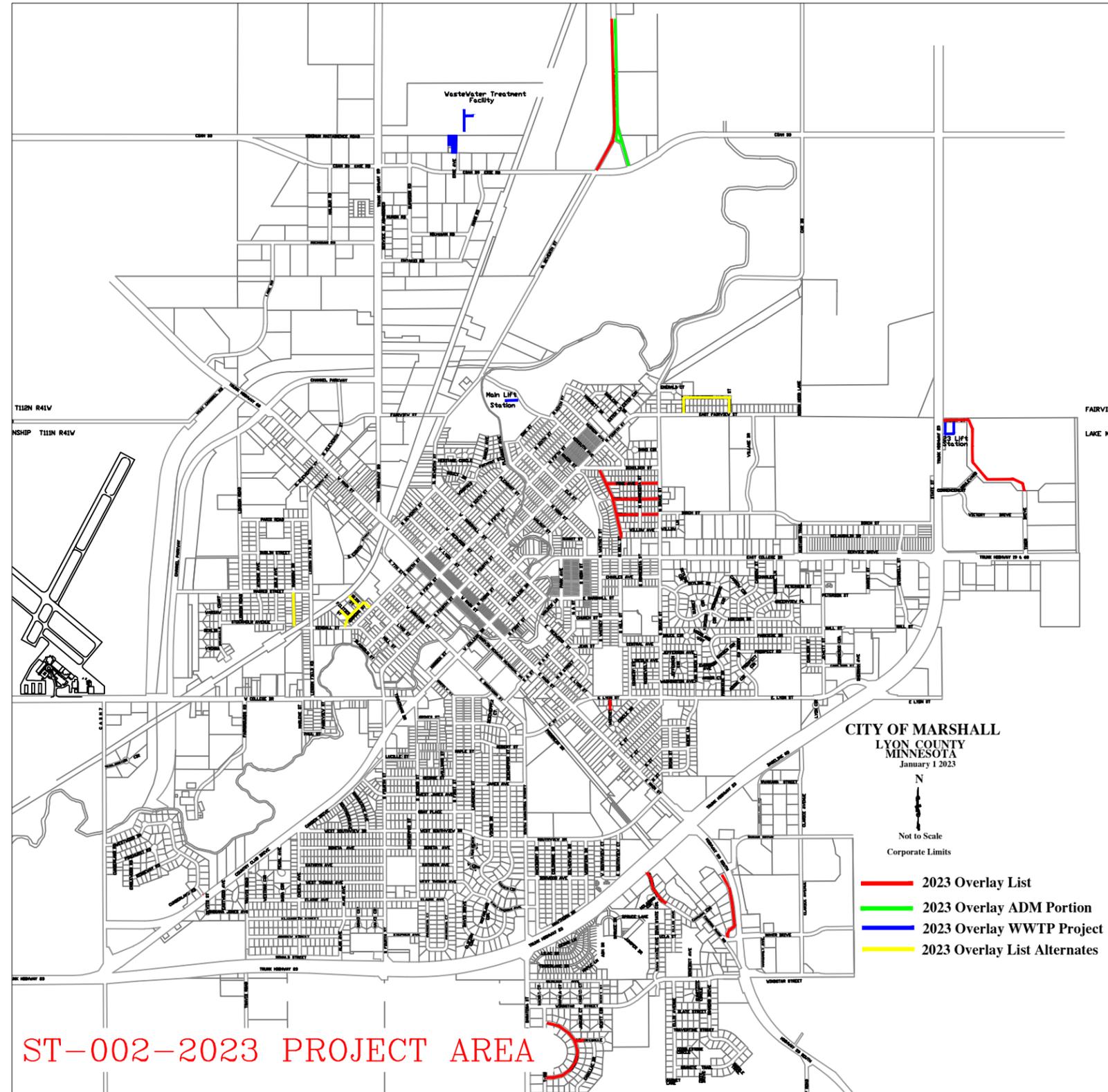
# CITY OF MARSHALL, MINNESOTA

## Construction Plans for Bituminous Overlays & Pedestrian Ramp Improvements within the City of Marshall

# INDEX

### Legend

- ALIGNMENT STATIONS
- EXISTING GAS LINE
- EXISTING COMMUNICATION LINE
- EXISTING FIBER LINE
- EXISTING UNDERGROUND POWER
- EXISTING STREET LIGHT
- EXISTING CATCH BASIN
- EXISTING STORM MANHOLE
- EXISTING SANITARY MANHOLE
- EXISTING HYDRANT
- EXISTING WATER VALVE
- NEW CATCH BASIN
- NEW HYDRANT
- NEW WATER VALVE
- NEW SANITARY MANHOLE
- NEW STORM MANHOLE



### ELECTED OFFICIALS

ROBERT BYRNES, MAYOR  
 STEVEN MEISTER, CITY COUNCIL  
 JOHN ALCORN, CITY COUNCIL  
 JAMES LOZINSKI, CITY COUNCIL  
 AMANDA SCHROEDER, CITY COUNCIL  
 CRAIG SCHAFER, CITY COUNCIL  
 SEE MOUA-LESKE, CITY COUNCIL

### CITY OF MARSHALL STAFF

SHARON HANSON, CITY ADMINISTRATOR  
 JASON ANDERSON, DIR. OF PUBLIC WORKS/CITY ENGINEER  
 GEOFFREY STELTER, SENIOR ENGINEERING SPECIALIST  
 JASON ROKEH, ENGINEERING SPECIALIST  
 GREGG SWANSON, ENGINEERING SPECIALIST  
 JERRED LEE, ENGINEERING SPECIALIST  
 LONA RAE KONOLD, PUBLIC WORKS ADMIN. ASSISTANT  
 SCOTT TRUEDSON, WASTEWATER TREATMENT SUPERINTENDENT

### SHEET NO. DESCRIPTION

1. TITLE SHEET
2. ESTIMATED QUANTITY SHEET
3. ADA QUANTITY TABLES
4. CONSTRUCTION NOTES SHEETS
5. DETAIL SHEETS
- 6-10. ADA PLAN SHEETS
- 11-20. MNDOT STANDARD PLAN SHEETS

### SPECIFICATION REFERENCE

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

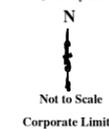
ALL TRAFFIC CONTROL DEVICES SHALL CONFORM TO THE LATEST EDITION OF THE MINNESOTA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, INCLUDING THE LATEST FIELD MANUAL FOR TEMPORARY TRAFFIC CONTROL ZONE LAYOUTS.

THE CITY OF MARSHALL STANDARD SPECIFICATIONS AND SPECIAL PROVISIONS.

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

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

CITY OF MARSHALL  
 LYON COUNTY  
 MINNESOTA  
 January 1 2023



- 2023 Overlay List
- 2023 Overlay ADM Portion
- 2023 Overlay WWTP Project
- 2023 Overlay List Alternates

ST-002-2023 PROJECT AREA



### SCALES

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

NOT TO SCALE

**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Presenter:</b>	Steven Anderson
<b>Meeting Date:</b>	Tuesday, January 10, 2023
<b>Category:</b>	CONSENT AGENDA
<b>Type:</b>	ACTION
<b>Subject:</b>	Consider Approval of 2023 Liquor License Renewal
<b>Background Information:</b>	<p>Liquor and tobacco licenses expire each calendar year at midnight on December 31. Once approved by council, the licenses do not take effect until the Minnesota Department of Public Safety Alcohol and Gambling Enforcement Agency gives final approval.</p> <p>Currently 26 liquor license applications and 11 tobacco license applications have been received.</p>
<b>Fiscal Impact:</b>	\$39,950 in liquor and tobacco licenses have been collected as of December 30.
<b>Alternative/ Variations:</b>	
<b>Recommendations:</b>	To approve the 2023 liquor license renewal.

# City of Marshall, Minnesota

## On-Sale Liquor

TO ALL WHOM IT MAY CONCERN:

LICENSE IS HEREBY GRANTED UNTO

**SLB Enterprise Inc. dba**

**The Gambler,**

For an **On-Sale Liquor License** at **303 W. Main St.**  
from **January 1, 2023 - December 31, 2023**, subject

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

ISSUED BY THE AUTHORITY OF THE CITY COUNCIL

Marshall, Minnesota, **January 10, 2023**

\_\_\_\_\_  
Mayor

Attest:

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

(Seal)



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Presenter:</b>	Steven Anderson
<b>Meeting Date:</b>	Tuesday, January 10, 2023
<b>Category:</b>	CONSENT AGENDA
<b>Type:</b>	ACTION
<b>Subject:</b>	Consider Approval of a Temporary On-Sale Liquor License
<b>Background Information:</b>	The Marshall Area Chamber of Commerce will be hosting a Business After Hours event at the Red Baron Arena and Expo on March 24, 2023.
<b>Fiscal Impact:</b>	
<b>Alternative/ Variations:</b>	None recommended.
<b>Recommendations:</b>	To approve the temporary on-sale liquor license for the Marshall Area Chamber of Commerce for March 24, 2023 at the Red Baron Arena and Expo.



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: Marshall Area Chamber of Commerce Date organized: 2-11-1930 Tax exempt number: [REDACTED]

Address: 317 W. main st. Suite 2 City: Marshall State: MN Zip Code: 56258

Name of person making application: Brad Gruhot Business phone: 507-532-4484 Home phone:

Date(s) of event: March 24th 2023 Type of organization:  Club  Charitable  Religious  Other non-profit

Organization officer's name: Michael VanDrehl 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:

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

Location where permit will be used. If an outdoor area, describe.

Red Baron Arena, 1651 Victory Dr. - Business After Hours  
Marshall MN, 56258

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

N/A

If the applicant will carry liquor liability insurance please provide the carrier's name and amount of coverage.

N/A

**APPROVAL**

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

<u>City of Marshall</u> City or County approving the license	<u>3-24-23</u> Date Approved
<u>30.00</u> Fee Amount	<u>3-24-23</u> Permit Date
<u>1-5-23</u> Date Fee Paid	<u>Steven.Anderson@ci.marshall.mn.us</u> City or County E-mail Address
	<u>507-537-6715</u> 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 BY EMAIL. E-MAIL THE APPLICATION SIGNED BY CITY/COUNTY TO [AGE.TEMPORARYAPPLICATION@STATE.MN.US](mailto:AGE.TEMPORARYAPPLICATION@STATE.MN.US)**



<b>Presenter:</b>	E.J. Moberg
<b>Meeting Date:</b>	Tuesday, January 10, 2023
<b>Category:</b>	CONSENT AGENDA
<b>Type:</b>	ACTION
<b>Subject:</b>	Adopt an annual election to set a micro-purchase threshold of \$25,000
<b>Background Information:</b>	<p>The City implemented a federal purchasing policy during 2021 that addressed methods of procurement, including procurement by micro-purchase to purchase supplies or services using simplified acquisition procedures, not to exceed \$10,000.</p> <p>2 CFR § 200.320 (a) (1)(iv) [see <a href="https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR45ddd4419ad436d">https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR45ddd4419ad436d</a>] states:</p> <p>(iv) <b>Non-Federal entity increase to the micro-purchase threshold up to \$50,000.</b> Non-Federal entities may establish a threshold higher than the micro-purchase threshold identified in the FAR in accordance with the requirements of this section. The non-Federal entity may self-certify a threshold up to \$50,000 on an annual basis and must maintain documentation to be made available to the Federal awarding agency and auditors in accordance with <a href="#">§ 200.334</a>. The self-certification must include a justification, clear identification of the threshold, and supporting documentation of any of the following:</p> <p>(A) A qualification as a low-risk auditee, in accordance with the criteria in <a href="#">§ 200.520</a> for the most recent audit;</p> <p>(B) An annual internal institutional risk assessment to identify, mitigate, and manage financial risks; or,</p> <p>(C) For public institutions, a higher threshold consistent with State law.</p> <p>Minn. Stat. § 471.345, subd 5 allows contracts estimated to be \$25,000 or less to be made either upon quotation or in the open market.</p> <p>The \$25,000 amount specified is a higher threshold consistent with state law, so staff recommends Council annually approve the statutory amount as the threshold for micro-purchases.</p> <p>This threshold will be requested annually moving forward.</p>
<b>Fiscal Impact:</b>	
<b>Alternative/ Variations:</b>	
<b>Recommendations:</b>	Adopt an annual election to set a micro-purchase threshold of \$25,000 to be consistent with current Minnesota statutes for the Federal Grant (Uniform Guidance) policy approved in November 2021.

**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Presenter:</b>	E.J. Moberg
<b>Meeting Date:</b>	Tuesday, January 10, 2023
<b>Category:</b>	CONSENT AGENDA
<b>Type:</b>	ACTION
<b>Subject:</b>	Consider approval of an updated Conduit Debt (Private Activity Tax Exempt Financing) Policy
<b>Background Information:</b>	<p>From the League of Minnesota Cities Handbook for Minnesota Cities Debt and Borrowing chapter (Chapter 23):</p> <p><u>Conduit Bonds</u></p> <p>Unlike almost all other bonds, “conduit bonds” are initiated by and issued for the benefit of private entities. Under the state statutes that authorize these bonds, the city issues the bonds and loans proceeds to the private entity. That private entity repays the loan in an amount sufficient to pay principal and interest on the bonds. As a practical matter, the loan is (normally) handled entirely by a separate bond trustee (usually the trust division of a bank). After the bonds are issued, the city has almost no role in payment or administration of the bonds.</p> <p>The bonds are revenue bonds—the city does not pay debt service or any other cost related to the transaction. As such, the bonds have no effect on the issuing city’s credit rating and are not counted against any statutory limitations on borrowing. When the bonds are sold, investors look only to the credit of the private borrower (and any related private security, such as mortgages and guarantees). While the city council must approve issuance of the bonds and all the bond documents, the transaction is largely handled by the private borrower and the underwriter that usually serves as the initial purchaser of the bonds. The city council does retain the responsibility to bond purchasers to disclose any material facts they may know of that could impact the bonds, such as remaining approvals for zoning approval or provision of utilities. The bond counsel for conduit bonds may be the city’s regular bond counsel or may be retained by the private entity (this is a matter of city policy and practice).</p> <p>The types of private activity bonds are governed primarily by federal tax law. Congress in effect created this kind of bond to provide tax-exempt (and therefore lower cost) borrowing to certain favored activities carried out by private entities.</p> <p>Much of today’s tax law regarding these bonds originated with the Tax Reform Act of 1986, which sharply narrowed the scope of permissible private activity bonds (previously known as “industrial development revenue bonds” or “IDR bonds”).</p> <p>The three most common conduit bonds in Minnesota are:</p> <ul style="list-style-type: none"> <li>• Qualified 501(c)(3) bonds, where the user of bond proceeds is a nonprofit 501(c)(3) entity. Typical examples include nonprofits that own nursing homes, hospitals, senior and other affordable housing, and schools (from K-12 to college). But any nonprofit with 501(c)(3) status is eligible for this type of financing, so bonds have been issued for entities as diverse as the YMCA to Minnesota Public Radio.</li> <li>• Housing revenue bonds (exempt facilities), where the user of bond proceeds is a private for-profit entity that builds housing intended for occupancy by persons or families who meet specified low-income guidelines.</li> </ul>

	<ul style="list-style-type: none"> <li>• Small issue manufacturing bonds, where the user of the proceeds is a manufacturing business that constructs manufacturing facilities that meet certain federal requirements. Minn. Stat. § 469.178. Minn. Stat. § 469.1814. See Handbook, Community Development and Redevelopment.</li> </ul> <p>There are other less common conduit bonds that cities may occasionally encounter, but the three listed above represent the bulk of this bond type.</p> <p>The City's existing policy was adopted in March 2005. Staff worked with BakerTilly on the policy presented.</p>
<b>Fiscal Impact:</b>	
<b>Alternative/ Variations:</b>	
<b>Recommendations:</b>	Approve the updated Conduit Debt (Private Activity Tax Exempt Financing) Policy, including administrative guidelines, application, and indemnification letter of agreement.

**City of Marshall, Minnesota**

**PRIVATE ACTIVITY  
TAX EXEMPT FINANCING GUIDELINES**

**January 2023**

# ***City of Marshall***

## **Conduit Debt (Private Activity Tax Exempt Financing)**

### **Administrative Guidelines**

#### **General**

The City of Marshall is granted the power to issue conduit revenue bonds and other conduit revenue obligations under Minnesota Statutes, Section 469.152-469.165, as amended, and Minnesota Statutes, Chapter 462C, as amended (the conduit Bonds Acts"). Under the Minnesota Municipal Industrial development Act, Minnesota Statutes, Sections 469.152 to 469.1651 (the "Industrial Development Act"), the City of Marshall, Minnesota has authority to issue revenue bonds or notes to attract or promote economically sound industry and commerce to the City, including the development of facilities by qualified 501(c)(3) organizations. Under Minnesota Statutes, Chapter 462C (the "Housing Act") the City is authorized to issue housing revenue bonds to finance multi-family residential housing projects for low- and moderate-income persons and elderly persons.

The City Council is aware that such financing for certain private activities may be of benefit to the City and will consider requests for tax exempt financing subject to these Guidelines. The City Council considers tax exempt financing to be a privilege, not a right.

It is the judgment of the City Council that tax exempt financing is to be used on a selective basis to encourage certain development that offers a benefit to the City as a whole, including employment and housing opportunities. It is the applicant's responsibility to demonstrate the benefit to the City. The applicant should understand that although approval may have been granted by the City for the issuance of financing for a similar project or a similar debt structure, that is not a basis upon which approval will be granted. Each application will be judged on the merits of the project as it relates to the public purposes of the Housing Act or the Industrial Development Act and the benefit to the City at the time the request for financing is being considered.

The Marshall City Council, being aware that such financing may prevent the emergence of blighted land, excessive unemployment and the need for redevelopment financing from the State and Federal governments, has expressed its support for the use of such financing but has reserved the right to approve or reject projects on a case-by-case basis. The following criteria have therefore been developed as a guide for review of applications:

## Criteria

- a. The project is to be compatible with the overall development plans and objectives of the City and of the neighborhood in which the project is located.
- b. New businesses locating in Marshall must show relatively substantial new employment and tax base being generated by the project.
- c. Locating in areas of the City that the City wishes to develop, redevelop, or which in any way complements any development plans or policy of the City, will constitute a prime purpose under these guidelines. It is also the City's intent to assist in business expansions or relocations within the City where it can be shown that such would have a substantial, favorable impact on employment or tax base, or both.
- d. It is the City's intent to assist new or existing businesses in the acquisition of existing facilities, where such acquisition will maintain the stability of the tax base, or of employment, or both, and provided that not less than 15% of the portion of the cost of acquiring the existing facility financed with the net proceeds of the conduit bonds is to be used for rehabilitation of the existing facility.
- e. The project must not put a burden on existing City services or utilities beyond that which can be reasonably and economically accommodated.
- f. The applicant (and/or the lessee in the case of property to be leased) must have a good financial standing, show a substantial net worth, or equity in the project, or both, and have an acceptable earnings history or pro forma. Projects are to show in the application for financing an owner equity or other collateral (such as a bank Letter of Credit, a Bankers Acceptance, Pledge of a Certificate of Deposit, insurance company guarantee, or similar security) which will be satisfactory to the end-lender or rating agency, all determined with reference to total project costs, and applicant is to file with the City, if requested, a final statement of total costs and project equity, certified to by an authorized officer or partner, or the individual applicant, said statement to be filed at time of requesting the Final Resolution.
- g. The credit rating and method of offering conduit\* bonds or notes of the City are important considerations. The City will not entertain applications for such financings unless (i) the debt is rated in the "A" category (or better) by a nationally recognized rating agency or (ii) the debt is sold in a private placement. Debt will be considered sold in a private placement (i) if no advertising or solicitation of the general public occurs, and (ii) if the placement agent as a purchaser) and (iii) the City receives written certification from each initial purchaser (or each underwriter or placement agent based on its reasonable bonds are initially sold to not more than ten purchasers (not including any underwriter or belief) that: (a) such purchaser has such knowledge and experience in financial and business matters that it is capable of evaluating the merits and the risks of the debt, and (b) such purchaser is not purchasing for more than one account or with a view to distributing the debt.

In addition, for a private placement either (a) all bonds or notes (except for one bond or note) must always remain in minimum denominations of not less than \$100,000, or (b) investment letters from not only each initial purchaser, but from any subsequent purchaser must be obtained which contains the above-described certifications from the purchasers. Any offering material for a private placement must prominently state in effect that:

"THE CITY OF MARSHALL HAS NOT ASSUMED ANY RESPONSIBILITY TO REVIEW THIS OFFERING MATERIAL AND HAS NOT RESPONSIBILITY FOR ITS ACCURACY OR COMPLETENESS. THE CITY OF MARSHALL HAS NO FINANCIAL OBLIGATION OF ANY NATURE WITH RESPECT TO THE OFFERED BONDS."

Finally, to qualify as a private placement the financing documents must require annual financial statements from the benefited private party (or the ultimate provider of credit) to be delivered to each investor (or a trustee).

\*The term "conduit" refers to any type of City revenue obligation the proceeds of which are loaned to a private party and for which the City has no financial obligation.

- h. Applications for acquisition of or replacement of machinery and equipment will be discouraged unless in conjunction with a totally new business in Marshall, a physical plant expansion of an existing business, or where it is shown that the equipment acquisition is essential to the continued operation of the business in Marshall.

A further permitted use under these guidelines are projects, whether profit or nonprofit, engaged in providing health care services, including hospitals, nursing homes, and related medical facilities, but only when the following findings can be made:

- (1) Number of new jobs and related payroll is relatively significant.
- (2) The project would provide a facility or service, or expansion thereof considered desirable or necessary from a community services standpoint.
- (3) The project application also meets requirements of paragraph a, e, f and g of these guidelines.

## Procedures

- a. The applicant shall make an application for financing on forms available from the Finance Department of the City of Marshall. The completed application is to be returned to the Director of Administrative Services, accompanied by the processing fee and other materials as may be required by section f. below, whereupon the application will be forwarded to the City Council with a Staff recommendation within 60 business days of the complete application, processing fee, and any other required materials being submitted. Specific findings shall be made and recited regarding the criteria as well as satisfaction of public purposes of the Conduit Bonds Acts.
- b. The application cannot be considered by the City until tentative City Code findings and requirements have been made with respect to zoning, building plans, platting, streets and utility services.
- c. The applicant shall submit a timetable for completion of the project as part of the application and any apparent major deviation from that timetable will automatically cause the application to be brought back to the City Council for review. This timetable must relate to the State timetable for entitlement and pool allocations. The financing must be completed within the calendar year for which application is made.
- d. The applicant is to select qualified financial consultants and/or underwriters, as well as legal counsel, to prepare all necessary documents and materials. The City may rely on the opinion of such experts and the application shall be accompanied by a financial analysis (pro forma income statement, debt service coverage, mortgage terms, etc.) by the underwriter as to the economic feasibility of the project and the underwriter's ability to market the financing. Financial material submitted is to also include most recent fiscal year-end, audited, financial statements of the applicant and/or of any major lessee tenant, if readily available.
- e. Further, in the case of the tax exempt mortgage placements, the applicant will be required to furnish the City, before passage of the Final Resolution, a comfort letter (but not necessarily a letter of commitment) from the lending institution, to the affect that said lending institution has reviewed the economic feasibility of the project, including the financial responsibility of the guarantors and find that, in their professional judgment, it is an economically viable project.
- f. The applicant shall furnish, along with the application, a description of the project, plat plan, rendering of proposed building, etc., and a brief description of the applicant company, all in such form as shall be required at the time of application. This data may be shared with members of the City Council as background information.
- g. If an allocation of bonding authority is required under Minnesota Statutes, Chapter 474A, as amended ("Chapter 474A"), the applicant shall be required to pay any required application fee and provide any required application deposit as specified in Chapter 474A, and without regard to whether the application fee or application deposit will be refunded.
- h. The applicant shall covenant in the applicable conduit bond documents to comply with all applicable requirements of the Internal Revenue Code of 1986, as amended (the "Code"), and the applicable Treasury Regulations, including, but not limited to: (i) the arbitrage and rebate requirements of Section 148 of the Code; and (ii) the qualified bonds provisions of Sections 141(e), 142, 143, 144, and 145 of the Code. The applicant shall be the party responsible for

monitoring the conduit bonds for compliance with such requirements and to remediate nonqualified bonds in accordance with the requirements of the Code and applicable Treasury Regulations. The applicant shall be the party responsible for monitoring compliance with the requirements of Section 148 of the Code.

- i. The applicant shall covenant in the applicable conduit bond documents to reimburse the City for all costs paid or incurred by the City (including the fees of attorneys, financial advisors, accountants, and other advisors) as a result of the City's response to or compliance with an audit, inspection, or compliance check (random or otherwise), by the Internal Revenue Service, the Minnesota Department of Revenue, the Minnesota Office of the State Auditor, or any other governmental agency with respect to the conduit bonds or the project financed with the proceeds of the conduit bonds.

**Administrative**

- a. The City Council reserves the right to deny any application for financing at any stage of the proceedings prior to adopting the final resolution authorizing issuance of the industrial development financing. The City Council may waive any provision of this Conduit Bonds Policy if the City Council determines that such waiver is in the best interests of the City.
- b. The City is to be reimbursed, and held harmless for and from any out-of-pocket costs related to the actual or proposed issuance of conduit revenue bonds. In addition, a nonrefundable processing fee of \$2,000 must be submitted with the application. Upon closing, an administrative fee is due and payable to the City based on the following schedule:

On the first \$10,000,000	.25% of par
On portion in excess of \$10,000,000	.15% of par

- c. All applications and supporting materials and documents shall remain the property of the City. Note that all such materials may be subject to disclosure and/or public review under applicable provisions of State law.
- d. The Finance Department shall report conduit debt issuances in the audited financial statements in accordance with Generally Accepted Accounting Principles and shall report any material events with regard to all conduit debt issued by the City, and still outstanding, to the City Council.
- e. Subsequent Proceedings. Where changes to the underlying documents or credit facilities of outstanding bond issues are to be made and require Council action (including changes that are a “deemed reissuance” under Internal Revenue Service regulation), no administrative fee is charged but a non-refundable fee of \$2,000 must be deposited with the City to cover administrative costs. No formal application form is required.
- f. Issue by Another Political Subdivision. The City will consider requests for tax exempt financing of projects in the City by other political subdivisions. In these cases, the non-refundable application fee must be paid and all procedures through the approval of the preliminary resolution followed. No administrative fee is charged. At the Council’s discretion, all or part of the application may be waived if there are offsetting benefits resulting from this financing.

City Contact. Initial contacts about tax exempt financing are made by contacting:

City of Marshall  
Attn: Finance Department  
344 West Main Street  
Marshall, MN 56258-1313

Or

(507) 537-6763

- g. **Deadlines.** The City Council conducts all tax-exempt financing matters at regularly scheduled City Council meetings held on the first and third Mondays of each month. Documents for City Council consideration must be at the City office by the Tuesday preceding the next regular Council meeting at which the matter is to be considered. In the case of a publicly offered bond issue, the documents, when submitted, may specify a maximum price and maximum effective interest rate if prices and rates have not yet been established.

Application

CITY OF MARSHALL, MINNESOTA  
APPLICATION FOR TAX EXEMPT FINANCING  
**APPLICATION FOR ISSUANCE OF CONDUIT DEBT**  
**CITY OF MARSHALL**

**(Industrial, Health Care or Other Non-Housing Non-Profit Projects)**

**1. APPLICANT**

Business Name: \_\_\_\_\_ Date of Application: \_\_\_\_\_

Business DBA: \_\_\_\_\_

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

Primary Contact Person: \_\_\_\_\_

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

Authorized Business Representative: \_\_\_\_\_

Structure:  Corporation  Partnership  Sole Proprietorship  LLC

Other: \_\_\_\_\_

**2. PURPOSE OF REQUEST:**

New Facility  Expansion  Refunding  Host

**3. TYPE OF DEVELOPMENT:**

Manufacturing  Housing  Health Care  Other: \_\_\_\_\_

Are you a 501(c)(3)?  Yes  No

Do you pay property taxes on your facilities?  Yes  No

Where your business or non-profit is incorporated? \_\_\_\_\_

Names and titles of signatory parties.

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**4. ESTIMATED PROJECT COSTS: (Not Required for Refunding)**

<b>Land</b>	<b>\$</b>
<b>Building</b>	<b>\$</b>
<b>Equipment</b>	<b>\$</b>
<b>Architectural, Engineering</b>	<b>\$</b>
<b>Costs of Issuance</b>	<b>\$</b>
<b>Capitalized Interest (including discount)</b>	<b>\$</b>
<b>Other</b>	<b>\$</b>
<b>Total Financing Requested</b>	<b>\$</b>

**5. AMOUNT OF FINANCING REQUESTED: \$\_\_\_\_\_ (\_\_\_\_\_% of Project Costs)**

**6. TYPE OF FINANCING PROPOSED:**

- a.  Publicly Sold Bonds  Privately Placed Bonds (Bonds sold to a bank)
- b. Expected Term of Financing \_\_\_\_\_ Years
- c. Security:  Mortgage  Letter of Credit  Guaranty (third party)  
 Guaranty (Personal)  Unsecured  Other (specify): \_\_\_\_\_

**7. BUSINESS PROFILE: (Not required for refunding)**

- a. Job Information:
  - 1. Current number of Full Time Equivalent Employees: \_\_\_\_\_  
\*Full Time Equivalent (FTE) is based on total annual hours of 2080.
  - 2. Number of New Permanent Jobs to be created: \_\_\_\_\_
  - 3. Number of Construction Jobs to be created: \_\_\_\_\_
- b. Do you have facilities in other locations?  Yes  No

If yes, where: \_\_\_\_\_

**8. NAMES OF:**

**a. Underwriter, Place Agent or Lender Name:** \_\_\_\_\_

\_\_\_\_\_

Contact Person Name: \_\_\_\_\_

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

**b. Corporate Counsel Name:** \_\_\_\_\_

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

**c. Counsel to Underwriter, Place Agent or Lender Name:** \_\_\_\_\_

\_\_\_\_\_

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

**9. WHAT IS YOUR TARGET DATE FOR:**

Construction Start: \_\_\_\_\_

Construction Completion: \_\_\_\_\_

**10. ATTACHMENTS:**

Attach the following information with the application. Application is not considered complete until all documents have been received.

- a) Description of the project; and
  - b) Give a brief description of the nature of the business, principal products, etc.; and
  - c) Preliminary Site Plan & Design; and
  - d) Preliminary sources and uses for financing project; and
  - e) Initial application fee
-

**Notice to Company: Data Practices Act**

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The information that you supply in your application to the City of Marshall ("City") will be used to assess your eligibility for financial assistance. The City will not be able to process your application without this information. The Minnesota Government Data Practices Act (Minnesota Statutes, Chapter 13) governs whether the information that you are providing to the City is public or private. If financial assistance is provided for the project, the information submitted in connection with your application will become public, except for those items protected under Minnesota Statutes, Section 13.59, Subdivision 3 (b) or Section 13.591, Subdivision 2.

I have read the above statement and I agree to supply the information to the City of Marshall with full knowledge of the matters contained in this notice. I certify that the information submitted in connection with the application is true and accurate.

\_\_\_\_\_  
Applicant's Full Name (Signature)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant's Full Name (Printed)

\_\_\_\_\_  
Applicant's Title

---

**Application Submittal**

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Return completed form to:

Director of Administrative Services

City of Marshall

344 West Main Street

Marshall, MN 56258-1313

INDEMNIFICATION LETTER OF AGREEMENT

City of Marshall Mayor

And Members of the Council

RE: Application of \_\_\_\_\_ for Tax Exempt Revenue Bond Financing by the City of Marshall

Dear Mayor and City Council Members:

This letter of agreement is given by \_\_\_\_\_, a \_\_\_\_\_ under the laws of Minnesota ("Applicant") as required by the City of Marshall in connection with its consideration of an application for tax exempt revenue bond financing for the project described in the application.

Applicant hereby covenants, warrants and agrees as follows:

Applicant agrees to pay or reimburse the City for any and all costs and expenses which the City may incur in connection with its consideration of the project and the granting of tax exempt revenue bond financing therefore, whether or not the project is preliminarily approved by the City, whether or not the project is approved by the State of Minnesota, whether or not revenue bond financing is finally approved by the City, whether or not the bonds are issued and sold, and whether or not the project is carried to completion.

Applicant agrees to indemnify and hold the City, its officers, employees and agents harmless against any and all losses, claims, damages, expenses or liabilities, including attorneys' fees incurred in their defense, to which the City, its officers, employees and agents may become subject in connection with the City's consideration, issuance or sale of the bonds for Applicant's project and the carrying out of the transactions contemplated by this agreement and any resolutions adopted, or agreements executed by the City in connection with the issuance of its bonds for this project.

Applicant here by releases the City, its officers, agents and employees from any claims, causes of action, losses, damages, or liabilities which it may have against the City, its officers, agents, and employees or which it may incur in connection with: the City's consideration of the application for industrial development revenue bond financing for Applicant's project; the failure of the City, in its discretion, to issue tax exempt revenue bonds for Applicant's project; the issuance and sale of the bonds; the construction of the project; or any other matter or thing of any type or nature whatsoever which may arise in connection with the foregoing.

Applicant is aware of the City's application and administrative fee structure for tax exempt financing and agrees and covenants that all such fees will be paid in the amount and at the times required.

Dated: \_\_\_\_\_ (Applicant)

By \_\_\_\_\_

Its \_\_\_\_\_

**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Presenter:</b>	Amanda Beckler
<b>Meeting Date:</b>	Tuesday, January 10, 2023
<b>Category:</b>	CONSENT AGENDA
<b>Type:</b>	ACTION
<b>Subject:</b>	Declare Surplus Items at the Adult Community Center
<b>Background Information:</b>	The Adult Community Center has been completing a review of all closets/storage in the facility. There are items that are no longer in use at the facility due to being outdated and include a TV and cart, DVD player, and overhead projector. The facility updated equipment through a grant secured through MASC a few years ago and has sufficient replacement equipment in place. Removal of these items would free up space needed for other assets.
<b>Fiscal Impact:</b>	
<b>Alternative/ Variations:</b>	
<b>Recommendations:</b>	Declare the Adult Community Center’s TV and cart, DVD player, and overhead projector as surplus.







Item 17.



<b>Meeting Date:</b>	Tuesday, January 10, 2023																					
<b>Category:</b>	CONSENT AGENDA																					
<b>Type:</b>	ACTION																					
<b>Subject:</b>	Approve Flaherty and Hood Lobbying Services Contract for Technical Education Pilot Program																					
<b>Background Information:</b>	<p>Last year, several Southwest Minnesota Mayors came together to discuss helping communities compete with surrounding states. They have since formally organized (SW Council of Mayors) and requested specific legislation as a start on their initiatives.</p> <p>As part of any legislative process, communication with the Legislature is key for passage. As a result, they have received a proposal for legislative services from the firm of Flaherty and Hood (see attached).</p> <p>The per capita cost for billing is based on 2020 Census:</p> <p>5619114 cents per capita.</p> <table data-bbox="462 940 998 1186"> <tr> <td>Worthington</td> <td>Pop: 13,947</td> <td>\$7836.98</td> </tr> <tr> <td>Marshall</td> <td>Pop: 13,628</td> <td>\$7657.73</td> </tr> <tr> <td>Canby</td> <td>Pop: 1,695</td> <td>\$952.44</td> </tr> <tr> <td>Granite Falls</td> <td>Pop: 2,737</td> <td>\$1537.95</td> </tr> <tr> <td>Pipestone</td> <td>Pop: 4,215</td> <td>\$236.46</td> </tr> <tr> <td>Jackson</td> <td>Pop: 3,323</td> <td>\$1867.23</td> </tr> <tr> <td>Luverne</td> <td>Pop: 4946</td> <td>\$2779.21</td> </tr> </table> <p>Total Pop: 44,491     \$25,000 Per capita cost .56119114</p>	Worthington	Pop: 13,947	\$7836.98	Marshall	Pop: 13,628	\$7657.73	Canby	Pop: 1,695	\$952.44	Granite Falls	Pop: 2,737	\$1537.95	Pipestone	Pop: 4,215	\$236.46	Jackson	Pop: 3,323	\$1867.23	Luverne	Pop: 4946	\$2779.21
Worthington	Pop: 13,947	\$7836.98																				
Marshall	Pop: 13,628	\$7657.73																				
Canby	Pop: 1,695	\$952.44																				
Granite Falls	Pop: 2,737	\$1537.95																				
Pipestone	Pop: 4,215	\$236.46																				
Jackson	Pop: 3,323	\$1867.23																				
Luverne	Pop: 4946	\$2779.21																				
<b>Fiscal Impact:</b>	\$7,657.73																					
<b>Alternative/Variations:</b>	None																					
<b>Recommendations:</b>	Approve Flaherty and Hood Lobbying Services Contract for Technical Education Pilot Program in the amount of \$7,657.73																					

November 29, 2022

Southwest Minnesota Council of Mayors

VIA EMAIL

Mayors,

Thank you for your inquiry regarding legislative services for the 2023 legislative session. This letter serves as a proposal for Flaherty & Hood, P.A. to provide services related to the Southwest Minnesota Council of Mayors proposal to create a pilot program targeted at workforce development in southwest Minnesota.

**Scope of Services**

In order to successfully secure passage of your workforce development pilot program, Flaherty & Hood staff will assist the Council with the following legislative activities:

- Developing and executing a legislative strategy
- Drafting necessary legislation and amendments
- Securing bill authors
- Direct lobbying of committee chairs, key legislators, and the Walz Administration
- Creation of handouts and other materials for committee hearings
- Monitoring progress of the omnibus bill through the legislative process
- Coordinating testimony at legislative hearings

**Project Management and Costs**

Senior Lobbyist Erik Simonson will have day to day responsibility for advancing the project and will be assisted by firm members Scott McMahon and Bradley Peterson. Mr. Peterson will have ultimate responsibility for service delivery on behalf of the Firm. Other staff will be available to assist as needed.

Total fee for service would be \$25,000 to be distributed amongst the participating cities on a basis which they shall agree on. Once each city's contribution is determined and communicated to Flaherty & Hood and the Firm will invoice each city separately in February of 2023.

Term of services would commence upon approval of this agreement and would run through December 31, 2023.

By entering into this agreement, the cities understand that Flaherty & Hood, P.A. represents other clients seeking funding from the state legislature generally, and in the area of jobs and economic development specifically. Flaherty & Hood advocates for each client's interest strenuously on its own merits. We do not believe that there is any conflict between our representation on this issue and any of our clients that may be seeking funding from the legislature. If we believe a conflict has arisen, we will immediately be in touch with both clients and seek to resolve the conflict to the satisfaction of both parties.

**Conclusion**

Flaherty & Hood, P.A. is pleased to provide legislative services to Southwest Minnesota Council of Mayors for the 2023 session and we are confident that we can have a significant impact in advancing your interests.

If the proposal contained in this letter meets your approval, please include the signatures of the mayor of each participating city.

Very truly yours,

**FLAHERTY & HOOD, P.A.**

By:   
\_\_\_\_\_  
Bradley Peterson, Shareholder Attorney

SW Council of Mayors:

\_\_\_\_\_  
Mayor City

SENATE  
STATE OF MINNESOTA  
NINETY-SECOND SESSION

S.F. No. 4153

(SENATE AUTHORS: WEBER)

DATE	D-PG	OFFICIAL STATUS
03/21/2022	5474	Introduction and first reading
03/29/2022	5691a	Referred to Jobs and Economic Growth Finance and Policy Comm report: To pass as amended and re-refer to Taxes

1.1 A bill for an act

1.2 relating to workforce development; establishing a southwestern Minnesota

1.3 workforce development scholarship pilot program; appropriating money.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. SOUTHWESTERN MINNESOTA WORKFORCE DEVELOPMENT

1.6 SCHOLARSHIPS PILOT.

1.7 Subdivision 1. Definitions. (a) For purposes of this section, the following terms have

1.8 the meanings given.

1.9 (b) "Commissioner" means the commissioner of employment and economic development.

1.10 (c) "Southwest Initiative Foundation" means a nonprofit organization which provides

1.11 services to the following counties in southwest Minnesota: Big Stone, Chippewa,

1.12 Cottonwood, Jackson, Kandiyohi, Lac qui Parle, Lincoln, Lyon, McLeod, Meeker, Murray,

1.13 Nobles, Pipestone, Redwood, Renville, Rock, Swift, and Yellow Medicine, as well as the

1.14 Lower Sioux Indian Community and Upper Sioux Community.

1.15 (d) "Foundation" means the Southwest Initiative Foundation.

1.16 (e) "Employer sponsored applicant" means a student applicant with a local employer

1.17 scholarship equal to or greater than 25 percent of the workforce development scholarship.

1.18 (f) "Eligible student" means a student applicant who:

1.19 (1) is eligible for resident or nonresident tuition;

1.20 (2) is enrolling in an eligible program as determined by the regional workforce

1.21 development board; and

2.1 (3) is enrolling at least half-time at a Minnesota West college listed in subdivision 4.

2.2 (g) "Local employer" means an employer with a physical location in a county within  
 2.3 the service area of the foundation as listed in paragraph (c).

2.4 Subd. 2. **Program established.** The commissioner shall establish a southwestern  
 2.5 Minnesota workforce development scholarship pilot program, administered by the foundation,  
 2.6 to assist in meeting the workforce challenges in southwest Minnesota that enhance long-term  
 2.7 economic self-sufficiency by connecting students, higher education facilities, employers,  
 2.8 and communities.

2.9 Subd. 3. **Grant to the Southwest Initiative Foundation.** The commissioner shall award  
 2.10 all grant funds to the foundation, which shall administer the southwestern Minnesota  
 2.11 workforce development scholarship pilot program. The foundation may use up to seven  
 2.12 percent of grant funds for administrative costs.

2.13 Subd. 4. **Scholarship awards.** (a) The foundation shall coordinate available funds and  
 2.14 award scholarships to the following Minnesota West colleges:

2.15 (1) Canby;

2.16 (2) Granite Falls;

2.17 (3) Pipestone;

2.18 (4) Worthington;

2.19 (5) Jackson;

2.20 (6) Luverne; and

2.21 (7) Marshall.

2.22 (b) Scholarships shall be coordinated by the individual colleges listed in paragraph (a)  
 2.23 and applied only after all other available grant funding through a last dollar in model.

2.24 (c) In awarding grants, priority shall first be given to applicants that are program  
 2.25 continuing applicants. Priority shall then be given to employer-sponsored applicants.

2.26 (d) Scholarships are intended to supplement all other grant opportunities and to cover  
 2.27 the full cost of attendance to the eligible students.

2.28 Subd. 5. **Program eligibility.** Scholarships shall be awarded to eligible students who  
 2.29 are enrolled in or enrolling in high demand occupation associate degree, diploma, or  
 2.30 certificate or industry-recognized credential program as defined annually by the applicable

3.1 regional workforce development board. Students must complete the Free Application for  
3.2 Federal Student Aid if applicable to the program for which they are applying.

3.3 Subd. 6. **Renewal; cap.** A student who has been awarded a scholarship may apply in  
3.4 subsequent academic years, but total lifetime awards are not to exceed two full scholarships  
3.5 per student. Students may only be awarded a second scholarship upon successful completion  
3.6 of the program and subsequent work period requirement.

3.7 Subd. 7. **Administration.** (a) The foundation and Minnesota West colleges shall establish  
3.8 an application process and other guidelines for implementing this program.

3.9 (b) Each college shall receive from their respective workforce development board by  
3.10 December 1 of each year, commencing in 2022, a list of eligible programs administered by  
3.11 the college that are eligible for subsequent year scholarships. The applicable workforce  
3.12 development board must consider data based on a workforce shortage for full-time  
3.13 employment requiring postsecondary education that is unique to the specific region, as  
3.14 reported in the most recent Department of Employment and Economic Development job  
3.15 vacancy survey data for the economic development region in which the college is located.  
3.16 A workforce shortage area is one in which the job vacancy rate for full-time employment  
3.17 in a specific occupation in a region is higher than the state average vacancy rate for that  
3.18 same occupation.

3.19 Subd. 8. **Scholarship recipient requirements.** (a) A recipient of a scholarship awarded  
3.20 under the program established in this section shall:

3.21 (1) be enrolled in a high demand occupation associate degree, diploma, or certificate or  
3.22 industry-recognized credential program as defined by the regional workforce development  
3.23 board offered by a Minnesota West college;

3.24 (2) adhere to any applicable participating local employer program requirements;

3.25 (3) commit to three years of full-time employment with:

3.26 (i) a sponsoring local employer; or

3.27 (ii) any qualified local employer within the high demand occupations as defined by the  
3.28 regional workforce development board; and

3.29 (4) fulfill the three-year full-time employment commitment in a county within the service  
3.30 area of the foundation as listed in subdivision 1, paragraph (c).

4.1 (b) If a recipient of a scholarship fails to fulfill the requirements of paragraph (a), the  
4.2 foundation may convert the scholarship to a loan. Amounts repaid from a loan shall be used  
4.3 to fund scholarship awards under this section.

4.4 Subd. 9. **Employer partnerships.** The foundation and Minnesota West colleges shall  
4.5 establish partnerships with qualified local employers and work to ensure that a percentage  
4.6 of the state funds appropriated to each college for the southwestern Minnesota workforce  
4.7 development scholarship program are equally matched with employer funds.

4.8 Subd. 10. **Local employer scholarships tax credit.** (a) A local employer is allowed a  
4.9 credit against the tax due under chapter 290 equal to the amount of the local employer's  
4.10 scholarship awarded to an employer-sponsored applicant.

4.11 (b) The credit allowed to a local employer under this subdivision per scholarship awarded  
4.12 to an employer-sponsored applicant for a taxable year is limited to the lesser of the following  
4.13 amounts:

4.14 (1) \$.....; or

4.15 (2) the total amount of the local employer's scholarship awarded to an employer sponsored  
4.16 applicant.

4.17 Subd. 11. **Report required.** The foundation must submit an annual report by December  
4.18 31 of each year regarding the scholarship program to the chairs and ranking minority  
4.19 members of the legislative committees with jurisdiction over employment and economic  
4.20 development policy. The first report is due no later than December 31, 2023. The annual  
4.21 report shall describe the following:

4.22 (1) the number of students receiving a scholarship at each participating college during  
4.23 the previous calendar year;

4.24 (2) the number of scholarships awarded for each program and definition of type of  
4.25 program during the previous calendar year;

4.26 (3) the number of scholarship recipients who completed a program of study or  
4.27 certification;

4.28 (4) the number of scholarship recipients who secured employment by their graduation  
4.29 date and those who secured employment within three months of their graduation date;

4.30 (5) a list of the colleges that received funding, the amount of funding each institution  
4.31 received, and whether all withheld funds were distributed;

4.32 (6) a list of occupations scholarship recipients are entering;

- 5.1 (7) the number of students who were denied a scholarship;
- 5.2 (8) a list of participating local employers and amounts of any applicable employer
- 5.3 contributions; and
- 5.4 (9) a list of recommendations to the legislature regarding potential program improvements.

5.5 Sec. 2. **APPROPRIATION.**

- 5.6 \$700,000 in fiscal year 2023 is appropriated from the workforce development fund to
- 5.7 the commissioner of employment and economic development for a grant to the Southwest
- 5.8 Initiative Foundation for the southwestern Minnesota workforce development scholarship
- 5.9 pilot program in subdivision 1. This is a onetime appropriation and is available until June
- 5.10 30, 2027.

**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Presenter:</b>	Karla Drown
<b>Meeting Date:</b>	Tuesday, January 10, 2023
<b>Category:</b>	CONSENT AGENDA
<b>Type:</b>	ACTION
<b>Subject:</b>	Consider approval of the bills/project payments
<b>Background Information:</b>	Staff encourages the City Council Members to contact staff in advance of the meeting regarding these items if there are questions. Construction contract questions are encouraged to be directed to Director of Public Works, Jason Anderson at 537-6051 or Finance Director, Karla Drown at 537-6764
<b>Fiscal Impact:</b>	
<b>Alternative/ Variations:</b>	
<b>Recommendations:</b>	The following bills and project payments be authorized for payment.



Marshall, MN

# Council Check Report

By Vendor Name

Date Range: 12/30/2022 - 01/10/2023

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
<b>Bank Code: AP-REG AP</b>						
6128	ACTION COMPANY LLC	12/30/2022	EFT	0.00	2,575.00	11762
0578	AMAZON CAPITAL SERVICES	12/30/2022	EFT	0.00	479.75	11763
6694	ARAMARK UNIFORM & CAREER APPAREL GROUP,	12/30/2022	EFT	0.00	102.48	11764
5683	ASSOCIATION OF MINNESOTA COUNTIES	12/30/2022	Regular	0.00	75.00	122222
5702	B & H PHOTO & ELECTRONICS CORP	12/30/2022	EFT	0.00	397.49	11765
7157	BARTLETT & WEST, INC.	12/30/2022	Bank Draft	0.00	3,083.00	DFT0002513
5327	BAUMANN, ADAM	12/30/2022	EFT	0.00	656.06	11766
7152	BAYCOM INC	12/30/2022	Regular	0.00	12,396.00	122223
0689	BEND RITE CUSTOM FABRICATION, INC.	12/30/2022	Regular	0.00	197.48	122224
0699	BEVERAGE WHOLESALERS, INC.	12/30/2022	Regular	0.00	28,555.34	122225
0726	BORCH'S SPORTING GOODS, INC.	12/30/2022	EFT	0.00	165.00	11767
0018	BORDER STATES INDUSTRIES, INC.	12/30/2022	EFT	0.00	1,221.45	11768
4457	BREAKTHRU BEVERAGE MINNESOTA WINE & SPIR	12/30/2022	Regular	0.00	6,853.46	122226
2431	BUELTEL-MOSENG LAND SURVEYING, INC	12/30/2022	EFT	0.00	8,760.00	11769
6791	CAPITAL ONE	12/30/2022	Regular	0.00	334.74	122228
0802	CARLSON & STEWART REFRIGERATION, INC.	12/30/2022	EFT	0.00	2,233.65	11770
7041	CASTILLO, IDANIA	12/30/2022	Regular	0.00	200.00	122230
0815	CATTOOR OIL COMPANY, INC	12/30/2022	EFT	0.00	4,239.63	11771
3655	CEAM	12/30/2022	Bank Draft	0.00	485.00	DFT0002512
5733	CLARITY TELECOM, LLC	12/30/2022	EFT	0.00	299.51	11772
0831	COALITION OF GREATER MN CITIES	12/30/2022	Regular	0.00	415.00	122231
0934	D & G EXCAVATING INC	12/30/2022	EFT	0.00	3,425.15	11773
7102	DAHLHEIMER BEVERAGE	12/30/2022	EFT	0.00	1,246.40	11774
7075	DEMUTH, ROGER	12/30/2022	EFT	0.00	100.00	11775
0998	DIVERSIFIED INSPECTION	12/30/2022	EFT	0.00	1,879.15	11776
5731	DOLL DISTRIBUTING LLC	12/30/2022	EFT	0.00	10,458.75	11777
1029	EAGLE ENGRAVING	12/30/2022	EFT	0.00	87.95	11778
1035	ECOLAB PEST ELIMINATION SERVICES	12/30/2022	EFT	0.00	306.98	11779
1061	EMERGENCY APPARATUS MAINTENANCE INC	12/30/2022	EFT	0.00	205.53	11780
1090	FASTENAL COMPANY	12/30/2022	EFT	0.00	35.41	11781
1149	FRONTLINE PLUS FIRE & RESCUE	12/30/2022	EFT	0.00	1,228.00	11782
6127	GRANDVIEW VALLEY WINERY, INC	12/30/2022	Regular	0.00	1,728.00	122232
1230	HACH COMPANY	12/30/2022	EFT	0.00	9,958.00	11783
1256	HAWKINS INC	12/30/2022	EFT	0.00	9,188.72	11784
6430	HEARTLAND ELECTRIC, INC	12/30/2022	Regular	0.00	3,233.81	122233
1311	HYVEE FOOD STORES INC	12/30/2022	Regular	0.00	109.18	122234
1314	IAAO	12/30/2022	Regular	0.00	240.00	122235
5898	IAPMO	12/30/2022	Bank Draft	0.00	221.63	DFT0002511
5546	INDIAN ISLAND WINERY	12/30/2022	Regular	0.00	155.04	122236
3554	INTERNATIONAL CODE COUNCIL, INC	12/30/2022	Bank Draft	0.00	51.50	DFT0002510
1399	JOHNSON BROTHERS LIQUOR COMPANY	12/30/2022	EFT	0.00	7,099.09	11789
2036	JOHNSON BROTHERS LIQUOR COMPANY	12/30/2022	EFT	0.00	6,299.40	11787
2605	JOHNSON BROTHERS LIQUOR COMPANY	12/30/2022	EFT	0.00	209.90	11785
5447	JOHNSON BROTHERS LIQUOR COMPANY	12/30/2022	EFT	0.00	190.95	11788
6796	JOHNSON BROTHERS LIQUOR COMPANY	12/30/2022	EFT	0.00	121.90	11786
4479	JOHNSON FEED INC.	12/30/2022	Regular	0.00	21,057.33	122237
5095	KIBBLE EQUIPMENT LLC	12/30/2022	EFT	0.00	122.63	11790
1531	LYON COUNTY AUDITOR-TREASURER	12/30/2022	EFT	0.00	3,800.49	11791
1553	LYON COUNTY SHERIFF'S DEPT.	12/30/2022	Regular	0.00	2,851.99	122239
1623	MARSHALL INDEPENDENT, INC	12/30/2022	Regular	0.00	794.06	122240
5813	MARSHALL LUMBER CO	12/30/2022	EFT	0.00	416.40	11792
1635	MARSHALL NORTHWEST PIPE FITTINGS INC	12/30/2022	EFT	0.00	164.58	11793
7153	MAVERICK WINE LLC	12/30/2022	Regular	0.00	973.98	122241
7155	MCNALLY MANAGEMENT LLC	12/30/2022	Regular	0.00	77.47	122242

Council Check Report

Date Range: 12/30/2022 - 01/10/2023

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
4980	MENARDS INC	12/30/2022	EFT	0.00	3,851.48	11794
7156	META PLATFORMS, INC.	12/30/2022	Bank Draft	0.00	25.00	DFT0002507
7156	META PLATFORMS, INC.	12/30/2022	Bank Draft	0.00	35.00	DFT0002508
7156	META PLATFORMS, INC.	12/30/2022	Bank Draft	0.00	19.15	DFT0002509
7156	META PLATFORMS, INC.	12/30/2022	Bank Draft	0.00	50.00	DFT0002515
3649	MINNESOTA COMMUNITY ED ASSOC	12/30/2022	Regular	0.00	25.00	122243
1797	MINNESOTA FIRE SERVICE CERTIFICATION BOARD	12/30/2022	Regular	0.00	1,008.00	122244
1839	MINNESOTA VALLEY TESTING LABS INC	12/30/2022	EFT	0.00	428.80	11795
1945	NORM'S GTC	12/30/2022	Regular	0.00	77.97	122245
1986	NORTH CENTRAL INTERNATIONAL, INC	12/30/2022	EFT	0.00	172.01	11796
5891	ONE OFFICE SOLUTION	12/30/2022	EFT	0.00	58.30	11797
3809	O'REILLY AUTOMOTIVE STORES, INC	12/30/2022	EFT	0.00	114.99	11798
1243	PATZERS INC	12/30/2022	EFT	0.00	7.47	11799
2019	PAUSTIS WINE COMPANY	12/30/2022	EFT	0.00	5,317.25	11800
2026	PEPSI COLA BOTTLING OF PIPESTONE MN INC	12/30/2022	EFT	0.00	48.00	11801
2064	POWERPLAN	12/30/2022	Regular	0.00	119.39	122246
6166	PULVER MOTOR SVC, LLC	12/30/2022	EFT	0.00	320.00	11802
2096	QUARNSTROM & DOERING, PA	12/30/2022	EFT	0.00	4,820.50	11803
0707	ROADSIDE DEVELOPERS INC	12/30/2022	Regular	0.00	100.00	122247
6684	ROLLING FORKS VINEYARDS, LLC	12/30/2022	EFT	0.00	900.00	11804
2201	RUNNING SUPPLY, INC	12/30/2022	EFT	0.00	905.32	11805
4009	SKY PRINTING, INC.	12/30/2022	Regular	0.00	89.29	122248
3495	SMSU	12/30/2022	EFT	0.00	804.00	11806
4855	SOUTHERN GLAZER'S	12/30/2022	EFT	0.00	7,964.14	11807
2311	SOUTHWEST GLASS CENTER, INC	12/30/2022	EFT	0.00	888.00	11808
5686	STANTON, TROY	12/30/2022	EFT	0.00	199.99	11809
6277	TALKING WATERS BREWING CO, LLC	12/30/2022	EFT	0.00	700.00	11810
0875	THE COMPUTER MAN INC	12/30/2022	EFT	0.00	65.00	11811
7158	THE PEAVEY CORPORATION	12/30/2022	Bank Draft	0.00	40.42	DFT0002514
2428	TITAN MACHINERY	12/30/2022	EFT	0.00	398.88	11812
0853	ULTIMATE SAFETY CONCEPTS, INC.	12/30/2022	EFT	0.00	288.63	11813
2486	UNITED WAY OF SW MINNESOTA	12/30/2022	Regular	0.00	1,169.01	122249
2511	USA BLUE BOOK	12/30/2022	EFT	0.00	3,871.07	11814
0512	VANLEEUEWE, SARA J.	12/30/2022	EFT	0.00	149.10	11815
4489	VERIZON WIRELESS	12/30/2022	EFT	0.00	400.10	11816
4489	VERIZON WIRELESS	12/30/2022	EFT	0.00	38.69	11817
7154	VESTA LLC	12/30/2022	Regular	0.00	112.50	122250
2538	VIKING COCA COLA BOTTLING CO.	12/30/2022	EFT	0.00	595.85	11818
4594	VINOCOPIA INC	12/30/2022	EFT	0.00	5,176.00	11819
2545	VOLUNTEER FIREFIGHTERS BENEFIT ASSOC	12/30/2022	Regular	0.00	490.00	122251
2632	ZIEGLER INC	12/30/2022	EFT	0.00	1,394.71	11820

Bank Code AP Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	53	27	0.00	83,439.04
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	9	9	0.00	4,010.70
EFT's	132	59	0.00	117,553.68
	<b>194</b>	<b>95</b>	<b>0.00</b>	<b>205,003.42</b>

### All Bank Codes Check Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	53	27	0.00	83,439.04
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	9	9	0.00	4,010.70
EFT's	132	59	0.00	117,553.68
	<b>194</b>	<b>95</b>	<b>0.00</b>	<b>205,003.42</b>

### Fund Summary

Fund	Name	Period	Amount
999	POOLED CASH FUND	12/2022	205,003.42
			<b>205,003.42</b>

CITY OF MARSHALL, MINNESOTA  
 PRIOR AND CURRENT YEARS CONSTRUCTION CONTRACTS

1/10/2023

PROJECT #:	Coding	DATE	CONTRACTOR:	ORIGINAL CONTRACT AMOUNT:	CHANGE ORDERS	CURRENT CONTRACT AMOUNT	2019 Prior Payments	2020 Prior Payments	2021 Prior Payments	2022 Prior Payments	PYMTS THIS MEETING:	RETAINAGE	BALANCE:	PERCENT COMPLETE
CH1	494-43300-55120	11/12/2019	City Hall Renovation Brennan Companies	5,030,200.00	749,360.00	5,779,560.00						11,822.00	-	100.00%
ST-004	480-43300-55170	2/22/2022	Halbur Road Reconstruction Duininck, Inc	1,142,009.72	41,873.66	1,183,883.38				1,068,756.45		56,250.36	58,876.57	95.03%
ST-006 (Z79)	495-43300-55130	5/10/2022	School Pedestrian Crossing Improvements Duininck, Inc	480,250.35		480,250.35				376,682.76		19,825.41	83,742.18	82.56%
				<u>6,652,460.07</u>	<u>791,233.66</u>	<u>7,443,693.73</u>	<u>0.00</u>	<u>3,039,722.04</u>	<u>2,661,221.96</u>		<u>0.00</u>	<u>87,897.77</u>	<u>142,618.75</u>	



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Presenter:</b>	Mayor Byrnes
<b>Meeting Date:</b>	Tuesday, January 10, 2023
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	ACTION
<b>Subject:</b>	Selection of City Council President Pro Tempore by City Council
<b>Background Information:</b>	In accordance with Section 2.06 of the City Charter, the Council shall choose from its members a President Pro tempore who shall hold office at the pleasure of the Council and shall serve as president at the Mayor's absence and as a Mayor in case of the Mayor's disability or absence from the City.
<b>Fiscal Impact:</b>	
<b>Alternative/ Variations:</b>	
<b>Recommendations:</b>	To approve selection of President Pro-tempore by City Council



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Presenter:</b>	Mayor Byrnes
<b>Meeting Date:</b>	Tuesday, January 10, 2023
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	ACTION
<b>Subject:</b>	Consider Mayoral Appointment for Councilmembers to Boards/Commissions and Committees.
<b>Background Information:</b>	Under the City Charter: Appointments to all boards, commissions, bureaus, and authorities shall be by the mayor and shall be confirmed by the council with the exception of the housing and redevelopment authority. The proposed appointments are attached.
<b>Fiscal Impact:</b>	
<b>Alternative/ Variations:</b>	
<b>Recommendations:</b>	To approve the Mayoral Appointment for Councilmembers to Boards/Commissions and Committees.

CITY COUNCIL COMMITTEES

*President Pro-Tem – To be elected*

**Equipment Review Committee**

John Alcorn  
Craig Schafer  
James Lozinski

**Public Improvement/ Transportation**

Craig Schafer  
John Alcorn  
James Lozinski

**Legislative & Ordinance Committee**

Steven Meister  
See Moua-Leske  
James Lozinski

**Ways & Means Committee**

See Moua-Leske  
Steven Meister  
Amanda Schroeder

**Personnel Committee**

Steven Meister  
Craig Schafer  
Amanda Schroeder

***Liaisons & Board Members on the City Boards & Commissions:***

**Adult Community Center Commission** – Steven Meister

**Airport Commission** – Craig Schafer

**Cable Commission** – Steven Meister

**Charter Commission** – City Administrator, Sharon Hanson & City Attorney, Pamela Whitmore (No Council Liaisons)

**Community Services Advisory Board** – John Alcorn

**Convention & Visitors Bureau** – See Moua-Leske

**Diversity, Equity, and Inclusion Commission** – See Moua-Leske

**Economic Development Authority** – Steven Meister & Amanda Schoeder

**Joint Law Enforcement Center Management Committee** – James Lozinski & Craig Schafer

**Library Board** – See Moua-Leske

**Marshall Area Transit Committee** – James Lozinski

**Marshall Municipal Utilities Commission** – John Alcorn

**M.E.R.I.T. Center Commission** – Craig Schafer

**Planning Commission** – Amanda Schroeder

**Police Advisory Board** – James Lozinski

**Public Housing Commission** – Amanda Schroeder

**Southwest Minnesota Amateur Sports Commission** – Craig Schafer

***Other Appointments:***

***City Council-County Board/Library Agreement & Operations*** – See Moua-Leske & Bob Byrnes

***Fire Relief Association*** – Bob Byrnes & Finance Director, Karla Drown

***Housing & Redevelopment Authority*** – Mayor & City Council

***Regional Development Commission*** – Bob Byrnes

***SW Minnesota Emergency Communication Board (ECB)***- Craig Schafer & Alternate Bob Byrnes



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Presenter:</b>	Mayor Byrnes
<b>Meeting Date:</b>	Tuesday, January 10, 2023
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	INFO/ACTION
<b>Subject:</b>	Consider Appointments to Various Boards, Commission, Bureaus, and Authorities.
<b>Background Information:</b>	<p>Under Chapter 2, Article VI, Section 143 the City Charter states: "Appointments to all boards, commissions, bureaus and authorities shall be by the mayor and shall be confirmed by the council with the exception of the housing and redevelopment authority."</p> <p>Interviews were held prior to the regular city council meeting.</p> <p>One vacant position for the Adult Community Center with a term expiring 5/31/25            One re-appointment to the MERIT Center Commission with a term expiring 12/31/25</p>
<b>Fiscal Impact:</b>	
<b>Alternative/ Variations:</b>	
<b>Recommendations:</b>	To approve and appoint to the various Boards, Commissions, Bureaus, and Authorities.

**City of Marshall  
Boards and Commissions  
12/13/2022**

<b>Adult Community Center Commission</b>	Incumbent	New Applications
Vacant - Term Expires 5/31/25		Steven Thares
Vacant - Term Expires 5/31/23		
<b>Airport Commission</b>	Incumbent	New Applications
No Openings		
<b>Cable Commission</b>	Incumbent	New Applications
2 Vacant - Term Expires 5/31/25		
Vacant - Term Expire 5/31/24		
<b>Charter Commission</b>	Incumbent	New Applications
No Openings		
<b>Community Services Advisory Board</b>	Incumbent	New Applications
2 Vacant - Terms Expire 2/28/25		
<b>Convention &amp; Visitors Bureau</b>	Incumbent	New Applications
At Large - 2 Vacant Expiring 12/31/25		
<b>Diversity, Equity, and Inclusion Commission</b>	Incumbent	New Applications
At Large - Term Expires 5/31/25		
<b>Economic Development Authority</b>	Incumbent	New Applications
No Openings		
<b>Library Board</b>	Incumbent	New Applications
No Openings		
<b>MMU Commission</b>	Incumbent	New Applications
No Openings		
<b>MERIT Center Commission</b>	Incumbent	New Applications
At Large - 3 Vacant Expiring 12/31/25	Eric Wallen	
At Large - 1 Vacant Expiring 12/31/23		
<b>Planning Commission</b>	Incumbent	New Applications
No Openings		
<b>Police Advisory Board</b>	Incumbent	New Applications
1 Opening		
<b>Public Housing Commission</b>	Incumbent	New Applications
Vacant - Term Expiring 5/31/26		

**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Presenter:</b>	Jason Anderson
<b>Meeting Date:</b>	Tuesday, January 10, 2023
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	ACTION
<b>Subject:</b>	Project ST-009: W Lyon St. / N 3rd St. Reconstruction Project - Consider Resolution Receiving Feasibility Report and Calling Hearing on Improvement.
<b>Background Information:</b>	<p>This project consists of: reconstruction and utility replacement on West Lyon Street from East College Drive to North 5<sup>th</sup> Street, and North 3<sup>rd</sup> Street from West Main Street to West Redwood Street. All utilities will be replaced, including watermain, sanitary sewer, and storm sewer on West Lyon and North 3<sup>rd</sup> Streets. Other items of work included in this project are pavement removal, aggregate base, concrete surfacing, sidewalks, curb and gutter, streetscaping, and other minor work. Also included with this project will include reconstruction of the Addison Parking Lot adjacent to West Lyon Street and East College Drive. Reconstruction of the parking lot will include pavement removal, grading, aggregate base, and concrete surfacing.</p> <p>This Feasibility Report as authorized by the City Council covers the proposed improvements including scope, background/existing conditions, proposed improvements, probable costs, proposed assessments, feasibility and proposed project schedule.</p> <p>The proposed improvements as described in the report are necessary, cost-effective, and feasible from an engineering standpoint.</p>
<b>Fiscal Impact:</b>	The engineer's estimate for the construction portion of the project is \$3,000,000. The total estimated project cost, including 10% allowance for contingencies and 16% for engineering and administrative costs is \$3,828,000. All improvements will be assessed according to the current Special Assessment Policy, including but not limited to participation from Marshall Municipal Utilities, Wastewater Department, Surface Water Management Utility Fund and Ad Valorem. Final approval of the project must include determination of funding sources.
<b>Alternative/Variations:</b>	No alternative actions recommended.
<b>Recommendations:</b>	that the Council adopt RESOLUTION NUMBER 23-005, which is the Resolution Receiving Feasibility Report and Calling Hearing on Improvement for the above-referenced project and setting the public hearing on improvement date for January 24, 2023.



MARSHALL  
CULTIVATING THE BEST IN US

# FEASIBILITY REPORT

**PROJECT ST-009**

**W. LYON ST. / N. 3<sup>RD</sup> ST.  
RECONSTRUCTION PROJECT**

January 10, 2023



# Table of Contents

FEASIBILITY REPORT .....	2
1.0 SCOPE .....	2
2.0 BACKGROUND / EXISTING CONDITIONS.....	2
3.0 PROPOSED IMPROVEMENTS .....	4
4.0 STATEMENT OF PROBABLE COST.....	6
5.0 PROPOSED ASSESSMENTS .....	6
6.0 FEASIBILITY/CONDITIONS/QUALIFICATIONS.....	7
7.0 PROPOSED PROJECT SCHEDULE .....	7
APPENDIX .....	8
PROJECT LAYOUTS.....	9

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision, and that I am a duly Registered Professional Engineer under the laws of the State of Minnesota.

By:   
Jason R. Anderson, P.E.  
Registration No. 53322

# FEASIBILITY REPORT

## PROJECT ST-009 W. LYON ST. / N. 3<sup>RD</sup> ST. RECONSTRUCTION PROJECT

### CITY OF MARSHALL, MINNESOTA

#### 1.0 SCOPE

This Feasibility Report as authorized by the City Council, covers the following proposed improvements: reconstruction and utility replacement on West Lyon Street from East College Drive to North 5<sup>th</sup> Street, and North 3<sup>rd</sup> Street from West Main Street to West Redwood Street. All utilities will be replaced, including watermain, sanitary sewer, and storm sewer on West Lyon and North 3<sup>rd</sup> Streets. Other items of work included in this project are pavement removal, aggregate base, concrete surfacing, sidewalks, curb and gutter, streetscaping, and other minor work. Also included with this project will include reconstruction of the Addison Parking Lot adjacent to West Lyon Street and East College Drive. Reconstruction of the parking lot will include pavement removal, grading, aggregate base, and concrete surfacing.

#### 2.0 BACKGROUND / EXISTING CONDITIONS

##### Street

City records indicate that these streets were originally constructed generally in the 1950's. The original pavement section does not meet the City's current standards for thickness and load rating. The existing pavement surface is beginning to show its age with considerable cracking. There are numerous patches due to pavement degradation.

The existing street width of North 3<sup>rd</sup> Street measures 45-FT as measured from back of curb to back of curb. The existing street width of West Lyon Street measures 56-FT as measured from back of curb to back of curb. Currently, the existing segment of West Lyon Street is marked to include two travel lanes with 45-degree angled parking on both sides of the street. North 3<sup>rd</sup> Street between West Main Street and West Lyon Street is marked to include two travel lanes with 45-degree angled parking on the north side and parallel parking on the south side. The segment of North 3<sup>rd</sup> Street between West Lyon Street and West Redwood Street is marked to include two travel lanes and parallel parking on the south side of the street. No parking is allowed on the north side of this segment due to the existing

raised island that used to include the drive-up post office mail drop boxes and the dedicated left turn lane approaching the West Lyon Street intersection.

The existing concrete pavement in the Addison Parking Lot has several deterioration signs including spalling, stripping, cracking, and buckling. The existing stalls are arranged in a 45-degree angled pattern with routing occurring in West Lyon Street and the alley way through 3 separate access points to West Lyon Street.

There are currently variable width sections of sidewalk on the two corridors. On North 3<sup>rd</sup> Street between West Main Street and West Lyon Street, the existing sidewalk measures approximately 10-FT measured from the back of curb to the building fronts. The remaining block of 3<sup>rd</sup> Street includes generally 5-FT wide sidewalk with the exception of a segment of 15-FT wide sidewalk on the south side of the street adjacent to the commercial property. On West Lyon Street between East College Drive and North 4<sup>th</sup> Street, the existing sidewalk measures approximately 10-FT as measured from back of curb to the right-of-way. On West Lyon Street between North 4<sup>th</sup> Street and North 5<sup>th</sup> Street, the existing sidewalk has a variable width sidewalk dependent on the segment of the block and side of the street. Widths include 5-FT, 7-FT, and 10-FT wide sidewalk.

The sidewalk along West Lyon Street between East College Drive and North 5<sup>th</sup> Street and North 3<sup>rd</sup> Street between West Lyon Street and West Redwood Street has exhibited signs of issues with cracking and buckling observed. The sidewalk on North 3<sup>rd</sup> Street between West Main Street and West Lyon Street was recently replaced in 2014 and included colored pavement. This sidewalk does not meet the current requirements of ADA accessibility due to several areas that exceed the maximum cross slope. Several of the existing pedestrian ramps are not ADA compliant.

## Utilities

The existing watermain along West Lyon Street is 4" ductile iron pipe (DIP) between East College Drive and North 5<sup>th</sup> Street. The existing watermain under North 3<sup>rd</sup> Street is a 4" DIP that runs between West Main Street and West Lyon Street. Several of the existing water services in this area have been observed to be lead material and can be inferred that most of the remaining services are made of a similar material. All of the 4" DIP in this project area is in poor condition, undersized, and do not provide for sufficient fire hydrant pressures for today's standards.

The existing sanitary sewer main along West Lyon Street between East College Drive and North 3<sup>rd</sup> Street is 8" vitrified clay pipe (VCP). This main flows east to an existing main under College Drive. The existing sanitary sewer main along North 3<sup>rd</sup> Street between West Main Street and West Lyon Street is 8" VCP. This main flows north to West Lyon Street where it continues then westward. On West Lyon Street between North 3<sup>rd</sup> Street and North 4<sup>th</sup> Street, the existing sanitary sewer main is 10" VCP. This main collects from North 3<sup>rd</sup> Street and continues to flow to the west. The remaining block of West Lyon Street between North 4<sup>th</sup> Street and North 5<sup>th</sup> Street is 12" VCP. This main collects the previous two segments and flows west to North 5<sup>th</sup> Street. There is no sanitary sewer main on North 3<sup>rd</sup> Street between West Lyon Street and West Redwood Street. The age and condition of the sewer in these segments make this sewer a good candidate for replacement with this project.

There are limited segments of separate existing storm sewer. Catch basins at the intersection of West Lyon Street and North 3<sup>rd</sup> Street drain into an existing 12" storm sewer pipe. The 12" storm sewer main flows north towards West Redwood Street. Based on an analysis of the existing drainage area and the downstream storm sewer main, the storm sewer system is undersized under current standards. There is insufficient catch basins to provide adequate surface drainage and downstream storm sewer main under North 3<sup>rd</sup> Street and further are not large enough to provide sufficient

capacity for the drainage areas. This insufficiency in the existing system leaves risk for street flooding during heaving rain events.

### 3.0 PROPOSED IMPROVEMENTS

#### Street

A concrete pavement section will be proposed and discussed in this feasibility report. Staff is proposing a street section comprised of 7" of concrete surfacing, 6" of Class 5 aggregate base, and 12" of Select Granular subbase. A geotextile fabric will be placed on the subgrade prior to the placement of the Select Granular subbase. A 6" perforated drain tile shall be installed at the back of the curb below the aggregate base to provide subsurface drainage for the street section.

A concrete pavement section in the Addison Parking Lot is proposed with a 6" concrete surface and 6" of Class 5 aggregate base. A geotextile fabric will be placed on the subgrade prior to the placement of the Class 5 aggregate base.

The proposed roadway will be 52.5-FT travel way (as measured from curb face to curb face) on West Lyon Street from East College Drive to North 5<sup>th</sup> Street and North 3<sup>rd</sup> Street from West Lyon Street to West Redwood Street. The project proposes two 12-FT travel lanes, an 8-FT parallel parking lane, and a 20.5-FT 45-degree angled parking lane. On West Lyon Street, the angled parking lane will be on the north side and the parallel parking will be on the south side of the street. On North 3<sup>rd</sup> Street between West Lyon Street and West Redwood Street, the angled parking lane will be on the east side of the street and the parallel parking lane on the west side of the street. The proposed roadway on North 3<sup>rd</sup> Street from West Main Street to West Lyon Street would be changed from a two-way traveled direction to a one-way traveled direction progressing northbound and the travel width (as measured from curb face to curb face) will be variable. South of the alley, the width will be a 34.5-FT travel way. In this segment, there will be a 14-FT travel lane and a 20.5-FT 45-degree angled parking lane on the west side of the street. North of the alley, the width will be a 43.5-FT travel way. In this segment, there will be a 14-FT travel lane, a 20.5-FT 45-degree angled parking lane on the west side, and a 9-FT parallel parking lane on the east side of the street. The existing intersection signal at West Main Street and North 3<sup>rd</sup> Street will be reconfigured to no longer have signal heads in the direction of North 3<sup>rd</sup> Street and the signal will be reprogrammed as a "pedestrian signal" that would only stop traffic when a pedestrian activates the crossing push button.

The proposed segment of West Lyon Street between East College Drive and North 5<sup>th</sup> Street will be 2.5-FT narrower than the existing street. The proposed segment of North 3<sup>rd</sup> Street between West Lyon Street and West Redwood Street will be 7.5-FT wider than the existing street. The proposed segments of North 3<sup>rd</sup> Street between West Main Street and West Redwood Street will be 9.5-FT narrower than the existing street south of the alley and 0.5-FT narrower than the existing street north of the alley.

The Addison Parking Lot would be reconfigured to route traffic through a single two-way access to West Lyon Street, utilizing the furthest north existing access location. The two existing accesses east of this location would be closed due to their proximity to the West Lyon Street and East College Drive intersection. The parking stalls would be reconfigured into 90-degree orientations with an internal loop for traffic routing. The existing access to the alley nearby East College Drive would be maintained for an alternative two-way access.

The project is proposing to replace the existing sidewalk on West Lyon Street with a 12.75-FT sidewalk paved from back of curb to right-of-way. A 5-FT sidewalk with a 1-FT grass buffer adjacent to the right-of-way is proposed for the west side of North 3<sup>rd</sup> Street between West Lyon Street and West Redwood Street. On the east side of North 3<sup>rd</sup> Street between West Lyon Street and West Redwood Street, a 5-FT sidewalk with a 1-FT grass buffer is proposed north of the alley, and an 11-FT sidewalk paved from back of curb to right-of-way is proposed on the south side of the alley. On the west side of North 3<sup>rd</sup> Street between West Main Street and West Redwood Street, a 15-FT sidewalk is proposed from back of curb to the right-of-way. On the east side of North 3<sup>rd</sup> Street between West Main Street and West Lyon Street, there are two different proposed widths of sidewalk. South of the alley, a 29.5-FT sidewalk is proposed to provide a “mini plaza” space for streetscaping features and gathering space. North of the alley, a 20.5-FT sidewalk is proposed.

### **Utilities**

The proposed utility improvements include replacing existing VCP sanitary sewer, existing DIP watermain, and existing storm sewer.

The watermain improvements will consist of replacing all DIP watermain with Polyvinyl Chloride (PVC) watermain pipe. Watermain improvements are planned in close coordination with MMU staff input. The existing 4” and 6” DIP in the project will be replaced with 8” PVC pipe. All water services would be replaced with new PVC and curb stops at the right-of-way.

The sanitary sewer system improvements will include replacing all manholes, sewer main, and sewer services along West Lyon Street and North 3<sup>rd</sup> Street. Generally, the VCP main will be replaced with 8” PVC main. All sewer services will be replaced to the right-of-way (ROW) with a minimum 4” pipe size.

The existing storm sewer pipe along North 3<sup>rd</sup> Street will be replaced with new reinforced concrete pipe. Additional catch basins would be installed on North 3<sup>rd</sup> Street at the alley between West Main Street and West Lyon Street. A new reinforced concrete storm sewer main would be installed on West Lyon Street from the intersection of North 3<sup>rd</sup> Street to East College Drive. This new main would serve as the “primary” flow direction for the stormwater drainage for this area. As part of MnDOT’s 2025 College Drive reconstruction project, MnDOT would make a connection to the storm sewer main under East College Drive. Until this construction takes place, the drainage would continue to flow east on North 3<sup>rd</sup> Street as currently. By redirecting the “primary” flow to College Drive, this will reduce the drainage area that enters the downstream storm sewer that is currently undersized. The work in this area will also include replacing all catch basin leads and existing manholes.

## 4.0 STATEMENT OF PROBABLE COST

The estimated costs to complete the proposed improvements are shown below. The estimated construction costs include a 10% allowance for contingencies and a 16% allowance for administrative and engineering costs. The unit prices for each item of work used in determining the estimated cost of construction is based on previous projects similar in nature and is subject to change.

<i>Street and Curb and Gutter</i>	<i>\$1,335,000.00</i>
<i>Watermain Replacement</i>	<i>\$405,000.00</i>
<i>Sanitary Sewer Replacement</i>	<i>\$380,000.00</i>
<i>Storm Sewer Replacement</i>	<i>\$380,000.00</i>
<i>Streetscaping Enhancements</i>	<u><i>\$500,000.00</i></u>
<i>Subtotal Estimated Construction Cost</i>	<i>\$3,000,000.00</i>
<i>Contingencies (10%)</i>	<u><i>\$300,000.00</i></u>
<i>Total Estimated Construction Cost</i>	<i>\$3,300,000.00</i>
<i>Estimated Engineering, &amp; Administration (16%)</i>	<u><i>\$528,000.00</i></u>
<i>Total Estimated Project Cost</i>	<u><i>\$3,828,000.00</i></u>

## 5.0 PROPOSED ASSESSMENTS

The adjacent properties will not be assessed for the watermain improvements. All costs for watermain and related work will be paid by MMU.

The adjacent properties will not be assessed for sanitary sewer main improvements. All costs for sanitary sewer main will be paid by the City of Marshall Wastewater Department. Sanitary sewer service lines and connection points to the main will be assessed to the adjacent property owners according to current sanitary sewer assessment procedures.

Costs for the street replacements will be partially assessed to the adjacent property owners in accordance with the most recent Special Assessment Policy and partially funded by the Wastewater Department, MMU, and Surface Water Management Utility fund.

Streetscaping improvements will be partially assessed to the adjacent property owners as directed through Council action describing the split amounts.

A preliminary assessment roll showing the estimated assessments for each benefiting parcel, City Participation, and utility participation will be prepared at a later date for consideration by the City Council in accordance with the most recent Special Assessment Policy.

### 6.0 FEASIBILITY/CONDITIONS/QUALIFICATIONS

The proposed improvements as described in this report are necessary, cost-effective, and feasible from an engineering standpoint. The feasibility of this project is contingent upon the findings of the City Council pertaining to project financing and public input.

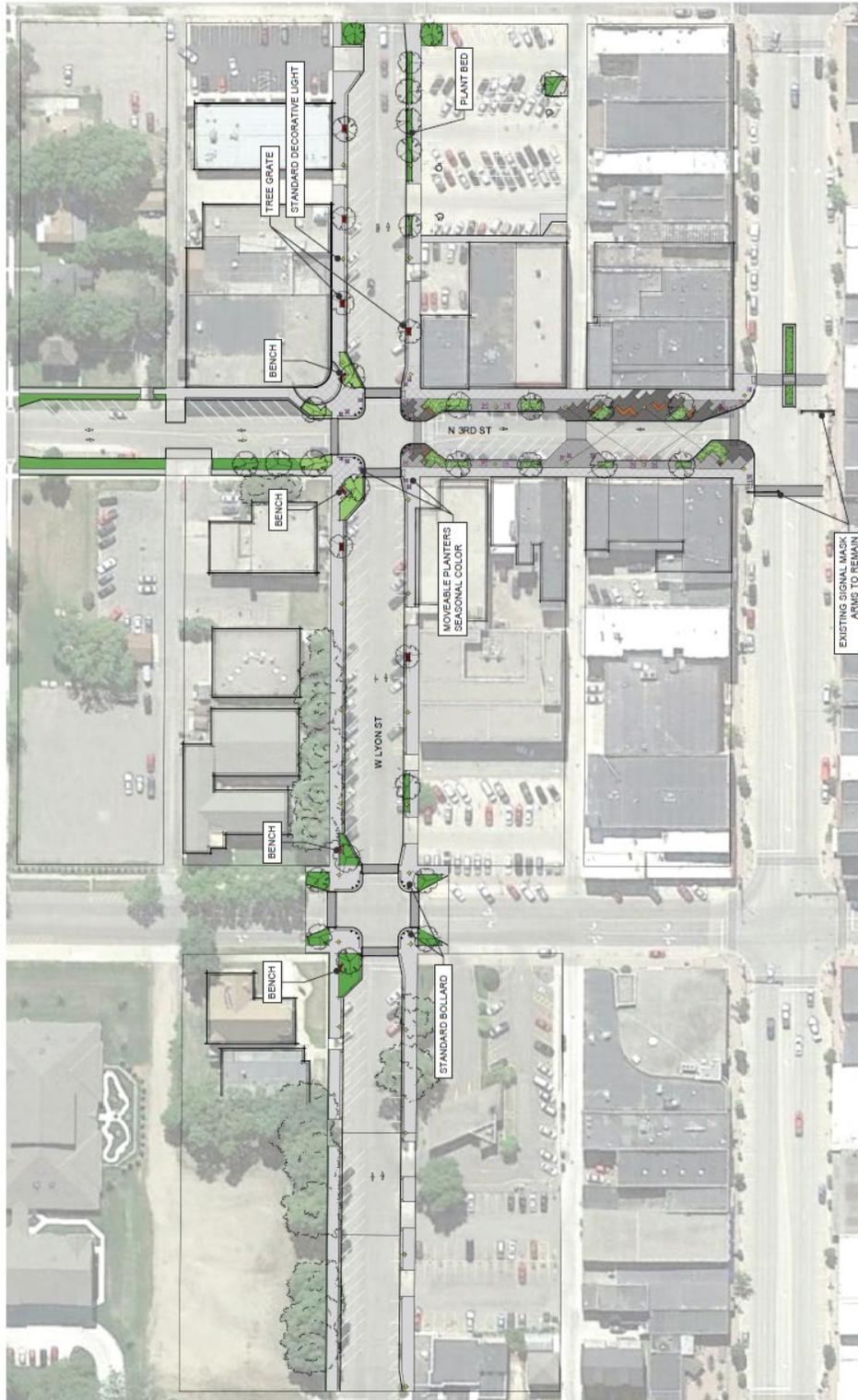
### 7.0 PROPOSED PROJECT SCHEDULE

The following is the anticipated schedule for the project, assuming the City Council elects to proceed with the proposed improvements.

- January 24, 2023 ..... Public Hearing on Improvement/Order Plans & Specs  
Approve Plans & Specs/Authorize Call for Bids
- January 27-February 22, 2023 ..... Advertise for Bids
- February 22, 2023 ..... Bid Opening Date
- February 28, 2023 ..... Award Contract
- April 17, 2023 ..... Notice to Proceed
- May 2023 ..... Begin Construction
- September 2023 ..... End Construction
- December 12, 2023 ..... Public Hearing on Assessment/Adopt Assessment

# APPENDIX

# PROJECT LAYOUTS



## 3RD STREET & LYON IMPROVEMENTS DRAFT CONCEPT DESIGN

**RESOLUTION NO. 23-005**

**RESOLUTION RECEIVING FEASIBILITY REPORT  
AND CALLING HEARING ON IMPROVEMENT**

WHEREAS, pursuant to resolution of the Council adopted December 27, 2022, a report has been prepared by Director of Public Works/City Engineer Jason R. Anderson with reference to:

**PROJECT ST-009: W LYON ST. / N 3RD ST. RECONSTRUCTION PROJECT** -The proposed project includes: reconstruction and utility replacement on West Lyon Street from East College Drive to North 5<sup>th</sup> Street, and North 3<sup>rd</sup> Street from West Main Street to West Redwood Street. All utilities will be replaced, including watermain, sanitary sewer, and storm sewer on West Lyon and North 3<sup>rd</sup> Streets. Other items of work included in this project are pavement removal, aggregate base, concrete surfacing, sidewalks, curb and gutter, streetscaping, and other minor work. Also included with this project will include reconstruction of the Addison Parking Lot adjacent to West Lyon Street and East College Drive. Reconstruction of the parking lot will include pavement removal, grading, aggregate base, and concrete surfacing.

AND WHEREAS, this report was received by the Council on January 10, 2023.

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

1. The Council will consider the improvements in accordance with the report and the assessment of the properties for all or a portion of the cost of the improvements pursuant to Minnesota Statutes, Chapter 429 at an estimated total cost of the improvements of \$3,828,000.
2. A Public Hearing shall be held on such proposed improvements on the 24<sup>th</sup> day of January 2023 at 5:30 p.m. in the Council Chambers of City Hall located at 344 West Main Street, and the City Clerk shall give mailed and published notice of such hearing and improvements as required by the law.

Passed and adopted by the Council this 10<sup>th</sup> day of January 2023.

\_\_\_\_\_  
Mayor

ATTEST:

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

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

**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Presenter:</b>	Jason Anderson
<b>Meeting Date:</b>	Tuesday, January 10, 2023
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	ACTION
<b>Subject:</b>	Projects Z88/SAP 139-103-004: 2021 State Aid Overlay Project and Project ST-008/SP 139-121-004: Channel Parkway Resurfacing Project – Consider Resolution for Municipal State Aid Street System (MSAS) 2023 Advance Funds.
<b>Background Information:</b>	<p>The 2021 State Aid Overlay Project (Z88) was substantially completed in 2021 with final completion in 2022. The project was financed through municipal bonds that were issued locally, with the intent of utilizing Municipal State Aid System (MSAS) funds to make bond payments.</p> <p>The Channel Parkway Resurfacing Project (ST-008) is included in the Capital Improvement Plan (CIP) for 2023 construction. This project is funded utilizing a \$1.25M Local Road Improvement Program (LRIP) Grant with Municipal State Aid System funds covering the remaining project costs.</p> <p>The current MSAS construction account balance as of 01/05/2023 is (\$2,456,410). Because we have “advanced” future years of funding to finance past projects, we have a negative account balance. The total maximum MSAS advance, set by Minnesota Commissioner of Transportation is the lesser of \$4,000,000 or five (5) times the City annual construction apportionment. The 2023 City of Marshall annual construction apportionment is estimated at \$820,371, which times 5 results in an amount of \$4,101,855. Therefore, the maximum amount of MSAS advance for the City is \$4,000,000.</p> <p>The attached resolution is required in order to allow MSAS advance funding. The resolution identifies a request to advance funds for Z88 bond principal payment and ST-008 City construction costs.</p>
<b>Fiscal Impact:</b>	Total State Aid advance is requested in an amount up to \$2,361,039 required to be repaid in accordance with the regulations established by Mn/DOT from future MSAS disbursements.
<b>Alternative/Variations:</b>	No alternative actions recommended.
<b>Recommendations:</b>	that the Council adopt RESOLUTION NUMBER 23-006, which is the “Resolution for Municipal State Aid Street Funds Advance” requesting an advance of Municipal State Aid System (MSAS) funding in the amount of up to \$2,361,039.

**RESOLUTION NUMBER 23-006  
RESOLUTION FOR MUNICIPAL STATE AID STREET FUNDS ADVANCE**

WHEREAS, the Municipality of Marshall is planning to implement Municipal State Aid Street Project(s) in 2023 which will require State Aid funds in excess of those available in its State Aid Construction Account, and

WHEREAS, said municipality is prepared to proceed with the construction of said project(s) through the use of an advance from the Municipal State Aid Street Fund to supplement the available funds in their State Aid Construction Account, and

WHEREAS, the advance is based on the following determination of estimated expenditures:

Account Balance as of date <u>1/5/2023</u>	\$ <u>(2,456,410)</u>
Anticipated 2023 Construction Allotment (Fall 2022)	\$ <u>820,371</u>
Less estimated disbursements:	
Project # <u>139-121-004</u>	\$ <u>500,000</u>
Project # _____	\$ _____
Project # _____	\$ _____
Project # _____	\$ _____
Bond Principle (139-103-004)	\$ <u>225,000</u>
Project Finals (overruns-if any)	\$ _____
Other _____	\$ _____
Total Estimated Disbursements	\$ <u>725,000</u>
Advance Amount (amount in excess of acct balance)	\$ <u>(2,361,039)</u>

WHEREAS, repayment of the funds so advanced will be made in accordance with the provisions of Minnesota Statutes 162.14, Subd. 6 and Minnesota Rules, Chapter 8820.1500, Subp. 10b, and

WHEREAS, the Municipality acknowledges advance funds are released on a first-come-first-serve basis and this resolution does not guarantee the availability of funds.

NOW, THEREFORE, Be It Resolved by the City Council of the City of Marshall, Minnesota: That the Commissioner of Transportation be and is hereby requested to approve this advance for financing approved Municipal State Aid Street Project(s) of the Municipality of Marshall in an amount up to ( \$2,361,039 ) and hereby authorize repayments from subsequent accruals to the Municipal State Aid Street Construction Account of said Municipality from future year allocations until fully repaid.

Passed and adopted by the Council this 10<sup>th</sup> day of January, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

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

<b>Presenter:</b>	Jason Anderson
<b>Meeting Date:</b>	Tuesday, January 10, 2023
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	ACTION
<b>Subject:</b>	Consider Resolution of Support for a RAISE Grant Application for the MnDOT 2025 College Drive Reconstruction Project.
<b>Background Information:</b>	MnDOT District 8 is preparing an application for a federal RAISE grant (Rebuilding American Infrastructure with Sustainability and Equity) for the 2025 College Drive Reconstruction project through Marshall. To help ensure a complete grant application and identify local support, MnDOT D8 has requested that the City of Marshall adopt a resolution of support for the 2025 project.
<b>Fiscal Impact:</b>	No impact to the City of Marshall’s project cost.
<b>Alternative/ Variations:</b>	No alternative actions recommended.
<b>Recommendations:</b>	that the Council adoption Resolution 23-007, which is a Resolution of Support for a RAISE Grant Application for the MnDOT 2025 College Drive Reconstruction Project.

**RESOLUTION NUMBER 23-007**

**RESOLUTION OF SUPPORT FOR A RAISE GRANT APPLICATION FOR THE HIGHWAY 19/COLLEGE DRIVE MARSHALL RECONSTRUCTION PROJECT**

WHEREAS, the Rebuilding American Infrastructure with Sustainability and Equity “RAISE” Transportation Grants Program provides dedicated, discretionary funding for transportation infrastructure projects of local or regional significance; and

WHEREAS, the United States Department of Transportation is soliciting applications for \$1.5 billion for the FY 2023 RAISE Transportation Grants Program as appropriated through the FY 2023 Appropriations Act for National Infrastructure Investments; and

WHEREAS, the FY 2023 Appropriations Act directs funds provided for RAISE Transportation Grants be divided not more than 50 percent for rural areas and 50 percent for urbanized areas and requires measures to ensure an equitable geographic distribution of grant funds and an appropriate balance in addressing the needs of urban and rural areas; and

WHEREAS, eligible projects for RAISE Transportation Grants include surface transportation capital projects including highway, bridge, or other road projects as well as public transportation projects, passenger and freight rail transportation projects, port infrastructure investments, and intermodal projects; and

WHEREAS, the maximum award for this round of RAISE Transportation Grants is \$25 million; and

WHEREAS, the Minnesota Department of Transportation (MnDOT) is seeking funds to reconstruct Highway 19 or College Drive through the City of Marshall; and

WHEREAS, the proposed improvements will bring the corridor back to a state of good repair, make it easier for freight to navigate the corridor, make it easier for people to walk and bike along and across the corridor, make it safer for all roadway users and will help mitigate flood events; and

WHEREAS, the project supports the safety of Marshall residents and traveling public, livability, economic strength and global competitiveness of Marshall businesses and residents and climate resilience along the corridor and improved access to jobs, services, medical care, and daily needs by reducing transportation-related disparities, adverse community impacts and health effects; and

WHEREAS, the project aligns with the City of Marshall’s Capital Improvement Plan and Safe Routes to School Plan; and

WHEREAS, the City of Marshall will provide funding toward the local match for its portion of the project and MnDOT will provide funding toward the local match for the trunk highway portion of the project to contribute to the overall local match and project funding as identified in the RAISE grant application, which includes the use of funding programmed for maintenance, secured funding through other grant programs, and additional program funding as applicable; and

NOW THEREFORE BE IT RESOLVED, that the Marshall City Council supports and approves the application towards FY 2023 RAISE Transportation Grant for the Highway 19/College Drive reconstruction project.

Passed and adopted by the Council this 10<sup>th</sup> day of January, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

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

<b>Presenter:</b>	Mayor Byrnes
<b>Meeting Date:</b>	Tuesday, January 10, 2023
<b>Category:</b>	COUNCIL REPORTS
<b>Type:</b>	INFO
<b>Subject:</b>	Commission/Board Liaison Reports
<b>Background Information:</b>	<p><b>Byrnes</b> - Fire Relief Association and Regional Development Commission</p> <p><b>Schafer</b> – Airport Commission, Joint LEC Management Committee, MERIT Center Commission, SW Amateur Sports Commission</p> <p><b>Meister</b> – Adult Community Center, Cable Commission, Economic Development Authority</p> <p><b>Schroeder</b> – Economic Development Authority, Planning Commission, Public Housing Commission</p> <p><b>Alcorn</b> – Community Services Advisory Board, MMU Commission</p> <p><b>Moua-Leske</b> – Convention &amp; Visitors Bureau; Diversity, Equity &amp; Inclusion Commission; Library Board</p> <p><b>Lozinski</b> – Marshall Area Transit Committee, Joint LEC Management Committee, Police Advisory Board</p>
<b>Fiscal Impact:</b>	
<b>Alternative/ Variations:</b>	
<b>Recommendations:</b>	

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

FROM: Sharon Hanson, City Administrator

DATE: January 10, 2023

SUBJECT: Administrative Brief

**CITY ATTORNEY**

- City Attorney Pam Whitmore has begun to review Council packet items as well as Planning and Zoning Packet and any related ordinances changes. Attorney Whitmore has also been preparing for future Councilmember Open Meeting Law training to be held January 10, 2023, following Council meeting.
- The first on-site meeting with staff and the Mayor will be prior to the January 10, 2023 Council meeting to review pending legal items, discuss on-going regular meeting schedules, and get the opportunity to meet City Staff.

**CITY PROSECUTOR:**

Criminal prosecution numbers for December are as follows:

	ASSAULT	OFP VIOL.	DWI	OTHER ALCOHOL	TRAFFIC	THEFT	OTHER	TOTAL 2022	2021 Comparison
Prosecution	1	1	6	1	3	1	3	16	24
Dismissed									
Non-Prosecution	3				1			4	0
Refer to County									

Criminal prosecution numbers for the year of 2022 are as follows:

	ASSAULT	OFP VIOL.	DWI	OTHER ALCOHOL	TRAFFIC	THEFT	OTHER	TOTAL 2022	2021 Comparison
Prosecution	22	9	72	5	58	24	27	217	230
Dismissed									
Non-Prosecution	29	6			10	4	13	62	39
Refer to County	1		2				2	5	7

**ADMINISTRATION**

- This past month’s activities have concentrated on Community Services Division reorganization, its work, and the staff. Individual meetings with key leadership positions have taken place and a regular meeting has been scheduled as part of team building within the Division. Continued communication internally and with key external stakeholders will take place in the month of January.

- Participated in several discussion with EDA staff regarding mall development, plans for Southwest West Central Service Cooperative office space, other related developments.
- Begun to revise sales tax authorization resolution to be considered at the January 24, 2023, Council meeting. We had previously considered presenting the resolution at the January 10, 2023, Council meeting, but we want to have better projections on sales tax revenue as well as anticipated increase construction and interest costs.
- Discussed with City Attorney next steps in the City Attorney transition and discussed pending legal items.
- Remainder of work has been meeting with various staff to discuss staffing, organizational items and upcoming 2023 projects and work.

#### **Economic Development Authority**

- Continuing to work with interested developer on Market Street Mall redevelopment project.
- Working with the development team for hotel project located near Red Baron Arena.
- Program research on workforce initiatives and daycare opportunities.
- Working with housing and commercial/industrial developer on site selection for potential projects.
- Completing RFI's for industrial projects.

#### **Human Resources**

- Staffing update: a conditional offer has been accepted for the Plant Operator I position at the WWTF, we are now in the final stages of pre-employment screening. Recruitment continues for either a Civil Engineer or Assistant City Engineer candidate. Background screening has also been initiated for a part-time Police Officer. Applications are also being accepted for a variety of temporary and seasonal positions.
- Planning continues for the Employee Recognition Event.
- Safety: our new MMUA Safety Coordinator, Dan Nath, provided training on AWAIR and Employee Right to Know topics, both of which are required for all employees by OSHA on an annual basis.

#### **Clerk**

- 17 Governmental Units have submitted Post-Census Group Quarters Review cases to the Census Bureau. As of December 27, 2022, the City of Marshall is still under review.
- Starting the process for Fire State Aid and Police State Aid with Minnesota Department of Revenue.
- Compiling a list of technology assets that need to be updated
- Starting the process for the fire department scholarship

#### **Finance**

- 2023 Budget – The 2023 budget was adopted in December 2022. The Finance Director has generated electronic copies of the budget book and sent the document to Council and staff.
- 2022 Audit – Staff is working to close out 2022 and to prepare information for our auditors.
- 2023 Bonding – The process will begin in coming weeks to ensure funding is secured for 2023 projects.

#### **Assessing**

- Staff is currently finishing up building permit inspections.
- We will be working on setting values for the 2023 assessment pay 2024, preliminary numbers show on average about a 10 % increase will be needed on Residential properties. Some Commercial/Industrial areas will see some increase, self- mini storages may see significant increases.
- An email regarding LBAE training was sent out, please stop in, or contact Dave for further information.

## **Liquor Store**

- December Financials: Sales \$785,507 + 3%, Customer Count 19,467 -1.87, Ticket Average \$40.35 +5%. The traditional holiday shopping trend was disrupted by the weather on Christmas week and New Year's week. For the month we did finish up though with a strong finish on New Year's eve.
- Comparing sales for 2022 with 2021, the store recorded record sales for 2022 of \$7,079,020 compared to 2021 of \$6,725,425. This is about a 5.25% increase.

## **COMMUNITY SERVICES**

### **Parks & Recreation**

- Light Up the Night concluded at Independence Park on January 2<sup>nd</sup> – foot traffic and donations were very similar to last year despite several weekends of bad weather.
- Parks staff continues to work on clearing of trails and sidewalks of snow.
- Preston is working on budget numbers for outdoor court area near SMSU.
- Work continues on Active Transportation Action Plan with Sambatek – mini charette to take place on February 1<sup>st</sup> with interactive activities for public to provide input on Trail Plan.
- Discussions are ongoing with Confluence on conceptual for Legion Field improvements – mutual interest amongst numerous baseball associations on enhancements needed.
- Staff will be meeting with DNR Representative January 6<sup>th</sup> to review 2021 Preparing for EAB Grant that has been successfully completed, once reviewing with DNR, City will receive reimbursement in the amount of \$93,390.00 for the grant.
- Red Baron usage for 2022 was up from 2021 by about 3% for hours rented, approximate total hours of rental use is 3,911.
- Upcoming youth/adult program opportunities include gymnastics, curling, pickleball, indoor soccer, basketball, baseball and learn to skate lessons.

### **Community Education**

- In 2022, the Adult Community Center offered 1,858 events including speakers, presentations, games, classes, and many other opportunities for members to gather and socialize. There were over 2,800 hours of program opportunities available for members and guests to participate in throughout the year.
- The current Adult Community Center member count for 2023 is 470.
- Community Services had 1,442 participants enroll in programming for the Fall 2022 season. This includes both the Community Education and Recreation activities.
- Finalizing end of year reporting for Community Education, Driver Education, and GreenStep Cities.
- Planning continues for the annual Cultures on the Prairie Event which will be held on February 13<sup>th</sup> & February 14<sup>th</sup> at SMSU in the Upper Ballroom. Funding has been secured through a Health Equity Network Grant in partnership with SWHHS to cover the costs for Day 1 of this event as well as provide scholarship opportunities for interested/eligible community members.

### **Studio 1**

- Studio 1 has been very active over the last month. We covered hockey tournaments, created an informational video with Marshall PD about the RRFB crosswalks, partnered with the library to promote one of our locally produced shows called "Popcorn Bucket List", produced a Marshall Area Chamber of Commerce Community Connect episode, a Marshall Public Schools Tiger Talk episode, had many snow/weather emergency social media postings, council meetings, school board meetings, several MHS sporting events, school concerts, the Southwest Minnesota Orchestra Holiday Cheer performance, and the Tony Hoffman speaker presentation at MHS. We also spent several days rewiring failing video cabling at Red Baron Arena & Expo.

- Over the last year, we have aired a total of 1,139 unique shows on our Studio 1, Tiger TV and SMSU Media channels. Those shows ran a total of 6,804 times with a total broadcast time of 6,604 hours.
- The online views of our programming over the last year totaled 5,163 views on our website, 104,900 views on Facebook, and 113,600 views on YouTube for a total of 223,663 views.

## **COMMUNITY PLANNING**

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

- About 200 open permits.
- Two Avera projects and Block 11 apartment building are the largest projects under construction.
- Ralco and Dollar General have temporary certificate of occupancy.
- Sign Ordinance is going to the Council.

## **PUBLIC WORKS DIVISION**

### **Engineering**

- Project ST-004: Halbur Road reconstruction – Project is substantially complete.
- Project ST-006: SRTS School Pedestrian Crossing Improvements – Final change order and pay request anticipated on 01/24/2023 City Council.
- Project ST-007: UCAP Bus Shelter Installations – Project plans are being redrafted. Staff is waiting on final contract requirements from UCAP Transit for their MnDOT grant. Once received, staff will recommend advertisement for bids.
- Project ST-008: Channel Parkway Resurfacing – Bids rejected 11/07/2022 Council meeting. Plans are being redesigned.
- Project ST-009: N. 3<sup>rd</sup> St./W. Lyon St. Reconstruction – Plans are being designed.
- Project SWM-002: Legion Field Stormwater Project – Phase II (Parkway Basin) – Staff is working with BNSF to obtain permitting for this project. Project plans are at the 99% stage currently.

### **Building Maintenance**

- No report.

#### **Street Department**

- No report.

#### **Airport/Public Ways Maintenance**

- No report.

### **Wastewater**

- Staff has completed 251 preventative maintenance work orders in the last 30 days.
- Continuing to send letters to local businesses to promote the water softener rebate program. Newspaper, Chamber newsletter, Facebook, and radio ads have been done to promote the program.
- Application equipment has been cleaned, serviced, and put back into storage.
- Working on various year end MPCA & EPA reports.
- Working with local industries concerning their Significant Industrial User agreements.
- Our draft MPCA response letter to the MPCA concerning our permit renewal is in the process of being reviewed.
- Completed work on a clarifier beach heater shroud to contain heat and prevent the needing to chisel ice which has been a safety hazard.
- Continuing to clean up after the frequent snow events.

- Assisting the Street Department with snow removal.
- Tiger Lake motor starter replacement scheduled for this week.
- Working on building seasonal wind breaks for the generator louvers at the lift stations.

## **PUBLIC SAFETY DIVISION**

### **FIRE DEPARTMENT**

- The Fire Department responded to twenty-six (26) calls for service. Total calls for service included:
  - Fire/CO2 Alarm (13)
  - Fire; Structure (11)
  - Medical Assist (0)
  - Vehicle Accident (2)
  - Other – Assist (0)

### **POLICE DEPARTMENT**

- The Marshall Police Department responded to a total of 781 calls for the month of December. Ninety-five (95) criminal offenses were reported with a total number of thirty-three (33) adults arrested.

### **OFFICER'S REPORT**

- Alarms (15)
- Accidents (38)
- Alcohol involved incidents (0)
- Assaults (3)
- Domestic Assaults (11)
- Burglaries (2)
- Criminal Sexual Conduct (10)
- Damage to Property (3)
- Keys Locked in Vehicles (36)
- Loud Party (7)/ Public Disturbances (5)
- Thefts (21)
- Traffic Related Complaints (148)
- Vandalism (2)
- Warrant Pickups (10)
- Welfare Checks/Mental Health (30)

The police department received notification that our current body worn cameras and squad car cameras company (Watchguard) has been purchased by Motorola. We have been informed that the current equipment and operating system would no longer be serviced by Motorola. Along with the Lyon County Sheriff's Office, we have both started to review options with different companies and work with our IT departments to determine how best to proceed. Regardless, we know that changes will be required in terms of cameras and software to both body cameras and squad car cameras. Once more information is received, the options will be brought before city council for approval.

### **DETECTIVE REPORT**

- The death of a 51year old Marshall woman is under investigation. The Minnesota Bureau of Criminal Apprehension is assisting.
- Two unrelated cases of criminal sexual conduct were investigated and forwarded to the Lyon County Attorney's Office for charges.

- Seventeen theft cases were investigated during the month of December.
- Unrelated cases of financial transaction card fraud, check forgery, and the issuance of dishonored checks are under investigation.
- Two burglaries are under investigation.
- Twenty-eight child protection reports and seven reports from the Minnesota Adult Abuse Reporting Center were investigated in conjunction with Southwest Health and Human Services.

#### **MERIT CENTER**

- The Department of Public Safety continues to utilize the driving track and skills pad for CDL exam testing. There were 14 exams completed on the track in December.
- In December MN West conducted CDL training utilizing the driving track at the MERIT Center.
- On Dec 1<sup>st</sup> Ralco held their annual employee meeting at the MERIT Center with 42 employees attending this event.
- The MERIT Center held Basic Pump Operations training for 38 fire fighters on Dec 3<sup>rd</sup>.
- The MN State Patrol conducted SFST/ARIDE Training on Dec 7-9. 20 officers attended this training.
- Visit Marshall held their Women's Connect event at the MERIT Center on Dec 8<sup>th</sup>. 29 participants attended.
- On Dec 8<sup>th</sup> Plumbology Inc conducted a plumbing continuing education course for 40 participants.
- MN West held Industrial Safety Training for 25 Schwan's employees on Dec 14<sup>th</sup> and Dec 21<sup>st</sup>.
- The NRCS held their SW Area Manager's Meeting on Dec 20<sup>th</sup>. There were 40 employees at this meeting.
- The MERIT Center was utilized 21 out of 31 days in December with 322 people attending these training/events.

**MONTHLY REPORT OF ACTIVITY FOR MARSHALL POLICE For Month and Year ending December 2022 (YTD TOTALS)**

**OFFENSE/ARREST DATA**

	Offenses		Actual	Total Arrests/Excluding traffic	
	Reported	Unfounded	Offenses	Adult	Juvenile
January	69	0	69	20	0
February	109	0	109	35	1
March	85	0	85	29	1
April	67	0	67	21	0
May	101	0	101	36	0
June	67	0	67	25	0
July	68	1	67	27	0
August	78	0	78	32	1
September	81	0	81	25	0
October	109	0	109	46	1
November	88	0	88	29	0
December	95	0	95	33	0

<b>YTD 2022</b>	<b>1017</b>	<b>1</b>	<b>1016</b>	<b>358</b>	<b>4</b>
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**Averages for all Activities (Calls for Service)**

	#Calls	Time in Hrs
	Total	Spent
January	721	373
February	630	457
March	812	354
April	675	304
May	843	431
June	770	375
July	760	354
August	833	421
September	947	416
October	1080	434
November	954	397
December	781	341
<b>YTD 2022</b>	<b>9806</b>	<b>4657</b>

Accidents	Jan.	Feb.	Mar.	April	May	June	July	Aug.	Sep	Oct.	Nov.	Dec.	YTD
Hit and Run	2	9	3	5	8	8	5	10	5	3	10	11	79
Property Damage	29	21	23	19	23	21	16	31	26	23	32	24	288
Personal Injury	2	3	3	2	2	2	4	4	0	5	3	3	33
Fatalities	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL 2022</b>	<b>33</b>	<b>33</b>	<b>29</b>	<b>26</b>	<b>33</b>	<b>31</b>	<b>25</b>	<b>45</b>	<b>31</b>	<b>31</b>	<b>45</b>	<b>38</b>	<b>400</b>

CITATIONS	Jan.	Feb.	Mar	Apr	May	June	July	Aug	Sept	Oct.	Nov.	Dec.	YTD
Citations	70	38	49	45	41	38	34	52	60	81	60	37	605
Parking Tickets	38	11	11	5	0	0	1	4	7	10	82	56	225

**Activities (Calls For Service)**

**\*High Hours Expended**

	Jan.	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct.	Nov.	Dec.	YTD
Alarms	15	17	24	11	24	27	22	7	32	24	15	27	245

Alcohol	2	2	4	2	9	2	1	1	3	5	3	0	34
Animal Bite	1	1	2	2	2	2	2	4	5	2	1	0	24
Animal Complaint	22	21	47	14	40	49	26	31	28	28	21	14	341
Assault	4	8	1	10	10	5	4	2	5	6	8	3	66
Assists	52	43	54	55	55	52	53	46	50	57	43	42	602
Auto Theft	3	2	1	3	0	0	3	4	0	1	3	1	21
Bike Found	3	2	1	1	4	2	2	6	7	16	10	3	57
Bike Theft	0	0	1	1	1	2	3	6	10	10	2	0	36
Burglary	5	1	3	1	6	0	1	2	4	1	3	2	29
Bus Violation	3	4	6	10	5	1	3	0	4	4	4	1	45
Check Forgery	0	1	0	0	0	0	0	0	0	1	0	0	2
Check Fraud	3	0	0	3	1	0	0	2	1	2	1	1	14
Civil Matters	19	8	10	15	16	11	21	18	19	15	6	5	163
Criminal Sex	3	2	7	3	2	2	1	5	7	2	2	10	46
Damage to Prp	2	1	9	6	9	3	5	5	7	10	1	3	61
Death Investigation	1	4	2	0	1	0	4	4	0	1	3	5	25
Domestics	9	10	7	10	15	11	13	16	13	10	11	11	136
Drugs/Narcotics	4	5	3	2	2	0	2	0	2	1	1	2	24
Family Matters	6	9	8	8	5	9	9	8	4	10	4	7	87
Fire Alarm	1	0	0	0	0	0	0	0	0	0	0	0	1
Gas Meal Assist	2	2	1	0	2	1	4	3	0	1	0	2	18
Gun Permits	11	6	19	15	2	9	9	12	14	12	3	4	116
Harassment	5	3	1	8	9	12	8	9	7	8	15	8	93
Intoxicated/Detox	0	1	0	2	4	4	0	4	2	5	5	2	29
Keys Locked In vehicles	33	26	29	27	36	23	30	24	22	27	34	36	347
Mental Health	17	29	24	24	32	25	21	8	36	13	10	6	245
Fraud	4	4	4	2	1	5	3	1	5	3	3	3	38
Parking Complaints	71	12	31	9	11	13	11	28	22	21	139	83	451
Party Loud Party	4	0	6	3	10	9	5	5	9	15	4	7	77
Pred - Sex Offender	1	2	1	2	4	1	3	1	1	2	3	1	22
Property Found	5	9	6	8	10	8	11	9	9	18	15	8	116
Public Disturbance	10	16	12	12	13	13	15	0	13	14	6	5	129
Pursuit	0	3	0	0	0	0	0	0	0	2	0	0	5
Runaway	1	2	3	2	3	3	5	8	4	3	2	3	39
Escort Funeral,other	5	10	7	6	17	10	15	19	16	15	14	16	150
Search Warrant	0	1	0	0	0	0	0	0	0	1	2	0	4
Suspicious Anything	43	49	54	36	62	55	56	77	85	69	56	27	669
Suspicious Vehicle	3	3	5	4	9	9	17	10	6	13	3	0	82
Tobacco Violation	0	1	1	0	0	0	0	0	2	2	1	3	10
Theft	15	17	19	12	18	19	13	22	29	17	24	21	226
Trains	0	1	1	0	1	1	1	0	1	1	0	1	8
Transport (Marshall PD etc)	0	1	1	2	3	3	1	2	1	0	2	9	25
Trespassing	5	12	8	6	4	1	1	0	15	10	15	9	86
Traffic Related Complaints	130	68	200	153	123	111	132	145	201	360	219	148	1990
Unsecured Building	1	0	1	0	4	3	0	1	1	1	1	1	14
Vandalism	0	11	0	3	4	5	4	4	5	9	4	2	51
Violation of OFP	3	5	4	4	6	4	5	6	5	2	4	4	52
Warrant Pickups	9	8	15	6	11	12	12	13	12	13	9	10	130
Welfare Checks	24	23	17	22	23	28	17	31	20	22	27	24	278
Welfare Fraud	0	0	0	0	0	0	0	0	0	0	0	0	0
ERU Activated	0	0	0	0	0	0	0	0	1	0	0	0	1
Weapons Involved	0	1	1	1	0	0	0	0	1	0	1	1	6
<b>YTD 2022</b>	<b>560</b>	<b>467</b>	<b>661</b>	<b>526</b>	<b>629</b>	<b>565</b>	<b>574</b>	<b>609</b>	<b>746</b>	<b>885</b>	<b>763</b>	<b>581</b>	<b>7566</b>

**OFFENSE ACTIVITY BY DAY OF WEEK**

	Mon	Tues	Wed	Thur	Fri	Sat	Sun
January	13	6	9	10	12	12	7
February	12	22	11	19	11	16	18
March	11	18	16	15	13	12	0
April	17	5	6	13	14	8	4
May	10	8	7	10	31	8	27
June	1	8	20	8	12	11	7
July	4	12	8	10	8	12	14
August	12	12	7	13	17	11	6
September	7	4	10	10	20	15	15
October	14	9	13	20	25	22	6
November	9	13	6	11	19	7	23
December	14	18	6	21	19	10	7

<b>YTD 2022</b>	124	135	119	160	201	144	134
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**DETECTIVE / INVESTIGATIONS ACTIVITIES**

	Jan.	Feb.	Mar	Apr	May	June	July	Aug	Sept	Oct.	Nov.	Dec.	YTD
Felonies	23	28	26	24	28	25	19	28	35	24	33	26	319
Gross Misdemeanors	19	22	33	16	27	15	14	15	14	22	28	21	246
Misdemeanors	13	12	19	18	17	15	9	15	17	25	23	25	208

**PUBLIC HOUSING COMMISSION**

**202 N. FIRST STREET**

MARSHALL, MN 56258

December 29th, 2022

Brau Brothers

3:30 P.M. BOARD MEETING

- 1 Call to Order:
- 2 Roll Call:
- 3 Approval of Previous Meeting Minutes: November 14<sup>th</sup>, 2022
- 4 Reports:
  - A. **Twelve** Month report for Operating Statement for FY 2022.  
**One** Month report for Operating Statement for FY 2023.
  - B Accounts Receivable/Payable.
  - C Occupancy/ Maintenance Report
- 5 CFP - 2021. Punch List items.
- 6 New Business:
  - A. Washer / Dryer Update. Payment
  - B. Meeting in St. Peter on HDS/ Doorways software! 12/08/2022.
  - C. HUD Letter on Audit for September Year End 2021.
  - D. REAC Certification of Statement .
  - E. Flooring/Tile update.
  - F. Review Security Deposit from other HRA's.
  - G. Action on Security Deposit's.
- 7 Executive Director Items:
  - A. Thank You to Janelle Sailer, and John DeCramer for being a part of the PHC Board.
- 8 Commissioner Items:
  - A.
- 9 Date and Time for Next Regular Meeting, December 19th, 2022. 3:30 p.m.
10. ADJOURN TIME

**PUBLIC HOUSING COMMISSION  
OF THE CITY OF MARSHALL  
PARKVIEW APARTMENTS**

Minutes of the Meeting of  
October 17th, 2022

Meeting called to Order: 3:28 P.M. by Chair Reilly.

Members Present: Farrell, Reilly, Rickgarn, Sailor,  
DeCramer, Knoben, Knutson

Absent: None

MOTION by Knoben, seconded by Knutson, to approve the minutes of the September 12th, 2022 meeting. All voted in favor, Motion passed.

**REPORTS:**

**Eleven Month Operating Statement** for FYE 22 was reviewed by the Board. Motion by Knoben, second by Rickgarn to approve the monthly report. All voted in Favor, Motion passed to approve the report. Chair signed report.

**Account Receivable/Payable:** One month of reports were reviewed; several items were pointed out and discussed to the Board by the Director, including checks from # 020878 to # 020956 in the amount of \$ 112,440.69 Motion by Knutson, second by Rickgarn, to approve the report.

**Occupancy Report:** Currently working with several applicants for Parkview, and Family Units. Detailed Maintenance report included.

CFP-2021. Parking lot all done, need to clean off over spray of oil south side of garage.

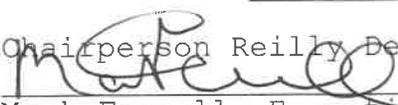
**New Business:**

- A. Washer /Dryer Update-payment.
- B. Reviewed REAC Inspection report, discussed several items.
- C. Motion by Reilly, second by Knutson, to approve Resolution # 23-01, Family Utility Allowances, effective 11/01/23. All voted in favor, Motion Passed.

**Board Items:** Board member Janelle Sailer, gave her notice that she was resigning off the PHC Board, She will stay on thru December. Her notice was sent into the City.

Next Meeting: November 14<sup>th</sup>, 2022 3:30 p.m. Community Room.

Chairperson Reilly Declared the meeting adjourned at 4:15 p.m.

  
Mark Farrell, Executive Director

  
Board Member

Applicant Name	Location Address	Description of Work	Valuation
Matt Ament	400 BRUCE ST S	Accessory Structure & Equipment (solar panels, antennas, etc)	15000
PAUL L & KRISTA M WALERIUS JT	1114 BRUCE CR	Interior Remodeling - ANY Work Inside, Except Fireplace	3000
GESKE BUILDING & SUPPLY COMPAN	307 3RD ST N	Doors	700
BRELAND ENTERPRISES INC	118 PARK AV	Interior Remodeling - ANY Work Inside, Except Fireplace	1503.97

Applicant	Location Address	Description of Work	Valuation
COEQUYT PLUMBING & HEATING LLC	1106 STOCKHOLM AV	Both - New building AND Air Conditioning, Furnace	0
COEQUYT PLUMBING & HEATING LLC	311 BRUSSELS CT	Both - New building AND Air Conditioning, Furnace	0
COEQUYT PLUMBING & HEATING LLC	501 BRUSSELS CT	Both - New building AND Air Conditioning, Furnace	0
COEQUYT PLUMBING & HEATING LLC	1202 STOCKHOLM AV	Plumbing - New building	0
COEQUYT PLUMBING & HEATING LLC	1204 STOCKHOLM AV	Plumbing - New building	0
COEQUYT PLUMBING & HEATING LLC	311 BRUSSELS CT	Plumbing - New building	0

# 2023 Regular Council Meeting Dates

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

5:30 P.M.

City Hall, 344 West Main Street

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## 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

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## 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

### January

- 01/10 Board & Commission Interview, 4:45 PM, City Hall
  - 01/10 Regular Meeting, 5:30 PM, City Hall
  - 01/24 Work Session, 4:00 PM, City Hall
  - 01/24 Regular Meeting, 5:30 PM, City Hall
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### February

- 02/14 Regular Meeting, 5:30 PM, City Hall
- 02/28 Regular Meeting, 5:30 PM, City Hall