



CITY OF MARSHALL
City Council Meeting
A g e n d a

Tuesday, January 09, 2024 at 5:30 PM
City Hall, 344 West Main Street

OPENING ITEMS

1. Marshall Baseball Association Donation to Legion Field Improvements

APPROVAL OF AGENDA

APPROVAL OF MINUTES

2. Consider Approval of the Minutes from the Special Meeting Held on December 19th

PUBLIC HEARING

3. General Obligation Bonds, Series 2024A. 1) Conduct a Public Hearing 2) Consider a Resolution Approving a Five-Year Street Reconstruction Plan and the Issuance of General Obligation Street Reconstruction Bonds
4. General Obligation Bonds, Series 2024A. 1) Conduct a Public Hearing 2) Resolution Approving Property Tax Abatement to Finance Certain Public Improvements in the City

CONSENT AGENDA

5. Consider a Resolution Designating the Official Newspaper
6. Consider Resolution designating the Official Depositories for City Funds for 2024
7. Consider Resolution Delegating Authority to the City to Make Electronic Fund Transfers
8. Consider Approval of a Resolution to Authorize the Finance Director to Pay Certain Claims
9. Consider Approval for the Marshall Golf Club to Conduct a Raffle on June 1st
10. Consider Approval to Renew a 3.2 Off Sale Liquor License for Freedom Valu Center
11. Consider Approval to Renew Tobacco License for Freedom Valu Center
12. Consider Approval of Taxicab License Renewal
13. Introduction of an Ordinance Amending the City Charter and Call for Public Hearing
14. Introduction of Ordinance Adding Article 18-VIII Residential Rental Code and Call for Public Hearing
15. Adopt an Annual Election to Set a Micro-Purchase Threshold of \$25,000
16. Consider Approval to Change Regular Meeting Dates in August and December
17. Consider Approval of Administrative Hearing Officers
18. Acceptance of Donation to the Marshall Parks Department for Improvements at Legion Field
19. Repeal of Emergency Ordinance 23-019
20. Consider Approval of the Bills/Project Payments

APPROVAL OF ITEMS PULLED FROM CONSENT

NEW BUSINESS

21. Consider a Resolution Authorizing Submission of the Pay Equity Implementation Report
22. Authorization of Services with Wideth for Purpose of DNR Outdoor Recreation Grant Application for 2024
23. Consider Resolution for Municipal State Aid Street System (MSAS) 2024 Advance Funds (Z88 State Aid Overlay Bond Payment, 2024 AT Grant Project)
24. Justice Park Trail Project – 1) Consider Resolution Authorizing Agent of Sponsoring Agency for Transportation Alternatives Project; 2) Consider Resolution Identifying Responsibility for Operation and Maintenance for Transportation Alternatives Project
25. Country Club Trail Reconstruction Project – 1) Consider Resolution Authorizing Agent of Sponsoring Agency for Transportation Alternatives Project; 2) Consider Resolution Identifying Responsibility for Operation and Maintenance for Transportation Alternatives 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.](#) Building Permits

MEETINGS

[33.](#) Upcoming Meetings

ADJOURN

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

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Mayor Byrnes
Meeting Date:	Tuesday, January 9, 2024
Category:	APPROVAL OF MINUTES
Type:	ACTION
Subject:	Consider Approval of the Minutes from the Special Meeting Held on December 19th
Background Information:	Enclosed are the minutes from the previous meetings.
Fiscal Impact:	
Alternative/ Variations:	Staff encourages City Council Members to provide any suggested corrections to the minutes in writing to City Clerk, Steven Anderson, prior to the meeting.
Recommendations:	That the minutes from the meeting held on December 19th 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 19, 2023**

The regular meeting of the Common Council of the City of Marshall was held December 12, 2023, at City Hall, 344 West Main Street. The meeting was called to order at 5:30 P.M. by Mayor Robert Byrnes. In addition to Byrnes the following members were in attendance: Craig Schafer, Amanda Schroeder, John Alcorn, See Moua-Leske, James Lozinski and Steve Meister. Absent: None. Staff present included: Sharon Hanson, City Administrator; Pamela Whitmore, City Attorney; Jason Anderson, Director of Public Works/ City Engineer; E.J. Moberg, Director of Administrative Services; Katie Brusven, Adult Community Center Coordinator; Preston Stensrud, Park and Rec Supervisor; Lauren Deutz, EDA Director; and Steven Anderson, City Clerk.

Lauren Deutz announced that the public hearing for the tax abatement request from Rebound Partners was cancelled. The developers decided additional time was needed to finalize the project and hoped to reschedule it at a later date once the project was ready to come forward. E.J. Moberg requested that item 6. Consider Resolution Calling Public Hearings on Street Reconstruction Plan, Tax Abatements, and Issuance of GO Bonds be removed from the consent agenda.

Consider Approval of the Minutes from the Regular Meeting on December 12th

No amendments were requested to be made to the minutes.

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

Consider Tax Abatement Application by Rebound Partners for Proposed Hotel Project

The public hearing was cancelled. No action or discussion was taken.

Approval of the Consent Agenda

There were no requests to remove any additional items from the consent agenda.

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

- Consider Authorization to Declare Vehicles as Surplus Property
- Consider Approval of the Marshall Area Senior Citizens Rental Agreement and Lutheran Social Services Lease Agreement
- Acceptance of a Donation Made to the Adult Community Center for FY 2023
- Consider Approval of the Bills/Project Payments

Consider Resolution Calling Public Hearings on Street Reconstruction Plan, Tax Abatements, and Issuance of GO Bonds

Moberg stated he had requested the item to be removed from the consent agenda because the bonding amount not to exceed was requested to be changed to \$2,100,000 from \$2,000,000 for the public notices. The resolution calling for public hearings on a street reconstruction plan and street reconstruction bonds and abatement was in connection with the project designated by the city as the South Whitney Street Reconstruction Project (from East College Drive to Jean Avenue), and various public improvements to be undertaken by the City, including parking lot improvements and other improvements to facilities within city parks, including Independence Park and Legion Field. Public hearings at the January 9, 2024 Council meeting would keep the city on our tentative schedule with planned sale and consideration of award of the bonds on February 27, 2024 and settlement of the bonds and receipt of bond proceeds around March 28, 2024.

Motion made by Councilmember Schafer, Seconded by Councilmember Alcorn to approve Resolution 23-089 calling for a public hearing with adjustments to the issuance not to exceed \$2,100,000 instead of \$2,000,000. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Acceptance of Donations Made to the Marshall Parks and Recreation Department for FY 2023

Preston Stensrud announced that The Parks and Recreation Department was very honored to receive numerous generous donations each year to help improve our facilities and programming. In 2023 over \$160,000 was received in donations with another \$145,000 for upcoming years. Additionally, the Parks and Rec Department was awarded nearly \$600,000 in grant funding. Staff were very appreciative of the community support we receive that allows us to continue to provide the amenities and facilities we do. Stensrud proceeded to go over the various donations received and what project the donations had been used for or would be used for.

Motion made by Councilmember Schafer, Seconded by Councilmember Schroeder to approve Resolution 23-090 accepting donations to the Parks and Recreation department for 2023. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Project SWM-002: Legion Field Stormwater Improvements Project-Phase II - Consider Change Order No. 3 (Final) and Acknowledgement of Final Pay Request (No. 3)

Anderson explained the Phase II improvements that included a new pipe crossing of the railroad tracks and a ponding improvement north of the tracks and south of the Parkway Addition to manage the stormwater runoff from the developed land south of the BNSF railroad tracks. The developed industrial area south of the railroad tracks had been nearly completely covered by impervious surfacing for many years, and the development pre-dated current requirements for on-site stormwater management. Which resulted in development that sheds stormwater quickly without managing the volume of stormwater runoff that is generated. The items on Change Order No. 3 (Final Reconciling Change Order) for the project are the result of final measurements and changes in item quantities during construction. All work had been completed in accordance with the specifications. Change Order No. 3 (Final) results in a contract decrease in the amount of \$15,176.46. The final contract amount was \$699,956.02. The original contract amount was \$703,749.60. The final calculations result in a total contract net decrease of \$3,793.58 or - 0.54%.

Anderson gave a brief update on phase III of the Legion Field Stormwater Improvement Project. The project would consist of additional drainage to the east of Legion Field Road towards Turkey Valley Farms and then northward towards the Nexus apartments adding a pond. Phase III was identified in the CIP for 2025.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to approve Change Order No. 3 (Final), and acknowledge Final Pay Request (No. 3) in the amount of \$146,410.61 to Towne & Country Excavating LLC of Garvin Minnesota. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Adoption of Ordinances Regarding Public Use of Cannabinoid Products and Prohibition on Smoking of Cannabinoid and Tobacco Products in City Parks and City Recreational Facilities

Whitmore told council that this item was the adoption of the three ordinances that were introduced last week that detailed background information was given on. No councilmembers required additional comments from Whitmore regarding the ordinance. Councilmember Lozinski noted that the Legislative and Ordinance Committee spent a great deal of time to ensure that the ordinance didn't infringe upon private business properties.

Motion made by Councilmember Lozinski, Seconded by Councilmember Alcorn to adopt Ordinance 23-029 amending Chapter 42, Ordinance 23-030 amending Chapter 46, Ordinance 23-031 amending chapter 10 and authorization to publish a summary publication of adopted ordinances. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Introduction of Amendments to Interim Cannabis Prohibition Ordinance

Whitmore explained that the City enacted an interim ordinance to allow the City Council time to study and consider adoption or amendment of reasonable restrictions on the operation or location of commercial businesses related to cannabinoid products, including retail stores in the City of Marshall offering Cannabis products, and Lower-Potency Hemp products, for the purpose of protecting the planning process and the health, safety, and welfare of the public. Commercial businesses involved in limited manufacturing, and the transporting, or delivery and distribution of infusion based lower potency hemp edibles and hemp-derived consumer products do not pose a risk to the health, safety and welfare of the public since the operation of those businesses do not result in an introduction or increase in availability of THC related intoxicating products for use within the jurisdictional limits of the City and would not result in increased exposure or availability of these intoxicating products to youth in the community. The City Council has determined that opportunities exist for commercial businesses in the city to provide services involving the testing, manufacturing, transporting, or delivery and distribution of lower potency hemp edibles and hemp-derived consumer products, which will benefit commerce in the city. During the December 12, 2023, meeting Mayor Byrnes asked Attorney Whitmore to draft an amended ordinance to allow breweries to infuse seltzers with THC for distribution outside the city. Councilmember Lozinski suggested that the ordinance go through the normal committee process before being introduced and Councilmember Schafer voiced his agreement to go through the committee process. Mayor Byrnes rebutted that the introduction could still take place and the L&O Committee would still be able to make suggestions or amendments before the January 9, 2024, meeting for the ordinance's adoption.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to **not** introduce the amendments to the Interim Cannabis Prohibition Ordinance and to have the Legislative and Ordinance Committee review before introduction. Voting Yea: Councilmember Schafer, Councilmember Schroeder, Councilmember Moua-Leske, Councilmember Lozinski
Voting Nay: Mayor Byrnes, Councilmember Alcorn. The motion **Carried. 5-2.**

Consider Appointments to Various Boards, Commission, Bureaus, and Authorities.

The city council met earlier during a special meeting for interviews for open commission positions. Mayor Brynes recommended that Keith Petermeyer be appointed to the Convention and Visitors Bureau and Michael Fenske be appointed to the Library Board, both with terms ending December 31, 2026.

Motion made by Councilmember Schafer, Seconded by Councilmember Schroeder to appoint Keith Petermeyer to the Convention and Visitors Bureau and Michael Fenske to the Library Board. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Commission/Board Liaison Reports

Byrnes	No report.
Schafer	No report.
Meister	No report.

Schroeder No report.

Alcorn No report.

Moua-
Leske No report.

Lozinski No report.

Councilmember Individual Items

Councilmembers wished everyone Merry Christmas and Happy Holidays.

City Administrator

No report.

Director of Public Works/City Engineer

Staff were working on a Minnesota Aeronautics Equipment grant for a skid loader replacement and tractor with a loader replacement. The grant was a 70/30 participating grant. The bid opening for the Snow Removal Equipment Building was scheduled for January 23rd.

City Attorney

The Housing and Redevelopment Authority had a meeting noticed for December 22nd for a piece of land that was originally thought to have been owned by the City of Marshall but through the title search process it was found that the HRA actually owned the land.

Information Only

There were no questions on the Information Only items.

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

Motion made by Councilmember Lozinski, Seconded by Councilmember Alcorn to move into closed session. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to come out of closed session. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Mayor Byrnes briefly summarized that the Council met in closed meeting to discuss AFF MultiDistrict Litigation No. 2873 (MDL NO. 2873) and the Marshall Municipal Utilities updated Council that it would be retaining outside counsel to represent the City and MMU in that matter.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to allow the Marshall Municipal Utilities retain outside counsel pertaining to AFF MutliDistrict Litigation No.2873. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Upcoming Meetings

There were no questions on the Upcoming Meetings.

Adjournment

At 6:35 PM motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to adjourn the meeting. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Attest:

Steven Anderson, City Clerk

Robert Byrnes, Mayor

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	E.J. Moberg
Meeting Date:	Tuesday, January 9, 2024
Category:	PUBLIC HEARING
Type:	ACTION
Subject:	General Obligation Bonds, Series 2024A. 1) Conduct a Public Hearing 2) Consider a Resolution approving a five-year street reconstruction plan and the issuance of General Obligation Street Reconstruction Bonds.
Background Information:	<p>On December 19, 2023 the City Council Called for a Public Hearing to be held on January 9, 2024.</p> <p>At its January 9, 2024 meeting, the Marshall City Council is being asked to consider the following resolution in anticipation of the issuance of General Obligation Bonds, Series 2024A:</p> <p>Resolution approving a street reconstruction plan and the issuance of General Obligation Street Reconstruction Bonds</p> <p>Street Reconstruction Plan and Issuance of General Obligation Street Reconstruction Bonds The City is authorized under Minnesota Statutes, Section 475.58, subdivision 3b, as amended (the "Act"), to prepare a plan for street reconstruction or bituminous overlay of streets in the City over the next five years, which includes a description of the street reconstruction or overlay to be financed, the estimated costs, and any planned reconstruction or overlay of other streets in the City over the next five years. Pursuant to the Act, the City may issue general obligation bonds to finance the cost of street reconstruction activities described in such plan.</p> <p>Before the approval of the street reconstruction plan and the issuance of any bonds under the Act, the City is required to hold a public hearing on the plan and the issuance of bonds thereunder. The City Council scheduled January 9 as the date of the public hearing. Following the hearing, the resolution would authorize approval of the street reconstruction plan and the issuance of general obligation street reconstruction bonds pursuant to the Act in the maximum principal amount of \$2,100,000 to finance the costs of the Project, as described in the Plan.</p> <p>Voting Requirements: Resolution approving the street reconstruction plan and granting preliminary approval for the issuance of street reconstruction bonds</p> <ul style="list-style-type: none"> Must be approved by "a vote of two-thirds majority of members of the governing body <i>present at the meeting</i> following a public hearing"
Fiscal Impact:	
Alternative/ Variations:	

Recommendations:	<p>Recommendation No. 1: To Close the Public Hearing</p> <p>Recommendation No. 2: Consider Approval of Resolution Number 24-XXX, a Resolution approving a five-year street reconstruction plan and the issuance of General Obligation Street Reconstruction Bonds.</p>
-------------------------	--



MARSHALL

CULTIVATING THE BEST IN US

Five-Year Street Reconstruction Plan for the
City of Marshall, Minnesota
2024 through 2028

Dated December 19, 2023

City of Marshall

Five-Year Street Reconstruction Plan

2024 through 2028

PURPOSE

Street reconstruction is a major expenditure of city funds for street reconstruction or bituminous overlays. Street reconstruction and bituminous overlays may include utility replacement and relocation and other activities incidental to street reconstruction, turn lanes and other improvements having a substantial public safety function, realignments, other modifications to intersect with state and county roads, and the local share of state and county road projects. Except in the case of turn lanes, safety improvements, realignments, intersection modifications, and the local share of state and county road projects, street reconstruction and bituminous overlays does not include the portion of project costs allocable to widening a street or adding curbs and gutters where none previously existed. A street reconstruction plan (“SRP”) is a document designed to anticipate street reconstruction expenditures and schedule them over a five-year period so that they may be purchased in the most efficient and cost-effective method possible. A SRP helps enable the matching of expenditures with anticipated income. As potential expenditures are reviewed, the city considers the benefits, costs, alternatives and impact on operating expenditures.

The City of Marshall, Minnesota (the “City”) believes the street reconstruction process is an important element of responsible fiscal management. Major capital expenditures can be anticipated and coordinated so as to minimize potentially adverse financial impacts caused by the timing and magnitude of capital outlays. This coordination of capital expenditures is important to the City in achieving its goals of adequate physical public assets, preservation of public assets and sound fiscal management. Good planning is essential for the wise and prudent use of limited financial resources.

The SRP is designed to be updated periodically. The Street Reconstruction Plan is a part of the City’s capital improvement plan. In this manner, it becomes an ongoing fiscal planning tool that continually anticipates future capital expenditures and funding sources.

THE STREET RECONSTRUCTION PLANNING PROCESS

For the City to use its authority to finance expenditures under Minnesota Statutes, Section 475.58, Subdivision 3b, it must meet the requirements provided therein. The street reconstruction planning process is as follows:

The City staff prepares an SRP reflecting the street reconstruction projects anticipated to be undertaken within the next five years (based on their priority, fiscal impact, and available funding) and the estimated costs thereof. If general obligation bonding is deemed necessary, the City works with its financial advisor to prepare a bond sale and repayment schedule. A public hearing is held to solicit input from citizens on the SRP and the issuance of bonds. Notice of such hearing must be published in the official newspaper of the City at least 10, but not more than 28 days prior to the date of the public hearing. The City Council must approve the SRP and the sale of street

reconstruction bonds by a vote of a two-thirds majority those members present at the meeting following the public hearing.

Voters may petition for requesting a vote (also known as a reverse referendum) on the issuance of street reconstruction bonds. If a petition bearing the signatures of voters equal to at least 5% of the votes cast in the last municipal general election requesting a vote on the issuance of street reconstruction bonds is received by the City Clerk within 30 days after the public hearing, the City may only issue general obligation street reconstruction bonds after approval by voters at an election. If no such petition is submitted, general obligation street reconstruction bonds may be issued without an election.

In subsequent years, the process is repeated annually or as expenditures are completed and new needs arise.

I. PROJECT SUMMARY AND FINANCING

Street reconstruction projects anticipated to be undertaken within the next five years and the estimated costs thereof are set forth in Appendix A. Those for which street reconstruction bonds are anticipated to be issued include the following:

2024 Street Reconstruction Bond Financed Expenditures – general obligation street reconstruction bonds are proposed to be issued in 2024 in an aggregate principal amount not to exceed \$2,100,000 for the S Whitney St Reconstruction Project. Such bonds will be combined with other financing tools, including general obligation improvement bonds, to finance other capital improvements in the City.

Street reconstruction bonds are included in the amount of indebtedness of the City which cannot, under Minnesota Statutes, Section 475.53, exceed 3% of the assessor's taxable market value for the City ("TMV"). The proposed bonds will not exceed statutory limits.

All other foreseeable capital expenditures are expected to be financed through other revenue or financing sources.

APPENDIX A

YEAR *	PROJ. NO.	2024-2028 PROJECT DESCRIPTION	TOTAL
2024	ST-010	Lyon Circle Reconstruction Project	\$282,723
2024	ST-012-2024	S Whitney (College to Jean) - S Hill St/S Minnesota St/Charles Ave/S Whitney Reconstruction - Liberty Park/Morningside Heights Phase 1	\$2,508,952
2024	SWM-010	Canoga Park Drive Pond Outlet Improvements	\$75,000
2024	ST-007	UCAP Bus Shelters Project	\$180,173
2024	ST-xxx	11th Street Watermain	\$223,963
2024	PK-013	RRFB and Trail Extension (139-590-001)	\$360,381
2024	ST-002-2024	2024 Street Mill & Overlays and ADA Improvements	\$875,000
		TOTAL 2024	\$4,304,191
2025-2026	ST-015	MnDOT TH19/College Drive Reconstruction - City Cost Participation	\$8,716,936
2025	PK-011	C St.-Southview Trail Project (139-090-006)	\$490,655
2024	ST-012-2025	S Hill St/S Minnesota St/Charles Ave - S Hill St/S Minnesota St/Charles Ave/S Whitney Reconstruction - Liberty Park/Morningside Heights Phase 2	\$1,610,610
2025	ST-033	Market Street Reconstruction Project	\$699,350
2025	ST-020	S. 5th Street (Saratoga to Main) Reconstruction Project	\$734,801
2025	SWM-003	Legion Field Road Stormwater Study: Phase 3-Legion Field Basin	\$676,436
2025		MMU Watermain Improvements (16" at WTP)	\$185,020
2025	ST-002-2025	2025 Street Mill & Overlays and ADA Improvements	\$700,000
		TOTAL 2025	\$11,813,809
2026	ST-026	N. Hill Street (College to Willow) Reconstruction Project	\$316,695
2026	WW-001	College Drive Sanitary Sewer Lining Project	\$686,000
2026	SWM-006	Diversion Channel Maintenance Project	\$200,000
2026	PK-012	E. Lyon Street Trail Project	\$743,400
2026	ST-013	Marlene St/Paul St/Parkview Dr Reconstruction Project	\$1,445,566
2026	MMU-007	T.H. 19 Watermain only from Marlene Street to the Railroad tracks	\$500,870
2026	ST-011	Cheryl Avenue Reconstruction Project - Eatros Addition Phase 1	\$1,650,486
2026	SWM-009	Pond Outlet Improvement: Triangle Pond/Canoga Pond	\$115,000
2026	ST-016	Brian St/G St Reconstruction Project	\$2,099,766
2026	ST-002-2026	2026 Street Mill & Overlays and ADA Improvements	\$700,000
		TOTAL 2026	\$8,457,783

YEAR *	PROJ. NO.	2024-2028 PROJECT DESCRIPTION	TOTAL
2027	ST-027	Elaine Ave/Kathryn Ave/Alan Ave Reconstruction Project - Eatros Addition Phase 3	\$4,523,501
2027	ST-028	S Hill St/Central/Roosevelt/Lincoln Sanitary/Watermain Replacement Project - Vanuden Phase 1	\$2,180,507
2027	ST-029	E Street Reconstruction Project	\$1,581,958
2027	ST-030	Madrid Street Bridge Rail Repair	\$150,000
2027	SWM-004	Bladholm Street River Stabilization Project	\$319,000
2027	ST-014	S. 4th/Country Club Intersection Reconfiguration and Reconstruction	\$2,802,493
2027	ST-017	Hackberry Drive Reconstruction Project	\$2,141,825
2027	ST-019	Donita Ave/Thomas Ave Reconstruction Project - Eatros Addition Phase 2	\$4,235,727
2027	ST-002-2027	2027 Street Mill & Overlays and ADA Improvements	\$725,000
		TOTAL 2027	\$18,680,009
2028		S Whitney St/Church St Reconstruction - Liberty Park/Morningside Heights Phase 2	\$2,957,787
2028		N. High St/Mason St/N. 5th St (High to Mason)/N. 6th St (Elm to Kossuth) Reconstruction	\$2,942,425
2028		Circle Drive Reconstruction Project	\$713,477
2028	ST-002-2028	2028 Street Mill & Overlays and ADA Improvements	\$725,000
		TOTAL 2028	\$7,338,689

CITY OF MARSHALL, MINNESOTA

RESOLUTION NO. 24-006

**RESOLUTION APPROVING A STREET RECONSTRUCTION PLAN AND THE
ISSUANCE OF GENERAL OBLIGATION STREET RECONSTRUCTION
BONDS**

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

Section 1. Background.

1.01. The City is authorized under Minnesota Statutes, Section 475.58, subdivision 3b, as amended (the “Act”), to prepare a plan for street reconstruction or bituminous overlay of streets in the City over the next five (5) years, which includes a description of the street reconstruction or overlay to be financed, the estimated costs, and any planned reconstruction or overlay of other streets in the City over the next five (5) years. Pursuant to the Act, the City may issue general obligation bonds to finance the cost of street reconstruction activities described in such plan.

1.02. Before the approval of the street reconstruction plan and the issuance of any bonds under the Act, the City is required to hold a public hearing on the plan and the issuance of bonds thereunder.

1.03. Pursuant to the Act, the City has caused to be prepared a street reconstruction plan, entitled *Five-Year Street Reconstruction Plan for the City of Marshall, Minnesota 2024 through 2028* (the “Plan”), describing certain street reconstruction and overlay activities in the City and the estimated costs of the Plan over the five-year period covered by the Plan. The reconstruction activities described in the Plan include, but are not limited to, the project designated by the City as the South Whitney Street Reconstruction Project (from East College Drive to Jean Avenue) (the “Project”).

1.04. The City has determined that it is in the best interests of the City to authorize the issuance and sale of general obligation street reconstruction bonds pursuant to the Act in the maximum principal amount of \$2,100,000 (the “Street Reconstruction Bonds”), to finance the costs of the Project, as described in the Plan.

1.05. On this date, the Council held a public hearing on the Plan and the issuance of the Street Reconstruction Bonds, after publication of a notice of public hearing in the City’s official newspaper at least ten (10) days but no more than twenty-eight (28) days before the date of the public hearing.

Section 2. Plan Approved.

2.01. The Council finds that the Plan will improve the City’s system of public roads, which serves the interests of the City as a whole.

2.02. The Plan is approved in the form presented at the public hearing and on file at City Hall.

Section 3. Street Reconstruction Bonds Authorized.

3.01. Pursuant to Minnesota Statutes, Section 462.356, subd. 2, the Council, by at least a two-thirds vote of all of its members, finds that the Plan and the capital improvements to be financed with the Street Reconstruction Bonds have no relationship to the City’s comprehensive plan; the Plan and capital

improvements are consistent with the City's comprehensive plan; therefore, the Council dispenses with the requirements of Minnesota Statutes, Section 462.356, subd. 2 relating to planning commission review of the Plan and the capital improvements.

3.02. The Council authorizes the issuance of the Street Reconstruction Bonds in accordance with the Plan, in order to finance street reconstruction activities described in the Plan and costs of issuance of the Street Reconstruction Bonds, subject to further details regarding the sale and award of the Street Reconstruction Bonds to be set forth in resolutions to be considered by the Council at subsequent meetings. City staff and consultants are authorized to take all actions necessary to negotiate the sale of the Street Reconstruction Bonds, subject to the contingency described in Section 3.02 hereof.

3.03. If a petition requesting a vote on the issuance of the Street Reconstruction Bonds, signed by voters equal to five percent (5%) of the votes cast in the last municipal general election, is filed with the City Clerk within thirty (30) days of the date of the public hearing, the City may issue the Street Reconstruction Bonds under Minnesota Statutes, Section 475.58, subdivision 3b only after obtaining approval of a majority of voters voting on the question at an election. The authorization to issue the Street Reconstruction Bonds is subject to expiration of the thirty (30) day period without the City's receipt of a qualified petition under the Act, or if a qualified petition is filed, upon the approving vote of a majority of the voters voting on the question of issuance of the Street Reconstruction Bonds.

3.04. City staff are authorized and directed to take all other actions necessary to carry out the intent of this resolution.

Approved this January 9, 2024 by the City Council of the City of Marshall, Minnesota.

CITY OF MARSHALL, MINNESOTA

Mayor

Attest:

City Clerk

RESOLUTION NO. 24-006

The attached resolution was adopted by the City Council of the City of Marshall on January 9, 2024.

The question was on the adoption of the resolution, and there were _____ AYE votes and _____ NAY votes as follows:

CITY OF MARSHALL CITY COUNCIL MEMBERS	Yes	No	Other
Robert J. Byrnes, Mayor	_____	_____	_____
John Alcorn (Ward I)	_____	_____	_____
Amanda Schroeder (Ward I)	_____	_____	_____
See Moua Leske (Ward II)	_____	_____	_____
Steven Meister (Ward II)	_____	_____	_____
James Lozinski (Ward III)	_____	_____	_____
Craig Schafer (Ward III)	_____	_____	_____

RESOLUTION ADOPTED.

ATTEST:

City Clerk

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	E.J. Moberg
Meeting Date:	Tuesday, January 9, 2024
Category:	PUBLIC HEARING
Type:	ACTION
Subject:	General Obligation Bonds, Series 2024A. 1) Conduct a Public Hearing 2) Resolution approving property tax abatement to finance certain public improvements in the City
Background Information:	<p>On December 19, 2023 the City Council Called for a Public Hearing to be held on January 9, 2024.</p> <p>At its January 9, 2024 meeting, the Marshall City Council is being asked to consider the following resolution in anticipation of the issuance of General Obligation Bonds, Series 2024A:</p> <p>Resolution approving property tax abatement to finance certain public improvements in the City</p> <p>Property tax abatement to finance certain public improvements in the City</p> <p>The City is proposing property tax abatement to aid in financing certain public improvements, including improvements to various city parks (Independence Park and Legion Field) (the "Project"), all pursuant to Minnesota Statutes, Sections 469.1812 through 469.1815, as amended. The City intends to issue one or more series of general obligation bonds, a portion of which will be designated as tax abatement bonds, in the aggregate principal amount estimated not to exceed \$600,000 to pay the costs of the project. The abatement bonds are expected to be paid primarily through the collection of abatement revenues. Prior to approval of the granting of a property tax abatement, the City is required to hold a public hearing. The City Council has scheduled January 9 as the date of the public hearing. Following the hearing, the resolution would authorize the City to finance the identified public improvements with property tax abatements through the issuance and sale of general obligation tax abatement bonds.</p> <p>Voting Requirements:</p> <p>Resolution approving property tax abatement to finance certain public improvements</p> <ul style="list-style-type: none"> • Must be approved by a majority vote
Fiscal Impact:	
Alternative/ Variations:	
Recommendations:	<p>Recommendation No. 1: To Close the Public Hearing</p> <p>Recommendation No. 2: Consider Approval of Resolution Number 24-XXX, a Resolution Approving Property Tax Abatement to Finance Certain Public Improvements in the City.</p>

CITY OF MARSHALL, MINNESOTA

RESOLUTION NO. 24-007

**RESOLUTION APPROVING PROPERTY TAX ABATEMENT TO
FINANCE CERTAIN PUBLIC IMPROVEMENTS IN THE CITY**

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

1. Recitals.

(a) The City has contemplated granting a property tax abatement in order to aid in financing various public improvements, including parking lot improvements and other improvements to facilities within city parks, including Independence Park and Legion Field (the “Project”), all pursuant to Minnesota Statutes, Sections 469.1812 through 469.1815, as amended (the “Act”).

(b) Pursuant to Section 469.1813, subdivision 1 of the Act, the City may grant an abatement of all or a portion of the taxes imposed by the City on a parcel of property to pay for all or part of the cost of acquisition or improvement of public infrastructure, whether or not located on or adjacent to the parcel for which the tax is abated.

(c) The City has identified 46 parcels located in the City, identified in EXHIBIT A attached hereto (the “Abatement Property”), which will be benefitted by the Project and from which the City proposes to abate all or a portion of the City’s share of taxes to help finance the Project, subject to all the terms and conditions of this resolution (the “Abatement”). The Abatement Property is not located in a tax increment financing district.

(d) The City intends to issue general obligation bonds, a portion of which will be designated as tax abatement bonds, in the aggregate principal amount presently estimated not to exceed \$600,000 (the “Abatement Bonds”) to pay the costs of the Project pursuant to the Act. The Abatement Bonds are expected to be paid primarily through the collection of Abatement revenues.

(e) On the date hereof, the Council held a public hearing on the question of the Abatement, and said hearing was preceded by published notice thereof in accordance with the Act.

2. Findings for the Abatement. The Council hereby makes the following findings:

(a) The Council expects the benefits to the City of the Abatement to at least equal the costs to the City thereof.

(b) Granting the Abatement is in the public interest because it will help finance the acquisition and construction of public facilities in the City, which provides certain public infrastructure in the City that helps attract and retain citizens and helps increase or preserve the City’s tax base by stimulating development and maintaining values in the area.

(c) In accordance with Section 469.1813, subdivision 8 of the Act, in no year shall the Abatement, together with all other abatements approved by the City under the Act and paid in that year, exceed the greater of ten percent (10%) of the City’s net tax capacity for that year or \$200,000.

3. Terms of Abatement. The Abatement is hereby approved. The terms of the Abatement are as follows:

(a) The Abatement shall be for a maximum of ten (10) years and shall apply to the taxes payable in the years 2024 through 2033, inclusive.

(b) The City will abate the City's share of property tax amount which the City receives from the Abatement Property, in an amount not to exceed \$600,000.

(c) The maximum amount of Abatement authorized under this resolution is \$600,000. The maximum principal amount of bonds to be secured by the Abatement under this resolution will not exceed the estimated sum of the Abatement from the Abatement Property for the term authorized under this resolution.

(d) The Abatement shall be subject to all the terms and limitations of the Act.

Approved this January 9, 2024 by the City Council of the City of Marshall, Minnesota.

CITY OF MARSHALL, MINNESOTA

Mayor

Attest:

City Clerk

Exhibit A

Parcel ID Numbers for the “Property”

27-510002-0	27-600097-0	27-710071-0	27-710015-1
27-510003-0	27-710083-0	27-710070-0	27-710014-1
27-510004-0	27-710082-0	27-710069-0	27-710014-0
27-510005-0	27-710081-0	27-510001-3	27-710013-0
27-510006-0	27-710079-0	27-510001-5	27-710007-0
27-510007-0	27-710078-0	27-510001-4	27-710008-0
27-510008-0	27-710077-0	27-510001-2	27-710009-0
27-510009-0	27-710076-0	27-510001-1	27-710010-0
27-510010-0	27-710075-0	27-710018-0	27-710011-0
27-510011-0	27-710074-0	27-710019-0	27-710012-0
27-600096-0	27-710073-0	27-710020-0	
27-600099-0	27-710072-0	27-710015-2	

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Steven Anderson
Meeting Date:	Tuesday, January 9, 2024
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider a Resolution Designating the Official Newspaper.
Background Information:	<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>
Fiscal Impact:	
Alternative/ Variations:	
Recommendations:	To adopt the resolution designating the Marshall Independent as the official newspaper for the City of Marshall

RESOLUTION NUMBER 24-001

**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 9th day of January 2024.

Mayor of the City of Marshall

ATTEST:

City Clerk

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Karla Drown
Meeting Date:	Tuesday, January 9, 2024
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider Resolution designating the Official Depositories for City Funds for 2024.
Background Information:	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 2024.
Fiscal Impact:	
Alternative/ Variations:	
Recommendations:	The adoption of RESOLUTION NUMBER 24-002 appointing the Official Depositories for City Funds for 2024.

RESOLUTION NUMBER 24-002

APPOINTING OFFICIAL DEPOSITORIES FOR CITY FUNDS FOR 2024

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 2024 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 2024.

Bank of Montreal (BMO)	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 9th day of January 2024.

Robert Byrnes, Mayor

ATTEST:

Steven Anderson, City Clerk

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Karla Drown
Meeting Date:	Tuesday, January 9, 2024
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider resolution delegating authority to the city to make electronic fund transfers
Background Information:	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.
Fiscal Impact:	
Alternative/ Variations:	
Recommendations:	Approve Resolution Number 24-003 giving the City authority to make Electronic Fund Transfers

RESOLUTION NUMBER 24-003

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 her 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 9th day of January 2024.

Robert J. Byrnes, Mayor

ATTEST:

Steven Anderson, City Clerk

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	E.J. Moberg
Meeting Date:	Tuesday, January 9, 2024
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider approval of a resolution to authorize the Finance Director to pay certain claims
Background Information:	<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>
Fiscal Impact:	
Alternative/ Variations:	No alternative actions recommended.
Recommendations:	Approve the resolution authorizing the Finance Director to pay certain claims.

RESOLUTION NUMBER 24-004

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 9th day of January 2024.

Robert Byrnes, Mayor

Attest:

Steven Anderson, City Clerk

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Steven Anderson
Meeting Date:	Tuesday, January 9, 2024
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider Approval for the Marshall Golf Club to Conduct a Raffle on June 1st
Background Information:	<p>The Marshall Golf Club will be holding a raffle on their premises located at 800 Country Club Drive.</p> <p>Gambling permits are issued by the State of MN but require local approval before submittal.</p>
Fiscal Impact:	
Alternative/ Variations:	None recommended.
Recommendations:	To approve the LG220 Application for Exempt Permit.

LG220 Application for Exempt Permit

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

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

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

Application Fee (non-refundable)

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

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

ORGANIZATION INFORMATION

Organization Name: The Marshall Golf Club, Inc.

Previous Gambling Permit Number: X-42019-21-007

Minnesota Tax ID Number, if any: 8118556

Federal Employer ID Number (FEIN), if any: 41-395645

Mailing Address: PO Box 502

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

Name of Chief Executive Officer (CEO): Jesse Thordson - President

CEO Daytime Phone: 507-530-2263 CEO Email: jessethordson@gmail.com

(permit will be emailed to this email address unless otherwise indicated below)

Email permit to (if other than the CEO): corky.golf@gmail.com

NONPROFIT STATUS

Type of Nonprofit Organization (check one):

☐ Fraternal ☐ Religious ☐ Veterans ☒ Other Nonprofit Organization

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

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

☒ **A current calendar year Certificate of Good Standing**

Don't have a copy? Obtain this certificate from:

MN Secretary of State, Business Services Division
60 Empire Drive, Suite 100
St. Paul, MN 55103

Secretary of State website, phone numbers:

www.sos.state.mn.us

651-296-2803, or toll free 1-877-551-6767

☐ **IRS income tax exemption (501(c)) letter in your organization's name**

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

☐ **IRS - Affiliate of national, statewide, or international parent nonprofit organization (charter)**

If your organization falls under a parent organization, attach copies of both of the following:

1. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling; and
2. the charter or letter from your parent organization recognizing your organization as a subordinate.

GAMBLING PREMISES INFORMATION

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

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

Check one:

☒ City: Marshall Zip: 56258 County: Lyon

☐ Township: _____ Zip: _____ County: _____

Date(s) of activity (for raffles, indicate the date of the drawing): June 1, 2024

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

☐ Bingo ☐ Paddlewheels ☐ Pull-Tabs ☐ Tipboards ☒ Raffle

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

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Steven Anderson
Meeting Date:	Tuesday, January 9, 2024
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider Approval to Renew a 3.2 Off Sale Liquor License for Freedom Valu Center
Background Information:	<p>Under Minnesota Statute 340A Liquor, Wine, Club and 3.2% licenses are issued by local municipalities but still require MN DPS Alcohol & Gambling Enforcement Division approval.</p> <p>Attached is the license being requested for issuance.</p> <p>All forms and documents have been reviewed and found to be in good standing.</p> <p>Licenses cover a period from January 9 – December 31, 2024.</p>
Fiscal Impact:	\$90 for 3.2% off-sale
Alternative/ Variations:	
Recommendations:	To approve the annual license renewal for Freedom Valu Center

City of Marshall, Minnesota

3.2% Off-Sale

TO ALL WHOM IT MAY CONCERN:

LICENSE IS HEREBY GRANTED UNTO

Kareem Inc. dba
Freedom Valu Center,

For an **3.2% Off-Sale License** at **304 E. College Dr.**
from **January 9, 2024 - December 31, 2024**, subject

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

ISSUED BY THE AUTHORITY OF THE CITY COUNCIL

Marshall, Minnesota, **January 9, 2024**

Mayor

Attest:

City Clerk

(Seal)

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Steven Anderson
Meeting Date:	Tuesday, January 9, 2024
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider Approval to Renew Tobacco License for Freedom Valu Center
Background Information:	<p>Kareem Inc. dba as Freedom Valu Center has requested to renew their tobacco license for their location at 304 E. College Drive.</p> <p>Under City Ordinance Chapter 42, Article 42 VI – Tobacco, all required forms and insurance have been submitted, reviewed, and be found to be correct.</p>
Fiscal Impact:	\$150.00/application
Alternative/ Variations:	None recommended.
Recommendations:	To approve the renewal of a tobacco license for Freedom Value Center for retail sales of tobacco products.

No. T24012

City of Marshall, Minnesota

~ LICENSE TO SELL CIGARETTES AT RETAIL ~

State of Minnesota
County of Lyon
City of Marshall

LICENSE IS HEREBY GRANTED UNTO **Kareem Inc. dba Freedom Valu Center** to sell
cigarettes and other tobacco products at **304 E. College Dr.**

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

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

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

pertaining thereto.

ISSUED BY THE AUTHORITY OF THE CITY COUNCIL
Marshall, Minnesota, **January 9, 2024**

Attest:

THE COMMON COUNCIL
of the CITY OF MARSHALL

City Clerk

By _____
Mayor

(Seal)

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Steven Anderson
Meeting Date:	Tuesday, January 9, 2024
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider Approval of Taxicab License Renewal
Background Information:	<p>Bob Quasius owner of Southwest Transportation Services intends to transition the taxi service in the next few months and has requested to renew his license until the business could be sold.</p> <p>All required forms have been reviewed and deemed to be sufficient.</p>
Fiscal Impact:	\$100 per application + \$25 per additional vehicle
Alternative/ Variations:	
Recommendations:	To approve the renewal of a taxicab license for 2024 for Southwest Transportation Services.

City of Marshall, Minnesota

Taxicab

TO ALL WHOM IT MAY CONCERN:

LICENSE IS HEREBY GRANTED UNTO

Southwestern Transportation Services, LLC dba
Southwest Taxi,

For an **Taxicab License**

from **January 1, 2024 - December 31, 2024**, subject

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

ISSUED BY THE AUTHORITY OF THE CITY COUNCIL

Marshall, Minnesota, **January 9, 2024**

(SEAL)

Mayor

Attest:

City Clerk

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Pamela Whitmore
Meeting Date:	Tuesday, January 9, 2024
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Introduction of an Ordinance Amending the City Charter and Call for Public Hearing
Background Information:	<p>The City Attorney, City Administrator and Clerk met in October 2023 and identified various recommended updates to the Charter both to address gender neutrality and to comply with statutory changes that have occurred in the past few years. At the meeting, there will be a detailed overview of the proposed amendments; however, below sets forth a general overview and the reasons for those proposed changes:</p> <ul style="list-style-type: none"> • Deleting his/her, he/she and him/her. Reason for deletion: eliminate preferred personal pronouns in favor of titles or nongendered pronouns. • Amend existing language to comply with statutory changes related to special election dates. • Amend existing language to clarify timing of council resignations and how to proceed if there is a tie on an appointment. • Amend language regarding process and requirements for redistricting of wards to comply with statutory changes. • Amend language regarding voting requirements if a member of the decision-making body joins the meeting remotely via interactive technology to comply with recent statutory changes. • Adding language to provide Council with authority to create a table for non-substantive ordinances, not of a general or permanent nature, that are not otherwise codified in code. • Amend language of 5.02, expenditures for Petitioners, to comply with requirements set forth in a United States Supreme Court decision to allow hiring of individuals to go door to door to try to get signatures on a petition but to still prohibit paying individuals people to actually sign the petition. • Adding language to Section 7.01 to clarify that Council may, through adoption of policy, create authority for the City to identify and expend funds on expenditures that benefit the community as a whole; are directly related to governmental functions; and primarily benefits the public interest (not private interest). This allows the city more flexibility to promote and support its community.
Fiscal Impact:	None
Alternative/ Variations:	
Recommendations:	<p>1) To introduce the amendments to the city Charter recommended by the Charter Commission 2) Call for public hearing to be scheduled for February 13, 2024, at or after 5:30 p.m. to consider amending the Marshall City Charter 3) Publish notice of the hearing on January 19, 2024, and include the text of the proposed amendments in the notice.</p>

**CITY OF MARSHALL
ORDINANCE 24-CHARTER**

AN ORDINANCE AMENDING THE CITY OF MARSHALL CHARTER

The City Council of Marshall do ordain as follows:

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

A M E N D M E N T

Section 2.03 Elective Offices

Subd. 1. Mayor.

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

Subd. 2. Councilmembers.

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

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

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

A M E N D M E N T

Section 2.05 Vacancies In The Council

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

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

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

AMENDMENT

Section 2.06 The Mayor

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

~~He/She~~The Mayor shall exercise all powers and perform all duties conferred and imposed upon ~~him/her~~the Mayor by this Charter, the ordinances of the City and the laws of the State.

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

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

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

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

AMENDMENT

Section 2.10 Wards

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

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

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

AMENDMENT

Section 3.04 City Attorney

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

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

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

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

AMENDMENT

Section 3.06 Ordinances, Resolutions And Motions

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

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

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

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

AMENDMENT

Section 3.13 Revision And Codification Of Ordinances

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

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

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

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

A M E N D M E N T

Section 4.01 The Regular Municipal Election

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

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

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

A M E N D M E N T

Section 4.02 Special Elections

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

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

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

A M E N D M E N T

Section 4.03 Nominations By Elections

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

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

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

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

AMENDMENT

Section 5.02 Expenditures By Petitioners

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

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

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

AMENDMENT

Section 5.06 Filing Of Petitions And Action Thereon

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

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

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

AMENDMENT

Section 5.07 Action Of Council On Petition

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

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

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

A M E N D M E N T

Section 5.10 The Referendum

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

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

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

AMENDMENT

Section 5.15 Filing Of Petition

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

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

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

AMENDMENT

Section 5.23 Filing Of Petition

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

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

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

AMENDMENT

Section 5.28 Election Results

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

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

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

AMENDMENT

Section 6.02 The City Administrator

The Council shall appoint a City Administrator and delegate to ~~him/her~~the City Administrator whatever powers, ministerial or administrative, they deem necessary for the proper administration of City affairs, in addition to the specific duties set out in Section 6.03.

~~He/she~~The City Administrator shall be the chief administrative officer of the City. ~~He/she~~The City Administrator shall be so chosen by the Council solely on the basis of ~~his/her~~ training, experience and administrative qualifications and need not be a resident of the City at the time of ~~his/her~~the appointment. ~~He/She~~The City Administrator shall be appointed for an indefinite period of time and may be removed by the Council at any time. The Council may designate some properly qualified person to perform the duties of the City Administrator during ~~his/her~~the City Administrator's absence or disability or while the office of the City Administrator is vacant.

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

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

AMENDMENT

Section 6.03 Duties Of City Administrator

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

Subd. 1. See that this Charter and the laws, ordinances and resolutions of the City are enforced;

Subd. 2. Under direction of the Council, exercise control over the departments and divisions of the City administration as provided by this Charter;

Subd. 3. Attend all meetings of the Council, unless excused, with the right to take part in discussion but not to vote. They shall, however, be excluded from any meeting of the Council at which their removal is considered, unless their presence is requested by a majority vote of the Council;

Subd. 4. Keep the Council advised of the financial condition and needs of the City and submit annually to the Council an administrative budget which shall be compiled from the various department budget requests;

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

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

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

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

AMENDMENT

Section 6.05 Purchases And Contracts

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

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

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

AMENDMENT

Section 7.01 Council To Control Finances

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

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

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

A M E N D M E N T

Section 7.13 City Indebtedness

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

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

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

A M E N D M E N T

Section 11.05 Public Utility: Discontinuance

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

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

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

A M E N D M E N T

Section 12.02 Oath Of Office

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

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

PASSED AND ADOPTED BY THE CITY OF MARSHALL COMMON COUNCIL

_____.

Presiding Officer

Attest

Robert Byrnes, Mayor, City of
Marshall

Steven Anderson, City Clerk, City of
Marshall

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

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

Members Absent: Larry Doom, and Mark Mather

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

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

Approval of the Agenda

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

Consider Approval of the Minutes

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

Election of Officers

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

Recommendations to Fill Vacancy

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

Creation of Bylaws

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

Proposed Charter Amendments

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

Updates from City Attorney

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

Adjournment

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

Respectfully submitted,
Nathan Doose, Charter Commission Secretary

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

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

Members Absent: None

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

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

Consider Approval of the Minutes

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

Proposed Charter Amendments

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

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

Creation of Bylaws

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

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

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

Recommendations to Fill Vacancy

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

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

Adjournment

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

Respectfully submitted,
Nathan Doose, Charter Commission Secretary

**NOTICE OF PUBLIC HEARING
AMENDMENT TO THE CITY CHARTER**

PLEASE TAKE NOTICE that a Public Hearing will be held on the ordinance amending the following sections of the city of Marshall charter:

Section 2.03 Subd. 1. Mayor: (a) Qualification. Mayor must be, at the date of filing for office and during ~~his/her the Mayor's~~ term, a qualified elector of the City of Marshall and shall be elected at large.

Section 2.05 Vacancies In The Council: A vacancy in the Council shall be deemed to exist in accordance with the provisions of the State Law, and, in addition thereto, in case of continuous absence of the official from the City for more than ninety (90) days, or by reason of failure of any member of the Council, without good cause, to perform any duties of membership in the Council for a period of ninety (90) days. If by resignation, the vacancy automatically occurs when an incumbent submits a written resignation to the Mayor, City Administrator, or City Clerk, effective on the date specified. If the date is not specified in the resignation, the vacancy is created on the date of submittal. In each such case the Council, by resolution shall declare the vacancy and, if the unexpired term of the vacated Councilmember is less than one hundred eighty (180) days, shall appoint as soon as possible, a person eligible for election from the partially represented ward to serve until the next regular municipal election. In case of a tie vote on the appointment by the Council, the Mayor will cast the deciding vote. If the unexpired term of such Councilmember or Mayor is one hundred eighty (180) days or more, the vacancy shall be filled by special election within the area to be represented. ~~The special election shall be ordered by the Council within thirty (30) days after vacancy is declared and reasonable public notice of the election shall be given.~~ When a special election is required under this Section, the Council must adopt a resolution to set the date for the special election at the first regular meeting occurring after the vacancy; at a special meeting of the Council, occurring after the vacancy automatically occurs; or at the same meeting at which the vacancy is declared. The special election must be held at the earliest date possible under State law related to special elections and candidates must file for office no later than four weeks before the election. If a special election is to occur in the same year as a regular election, the Council may, at its own option, schedule the special election to occur in conjunction with the regular municipal election rather than at the earliest date possible under State law for special elections.

Section 2.06 The Mayor: The Mayor shall be the presiding officer of the Council, except that the Council shall choose from its members a president pro tem who shall hold office at the pleasure of the Council and shall serve as president in the Mayor's absence and as a mayor in case of the Mayor's disability or absence from the City. The Mayor shall have a vote as a member of the Council. ~~He/She The Mayor~~ shall exercise all powers and perform all duties conferred and imposed upon ~~him/her the Mayor~~ by this Charter, the ordinances of the City and the laws of the State. ~~He/She The Mayor~~ shall be recognized as the official head of the City for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor for the purposes of marital law. ~~He/She The Mayor~~ shall study the operations of the City government and shall report to the Council any neglect, dereliction of duty, or waste on the part of any officer or department of the City. In time of public danger or emergency, ~~he/she the Mayor~~ may, with the consent of the Council, take command of the police, maintain order and enforce the law.

Section 2.10 Wards: The Council shall, by ordinance, provide for the establishment of wards, define or change their boundaries, and increase or eliminate the number of wards in the City. No change, increase, or elimination shall be made prior to the Legislature being redistricted in a year ending in one or two; or, unless otherwise provided herein, within three (3) months prior to any election held in the City governmental offices. ~~Within six (6) months following the official certification of the decennial census of the United States and the filing of the census list with the City, the Council shall, by ordinance, re-determine ward boundaries so as to make said wards as nearly equal in population as practical.~~ The wards must be redistricted within 60 days after the Legislature has been redistricted or at least 19 weeks before the state primary election in the year ending in two, whichever is first. After the official certification of the federal decennial or special census, the Council shall either confirm the existing ward boundaries or redefine ward boundaries. Each ward shall be composed of compact, contiguous territory and shall contain as nearly as practicable an equal population. The difference between the ward with the lowest population and the ward with the highest population can be no greater than ten percent of the equal number. If a federal census shows that a ward no longer meets this requirement, the Council must change the ward boundaries to achieve compliance within the time period required by State law. If a ward boundary change places a ward councilmember's residence in a different ward, the councilmember will continue in office for the remainder of the term.

Section 3.04 City Attorney: The Mayor shall nominate to the City Council the person to be appointed as City Attorney for the City of Marshall. The City Council and the Mayor shall vote and confirm said appointment by majority vote. The City Attorney shall serve for a term of two (2) years, ~~his/her~~ the term of office to begin on the first regular meeting in January after the municipal election and ~~he/she shall continue in office until their~~ a successor is appointed. The City Attorney shall perform legal services for the City under direction of the City Council and is removable at the discretion of the City Council. The City may contract with other attorneys to perform specific legal services as it deems necessary without discharging the City Attorney. The Marshall Municipal Utilities Commission are hereby authorized to employ the City Attorney in official matters and to pay for their services from their respective funds. The City Attorney may employ such staff and assistants as necessary.

Section 3.06 Ordinances, Resolutions And Motions: Except as in this Charter otherwise provided, all legislation shall be by ordinance. The "yes" and "no" vote on ordinance, resolutions and motions shall be recorded. An affirmative majority vote of a quorum shall be required for the passage of all ordinances and resolutions, unless a super majority is required by this Charter or state law. The vote of each member shall be recorded on each appropriation of money, except for payments of judgments, claims and amounts fixed by statute. All votes taken during a meeting governed by either Minn. Statute 13D.02 or 13D.021 in which one or more councilmembers or the mayor has joined remotely must be conducted by roll call so that each member's vote on each issue can be identified and recorded. Other than emergency ordinances addressed in Section 3.09 herein or the exceptions stated in law, if a city posts ordinances on the city's website, then it must also post proposed ordinances on the website at least ten days before the Council meeting at which the proposed ordinance is scheduled for a final vote. Additionally, Other than emergency ordinances addressed in Section 3.09 herein or the exceptions stated in law, if a city has an electronic notification system, the city must notify any person that has signed up for e-mail notification of proposed ordinances at least ten days before the Council meeting at which the proposed ordinance is scheduled for a final vote.

Section 3.13 Revision And Codification Of Ordinances: The City may revise, rearrange and codify its ordinances with such additions and deletions as may be deemed necessary by the Council. Such ordinance code shall be published in book, pamphlet or continuously revised loose-leaf form and copies shall be made available by the Council at the office of the City Clerk for general distribution to the public free or at a reasonable charge. Publication in such a code shall be a sufficient publication of any ordinance provision not previously published if a notice that copies of the codification are available at the office of the City Clerk is published in the official newspaper for at least two (2) successive weeks. Ordinances granting franchises, disposing of public property, enacting zoning designations of land, and other ordinances that are not of a general and permanent nature need not be included in the ordinance code. At the Council's discretion, a table of all or some of these ordinances may be included, or their text may be included as appendices.

Section 4.01 The Regular Municipal Election: A regular municipal election shall be held on the first Tuesday after the first Monday of November of every even-numbered year, commencing in 1986, at such place or places as the Common Council may designate. The City Clerk shall have at least two (2) weeks previous notice of the time and place of holding such election and of the members to be elected by publication at least twice in the official newspaper, but failure to give such notice shall not invalidate such election. At said election and subject to the terms set forth herein, there shall be elected members of the Council and, when applicable, Mayor.

Section 4.02 Special Elections: The Council may by resolution order a special election and provide all means necessary for the holding of said election. A notice of a special election shall be given in the official newspaper of the City at least once per week for a two (2) week period prior to the election. The date of the special election will be scheduled to occur either at the next general municipal election or on a date allowed under State law for special elections, with notice to the County Auditor in the manner required by state statute.

Section 4.03 Nominations By Elections: In compliance with the Candidate filing period as defined by Minnesota Statute § 205.13, subd. 1a, an individual who is eligible and desires to become a candidate for an office to be voted for at the election shall file an affidavit of candidacy with the City Clerk. The affidavit shall be in substantially the same form as required of candidates for state offices and shall be furnished by the City Clerk upon request and payment of the proper filing fee to the City Clerk. Once the affidavit has been filed with the City Clerk, the name of the candidate shall be placed on the official ballot without partisan designation. Unless a candidate has filed an affidavit of candidacy and paid a filing fee, his/her the candidate's name may not be placed upon the official ballot for the municipal election.

Section 5.02 Expenditures By Petitioners: ~~No member of any initiative, referendum, or recall committee, no circulator of a signature paper, and no signer of a signature paper any such paper, or any other person,~~ shall accept or offer any rewards, pecuniary or otherwise, for service signatures rendered in connection with the circulation thereof, but this shall not prevent the committee from paying for legal services or from incurring an expense not to exceed \$150.00 for stationery, copying, printing, and notaries' fees. Any violation of the provisions of this Section is a misdemeanor.

Section 5.06 Filing Of Petitions And Action Thereon: All the signature papers shall be filed in the office of the City Clerk as the instrument. Within ten (10) days after the filing of the petition, the City Clerk Director shall ascertain by examination the number of electors whose signatures are

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

Section 5.07 Action Of Council On Petition: When the petition is found to be sufficient, the City Administrator shall so certify to the Council at its next meeting, stating the number of petitioners, and the Council shall at once read the ordinance and refer it to an appropriate committee of the Council, which may be a committee of the whole. The committee of Council, shall thereupon provide for one or more public hearings upon the ordinance, after the holding of which the ordinance shall be finally acted upon by the Council not later than sixty-five (65) days after the date upon which it was submitted to the Council by the City Administrator. If the Council fails to pass the proposed ordinance, or passes it in a form different from that set forth in the petition and unsatisfactory to the petitioners, the proposed ordinance shall be submitted by the Council to the vote of the electors at the next regular municipal election; but if the number of signers of the petition is equal to at least two hundred (200) voters, the Council shall call a special election upon the measure. Such special election shall be held ~~not less than thirty (30) nor more than forty-five (45) days from date of final action on the ordinance by the Council or after the expiration of sixty-five (65) days from the date of submission to the Council when there has been no final action;~~ at the earliest date possible under State law for special elections, unless that date is less than thirty (30) days from the date of final action on the ordinance by the Council, and if so then the earlier of (i) the next available date for special elections under state law but if a or (ii) the regular election is to occur within three (3) months, the Council may submit the ordinance at the election. If the Council passes the proposed ordinance with amendments and at least four-fifths (4/5) of the committee of petitioners do not express their dissatisfaction with such amended form by a statement filed with the City Clerk within ten (10) days of the passage thereof by the Council, the ordinance need not be submitted to the electors.

Section 5.10 The Referendum: If prior to the date when an ordinance takes effect a petition signed by qualified electors of the City equal in number to one hundred fifty (150) or fifteen percent (15%) of the total votes cast at the last municipal election, whichever is greater, is filed with the City Clerk requesting that any such ordinance be repealed or be submitted to a vote of the electors, the ordinance shall thereby be prevented from going into operation. The Council shall thereupon reconsider the ordinance at its regular meeting, and either repeal it or by "yes" and "no" vote reaffirm its adherence to the ordinance as passed. In the latter case the Council shall ~~immediately~~ order a special election to be held thereon, or submit the ordinance at the next regular municipal election, pending which the ordinance shall remain suspended. If ordering a special election, the special election shall be held at the earliest date possible under State law for special elections. If a majority of the electors voting thereon is opposed to the ordinance, it shall not become effective, but if a majority of the electors voting thereon favors the ordinance, it shall go into effect immediately or on the date therein specified.

Section 5.15 Filing Of Petition: Within thirty (30) days after the filing of the original certificate, the committee shall file the completed petition in the office of the City Clerk. The City Clerk shall examine the petition within the next ten (10) days, and if ~~he/she~~ the City Clerk finds it irregular in any way or finds that the number of signatures is less than ten (10%) percent of the electors that voted in said ward at the last general election or 250 voters, whichever is greater, ~~he/she~~ the City Clerk shall notify one or more members of the committee. The committee then shall be given ten (10) days in which to file additional signature papers and to correct the petition in all other respects, but they may not change the statement on the grounds upon which the recall is sought. If at the end of that time the City Clerk finds the petition still insufficient or irregular, ~~he/she~~ the City Clerk shall notify all the members of the committee to that effect and shall file the petition in their office. No further action shall be taken thereon.

Section 5.23 Filing Of Petition: Within thirty (30) days after the filing of the original certificate, the committee shall file the completed petition in the office of the City Clerk. The City Clerk shall examine the petition within the next ten (10) days, and if ~~he/she~~ the City Clerk finds it irregular in any way or finds that the number of signatures is less than the greater of ten (10%) percent of the electors that voted in said last whole city election or 500 voters, ~~he/she~~ the City Clerk shall notify one or more members of the committee. The committee then shall be given ten (10) days in which to file additional signature papers and to correct the petition in all other respects, but they may not change the statement of the grounds upon which the recall is sought. If at the end of that time the City Clerk finds the petition still insufficient or irregular, ~~he/she~~ the City Clerk shall notify all the members of the committee to that effect and shall file the petition in their office. No further action shall be taken thereon.

Section 5.28 Election Results: If a majority of those voting on the question of recall vote in favor of the recall, the mayor shall immediately cease to be mayor of the City. If a majority of those voting on the question of recall vote not to recall the mayor, ~~he/she~~ the Mayor shall have the right to serve out ~~his/her~~ the term to which ~~he/she~~ the Mayor was elected. If a mayor is recalled or resigns, the council at its next meeting shall call for a special election to fill the remaining term of the recalled mayor according to Chapter 4 of the City Charter. The recalled or resigned mayor shall not be allowed to file for the election to fill the vacancy created by the recall election or the resignation.

Section 6.02 The City Administrator: The Council shall appoint a City Administrator and delegate to ~~him/her~~ the City Administrator whatever powers, ministerial or administrative, they deem necessary for the proper administration of City affairs, in addition to the specific duties set out in Section 6.03. ~~He/she~~ The City Administrator shall be the chief administrative officer of the City. ~~He/she~~ The City Administrator shall be so chosen by the Council solely on the basis of ~~his/her~~ training, experience and administrative qualifications and need not be a resident of the City at the time of ~~his/her~~ the appointment. ~~He/She~~ The City Administrator shall be appointed for an indefinite period of time and may be removed by the Council at any time. The Council may designate some properly qualified person to perform the duties of the City Administrator during ~~his/her~~ the City Administrator's absence or disability or while the office of the City Administrator is vacant.

Section 6.03 Duties Of City Administrator: The City Administrator shall be directly responsible to the City Council for the proper administration of all affairs of the City, and to that the City Administrator shall perform the following specific duties:

Section 6.05 Purchases And Contracts: The City Administrator shall be the chief purchasing agent of the City. All policies and procedures for City purchases and related contracts for supplies, materials, equipment, services or the like shall be prescribed by a formal policy approved by the City Council by majority vote and be in strict compliance with the laws of the State of Minnesota then in effect. All contracts, bonds and instruments of any kind to which the City is a party, except checks drawn on the City, shall be signed by the Mayor or President Pro Tem in ~~his/her~~ the Mayor's absence and attest by the City Clerk or City Administrator in ~~his/her~~ the absence of the City Clerk on behalf of the City and shall be executed in the name of the City.

Section 7.01 Council To Control Finances: The Council shall have full authority over the financial affairs of the City, and shall provide for the collection of all revenues and other assets, the auditing and settlement of accounts, and the safekeeping and disbursement of public monies, and on the exercise of keeping and disbursement of public monies, and in the exercise of a sound discretion shall make appropriations for the payment of all liabilities and expenses. The council may establish a public expenditure policy ("Policy") to identify certain types of expenditures as furthering a public purpose and being within the city's authority on which to expend city funds. The Policy shall not limit the authority of the city to make expenditures otherwise authorized by law. If adopted, the council shall review the Policy periodically and update it as needed. In establishing, reviewing, and approving the Policy, the council shall consider whether the expenditures to be authorized by the Policy: 1) benefits the community as a whole; 2) are directly related to governmental functions; and 3) primarily benefits the public interest, not a private interest. In establishing, reviewing, and approving the Policy, the council shall consider the opinion of the city attorney and statewide sources of authority, which may include judicial determinations, Minnesota Attorney General opinions, and findings of the Office of the State Auditor. Expenditures related to any of the following activities shall be deemed authorized if the Policy expressly provides authorization: international, cultural, and economic development programs; community events, festivals, and celebrations; miscellaneous employee benefits; employee recognition; and funding for conference attendance. The council may also provide specific authorization regarding any other expenditure.

Section 7.13 City Indebtedness: Except as provided in Section 7.14 and 7.15, no obligations shall be issued to pay current expenses, but the Council may issue and sell obligations for any other municipal purpose in accordance with law and within the limitations prescribed by law. Except in the case of obligations for which an election is not required by this Charter or by State law, no such obligations shall be issued and sold without the approval of the majority of the electors of the City voting on the question at a general or special election according to Chapter 4 of the City Charter.

Section 11.05 Public Utility Discontinuance: No public utility owned by the City shall be sold or otherwise disposed of by the City unless the full terms of the proposition of sale or other dispositions are embodied in an ordinance approved by sixty percent (60%) of the electors voting thereon at a general or special election according to Chapter 4 of the City Charter. Marshall Municipal Utilities authority to cease to operate or sell, lease or abandon any of their utilities shall be regulated by Chapter [section] 13.05 of the City Charter.

Section 12.02 Oath Of Office: Every officer of the City shall before entering upon the duties of ~~his/her~~ their office, take and subscribe an oath of office in substantially the following form: "I do

solemnly swear (or affirm) to support the Constitution of the United States and of this state and to discharge faithfully the duties devolving upon me as (Mayor, Councilmember, City Administrator, etc.) of the City of Marshall to the best of my judgment and ability."

The Public Hearing will be held before the Marshall City Council on Tuesday, February 13, 2024, at or after 5:30 pm in the Council Chambers of City Hall at 344 West Main Street.

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

Steven Anderson, City Clerk

Dated: January 19, 2024

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Pamela Whitmore
Meeting Date:	Tuesday, January 9, 2024
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Introduction of Ordinance Adding Article 18-VIII Residential Rental Code and Call for Public Hearing
Background Information:	<p>Rental ordinances are common in cities. In fact, the rights and duties of property owners/landlord and tenants in Minnesota are spelled out not only in local ordinances, but also in federal law, state statutes, safety and housing codes, common law, contract law, and a number of court decisions. In January 2023, the city considered a proposed rental ordinance which met push back from the community. The Council decided to not act on the proposed ordinance in January 2023, and directed staff to start a process for creation of a Rental Committee. The City Attorney drafted a registration-based ordinance for review and feedback from the Rental Committee once formed.</p> <p><u>Rental Committee</u></p> <p>The Rental Committee met five times to review the newly drafted ordinance – June 13, July 11, August 8, October 10, and October 31. The Rental Committee was made up of representatives of staff, fire, council, tenant advocates and landlords and was facilitated by John Decramer and Mark Klaith. The Committee participants included Zachary Gilman, James Carr, Brad Meulebroeck, Shawn Butler, Jessica Bentley, Angela Larson, Quentin Brunsvold, Steven Anderson, Jason Anderson, Sharon Hanson, Craig Schafer, and James Lozinski.</p> <p>The Rental Committee engaged in thoughtful and thorough discussion regarding the goals of the city, the interests of the community and the protections of the public. These discussions led to productive collaboration and revisions.</p> <p>On October 31, 2023, the Rental Committee approved, by unanimous vote, to recommend the attached ordinance. Please note, the Rental Committee expressed a desire to be notified of the Ways & Means Committee meeting, and of the future Council Meeting at which the Ordinance will be discussed. The Rental Committee requested that both Ways & Means, and L&O, be made aware that this program is not intended to be cost prohibitive to registrants (and Committee expressed a desire for fees to be reasonable) and should not place a huge burden on staff or city resources.</p> <p><u>The Rental Ordinance</u></p> <p>The final draft of the Ordinance is attached. As the City will notice, this is a registration only ordinance as desired by staff, with inspections on a complaint basis. Registrations of renewals or new applications are on a biannual basis, with self-inspection of the properties requested on the off years.</p>
Fiscal Impact:	
Alternative/ Variations:	
Recommendations:	To introduce the ordinance amending Chapter 18 adding Article 18-VIII Residential Rental Code and call for a public hearing to be held on February 13, 2024.

**CITY OF MARSHALL
ORDINANCE 24-XXX**

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

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

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

ADOPTION

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

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

ADOPTION

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

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

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

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

ADOPTION

Section 18-138 Scope(*Added*)

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

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

ADOPTION

Section 18-139 Definitions(*Added*)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ADOPTION

Section 18-140 Registration Requirements(*Added*)

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

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

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

ADOPTION

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

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

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

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

A D O P T I O N

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

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

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

A D O P T I O N

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

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

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

ADOPTION

Section 18-144 Fees(*Added*)

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

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

ADOPTION

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

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

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

ADOPTION

Section 18-146 Maintenance Standards(*Added*)

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

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

(b) Responsibilities of occupants.

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

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

ADOPTION

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

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

the condition or registration status of any rental property.

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

forth in the City of Marshall City Code.

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

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

ADOPTION

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

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

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

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

ADOPTION

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

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

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

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

or provide cooking equipment in guest bedrooms.

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

ADOPTION

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

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

- either by certified mail directed to the address of the registration holder as shown by the City's registration application file or by e-mail as shown by the City's registration application file with delivery notification and receipt requested when sending that email to the registration holder and direct the registration holder to take steps to prevent further violations.
- (2) Second instance. If a second instance of disorderly conduct occurs at a rental housing unit within twelve (12) months of the time a notice was sent for previous disorderly conduct at the same unit, the city may notify the registration holder either by certified mail directed to the address of the registration holder as shown by the City's registration application file or by e-mail as shown by the City's registration application file with delivery notification and receipt requested when sending that email to the registration holder of the violation and direct the registration holder to submit, within ten (10) days of the date of the notice, a written report of all actions taken by the registration holder since the first violation notice and actions the registration holder intends to take to assist in the prevention of disorderly conduct. The registration holder shall notify the tenant or tenants within ten days of the notice of disorderly conduct violation.
- (3) Third instance. If a third instance of disorderly conduct occurs at a rental housing unit within twelve (12) months after the first of two (2) previous notices of disorderly conduct at the same unit, the rental housing unit registration may be revoked, suspended, or not renewed by the city. The owner/representative has the right to appeal the decision as provided in the City of Marshall Administrative Procedure Section of the City Code.
- (d) For purposes of this section, second and third instances of disorderly conduct shall be those which:
- (1) Occur at the same rental housing unit; or
 - (2) Involve tenants at the same rental housing unit; or
 - (3) Involve guests or invitees at the same rental housing unit; or
 - (4) Involve guests or invitees of the same tenant; or
 - (5) Involve the same tenant.
- (e) No adverse action shall be taken against the rental registration when the instance of disorderly conduct occurred during a pending eviction proceedings (unlawful detainer) or within thirty (30) days of notice given by the registration holder to a tenant to vacate the rental housing unit. However, adverse registration action may proceed when the registration holder fails to diligently pursue the eviction process. Further, an action to deny, revoke, suspend, or not renew a registration based upon violations of this section may be postponed or discontinued at any time if the registration holder has taken appropriate measures which will prevent further instances of disorderly conduct which may include a failed eviction process, or if the registration holder has proceeded in good faith to secure termination of the tenancy but was unsuccessful for reasons beyond the registration holder's reasonable control.
- (f) In lieu of revoking, suspending or not renewing the rental registration, the city may require an action plan to be completed and complied with by the registration holder, or local property manager within a designated time frame which outlines the steps

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

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

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

ADOPTION

Section 18-151 Interim Housing(*Added*)

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

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

ADOPTION

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

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

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

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

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

ADOPTION

Section 18-152 Applicable Laws(*Added*)

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

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

ADOPTION

Section 18-154 No Retaliation(*Added*)

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

(a) A landlord may not:

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

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

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

A D O P T I O N

Section 18-155 Written Notices(*Added*)

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

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

A D O P T I O N

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

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

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

**Notice of Public Hearing
Residential Rental Code**

The City Council for the City of Marshall, Minnesota, will be conducting a public hearing on Tuesday, February 13, 2024, in the Council Chambers of City Hall located at 344 West Main Street, Marshall, Minnesota. The purpose of the public hearing will be to consider an ordinance requiring registration of residential rental properties and short-term vacation rentals.

All interested persons desiring to comment on the proposed ordinance should appear at the above date and time.

Dated this 13th day of January 2024
Steven Anderson, City Clerk

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	E.J. Moberg
Meeting Date:	Tuesday, January 9, 2024
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Adopt an annual election to set a micro-purchase threshold of \$25,000
Background Information:	<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 https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR45ddd4419ad436d] states:</p> <p style="padding-left: 40px;">(iv) <i>Non-Federal entity increase to the micro-purchase threshold up to \$50,000.</i> 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 § 200.334. The self-certification must include a justification, clear identification of the threshold, and supporting documentation of any of the following:</p> <p style="padding-left: 80px;">(A) A qualification as a low-risk auditee, in accordance with the criteria in § 200.520 for the most recent audit;</p> <p style="padding-left: 80px;">(B) An annual internal institutional risk assessment to identify, mitigate, and manage financial risks; or,</p> <p style="padding-left: 80px;">(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. The \$25,000 threshold was approved by Council in January 2023.</p> <p>This threshold is requested annually.</p>
Fiscal Impact:	
Alternative/ Variations:	
Recommendations:	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

Presenter:	Steven Anderson
Meeting Date:	Tuesday, January 9, 2024
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider Approval to Change Regular Meeting Dates in August and December
Background Information:	<p>Minnesota Statute 13D.04 Notice of Meetings requires that a schedule of regular meetings of the public body is kept on file at its primary offices, which would be the office of the City Clerk. The regular meeting of the city council on August 13, 2024 would fall on the same day as the state's August Primary Election. Under Minnesota Statute 204C.03 sub. 1 "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."</p> <p>Staff is recommending that the August 13th Regular Meeting date be moved to Monday, August 12th to comply with state law and that the December 24th Regular Meeting date be moved to Tuesday, December 17th because of Christmas Eve.</p>
Fiscal Impact:	
Alternative/ Variations:	
Recommendations:	<ol style="list-style-type: none"> 1) Move the August 13 regular meeting to Monday, August 12 and the December 24 regular meeting date to Tuesday, December 17. 2) Direct the City Clerk to update the schedule of 2024 Regular Council Meeting Dates that is to be kept on file to comply with Minnesota Statute 13D.04 to reflect the recommended changes.

2024 Regular Council Meeting Dates

2nd and 4th Tuesday of each month *(Unless otherwise noted)*

5:30 P.M.

City Hall, 344 West Main Street

January

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

February

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

March

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

April

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

May

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

June

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

July

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

August

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

September

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

October

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

November

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

December

1. December 10, 2024
2. Tuesday, December 17, 2024

2023 Uniform Election Dates

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

204C.03 PUBLIC MEETINGS PROHIBITED ON ELECTION DAY.

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

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Steven Anderson																
Meeting Date:	Tuesday, January 9, 2024																
Category:	CONSENT AGENDA																
Type:	ACTION																
Subject:	Consider Approval of Administrative Hearing Officers																
Background Information:	<p>On December 12, 2023, the City Council approved an agreement to contract with hearing officers to administer Chapter 2, Article VII, Section 2-410 Administrative Hearing Procedure of the city code. City Attorney Whitmore and the City Clerk sought out candidates to fulfill the role of hearing officers for the City of Marshall. The hearing officers will be considered public officers as defined by Minn. Stat. §609.415 and the hearing officer must not be a city employee.</p> <p>As of January 5, 2024 three attorneys have signed agreements to be considered for the role of hearing officer and are listed below:</p> <table><tr><th>Hearing Officer</th><th>Law Office</th><th>Address</th><th>City State</th></tr><tr><td>Jon W. Morphew</td><td>Morphew Law Office</td><td>222 S. 9th St., STE 1600</td><td>Minneapolis MN</td></tr><tr><td>Fabian Hoffner</td><td>The Hoffner Firm</td><td>310 4th Ave. S., STE 5010</td><td>Minneapolis MN</td></tr><tr><td>Rene Diebold</td><td>Diebold Law Firm</td><td>507 Jewett St.</td><td>Marshall MN</td></tr></table>	Hearing Officer	Law Office	Address	City State	Jon W. Morphew	Morphew Law Office	222 S. 9th St., STE 1600	Minneapolis MN	Fabian Hoffner	The Hoffner Firm	310 4th Ave. S., STE 5010	Minneapolis MN	Rene Diebold	Diebold Law Firm	507 Jewett St.	Marshall MN
Hearing Officer	Law Office	Address	City State														
Jon W. Morphew	Morphew Law Office	222 S. 9th St., STE 1600	Minneapolis MN														
Fabian Hoffner	The Hoffner Firm	310 4th Ave. S., STE 5010	Minneapolis MN														
Rene Diebold	Diebold Law Firm	507 Jewett St.	Marshall MN														
Fiscal Impact:																	
Alternative/ Variations:																	
Recommendations:	To approve the list of lawyers to administer the Administrative Hearing Procedure as required under the city code of ordinances Chapter 2, Article 2-VII Administrative Citations.																

Fine Schedule

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

Failure to Pay

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

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

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



Administrative Citation Appeal Form

\$150 Hearing Filing Fee Required

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

Citation No: _____

Date: _____ Penalty Amount: \$ _____

Property Address: _____

PLEASE PRINT

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

Name: _____

Address: _____

Phone #: _____

Email: _____

Signature: _____

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

M T W TH F

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

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



Requesting an Administrative Hearing



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

Administrative Citation Process

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

Receiving a Citation

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

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

Paying the Fine

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

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

Requesting a Hearing

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

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

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

Before the Hearing

Contacting the Hearing Officer:

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

Changing the Assigned Hearing Officer:

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

Hearing Procedure

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

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

After the Hearing

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

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

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

Decision

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

The Hearing Officer has the authority to:

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

Failure to Appear

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



CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Preston Stensrud
Meeting Date:	Tuesday, January 9, 2024
Category:	CONSENT AGENDA
Type:	INFO/ACTION
Subject:	Acceptance of Donation to the Marshall Parks Department for Improvements at Legion Field
Background Information:	<p>The Marshall Baseball Association continues to be a proud supporter of our facilities. In 2022 they donated \$26,000 towards the upcoming improvements at Legion Field and are generously donating an additional \$64,000 towards the project for FY2023.</p> <p>This project will be bid in spring of 2024 with construction planned to start upon the completion of the 2024 baseball season at Legion Field.</p>
Fiscal Impact:	None
Alternative/ Variations:	None recommended
Recommendations:	Adopt the resolution formally accepting donation from the Marshall Baseball Association to the Marshall Parks Department for Improvements at Legion Field.

RESOLUTION NUMBER 24-005
ACCEPTING A DONATION TO THE CITY OF MARSHALL PARKS DEPARTMENT

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

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

<u>Name of Donor</u>	<u>Amount</u>
Marshall Baseball Association	\$64,000.00

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

These donations will be used towards the Legion Field improvements.

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

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

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

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

Passed by the Common Council of the City of Marshall, Minnesota this 9th day of January 2024.

Mayor

Attest:

City Clerk

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Pamela Whitmore
Meeting Date:	Tuesday, January 9, 2024
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Repeal of Emergency Ordinance 23-019
Background Information:	On July 31, 2023, the City Council adopted Emergency Ordinance 23-019, titled “Prohibiting the Use of Cannabis and Hemp in Public Places” (the “Emergency Ordinance”). The Emergency Ordinance served as a temporary ban on the use of cannabis and hemp in public places while the City crafted a comprehensive ordinance on said use (the “Final Ordinance”). The City Council adopted the Final Ordinance at their meeting on December 19, 2023, and it went into effect following publication. With the implementation of the Final Ordinance, the Emergency Ordinance should be repealed.
Fiscal Impact:	
Alternative/ Variations:	
Recommendations:	To adopt Ordinance 24-001 repealing Emergency Ordinance 23-019.

**CITY OF MARSHALL
ORDINANCE 24-001**

**REPEAL OF EMERGENCY ORDINANCE 23-019 PROHIBITING THE USE OF CANNABIS
AND HEMP IN PUBLIC PLACES**

The Common Council of the City of Marshall do ordain:

SECTION 1. Ordinance 23-219 Prohibiting the Use of Cannabis and Hemp in public places is hereby repealed in its entirety.

PASSED AND ADOPTED BY THE CITY OF MARSHALL COMMON COUNCIL this 9th day of January, 2024.

Mayor

Attest

Robert Byrnes, Mayor, City of Marshall,
Minnesota

Steven Anderson, City Clerk, City of Marshall,
Minnesota

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Karla Drown
Meeting Date:	Tuesday, January 9, 2024
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider approval of the bills/project payments
Background Information:	Staff encourage the City Council Members to contact staff in advance of the meeting regarding these items if there are questions. Construction contract questions are encouraged to be directed to Director of Public Works, Jason Anderson at 537-6051 or Finance Director, Karla Drown at 537-6764
Fiscal Impact:	
Alternative/ Variations:	
Recommendations:	The following bills and project payments be authorized for payment.

CITY OF MARSHALL, MINNESOTA
PRIOR AND CURRENT YEARS CONSTRUCTION CONTRACTS
1/9/2024

PROJECT #:	Coding	DATE	CONTRACTOR:	ORIGINAL CONTRACT AMOUNT:	CHANGE ORDERS	CURRENT CONTRACT AMOUNT	2020 Prior Payments	2021 Prior Payments	2022 Prior Payments	2023 Prior Payments	PYMTS THIS MEETING:	RETAINAGE	BALANCE:	PERCENT COMPLETE
CH1	494-43300-55120	11/12/2019	City Hall Renovation	Brennan Companies	5,030,200.00	749,360.00	5,779,560.00							
ST-009	481-43300-55170	3/14/2023	W. Lyon Street/N. 3rd Street Reconstruction	R & G Construction Co.	3,845,497.31	39,670.13	3,885,167.44	3,039,722.04	2,661,221.96	66,794.00		11,822.00	-	100.00%
PK-092	481-45200-55120	4/11/2023	Amateur Sports Center Shelter & Storage-Ball Field	Doom & Cuyper's Construction, Inc.	171,642.00	6,078.00	177,720.00				3,504,518.66	13,497.66	331,615.60	91.46%
AP-007	480-43400-55170	2022	Crack Filling w/Sealcoat	City Staff - Street/Airport	75,000.00		75,000.00				159,875.40	17,124.60	720.00	99.59%
									51,540.63				23,459.37	68.72%
				9,122,339.31	795,108.13	9,917,447.44	3,039,722.04	2,661,221.96	118,334.63	30,622.26	47,357.52	355,794.97		



Marshall, MN

Council Check Report

By Vendor Name

Date Range: 12/29/2023 - 01/09/2024

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP-REG AP						
0560	AFSCME COUNCIL 65	12/29/2023	EFT	0.00	1,366.00	15212
6412	AG PLUS COOPERATIVE	12/29/2023	EFT	0.00	77.82	15213
0578	AMAZON CAPITAL SERVICES	12/29/2023	EFT	0.00	136.42	15214
0578	AMAZON CAPITAL SERVICES	01/05/2024	EFT	0.00	1,693.06	15253
5837	ANDERSON, JASON	01/05/2024	EFT	0.00	80.00	15254
0658	AP DESIGN, INC. / NICHOLAS J SCHWARZ OR JILL	01/05/2024	EFT	0.00	21.11	15255
7395	AP DESIGN, INC./NICHOLAS J SCHWARZ OR JILL	01/05/2024	EFT	0.00	8.75	15256
6694	ARAMARK UNIFORM & CAREER APPAREL GROU	12/29/2023	EFT	0.00	120.74	15215
0630	ARCTIC GLACIER	12/29/2023	Regular	0.00	242.52	123861
0630	ARCTIC GLACIER	01/05/2024	Regular	0.00	168.91	123875
0629	ARNOLD MOTOR SUPPLY	01/05/2024	EFT	0.96	39.03	15257
0656	AVERA MARSHALL	01/05/2024	Regular	0.00	60.00	123876
5327	BAUMANN, ADAM	01/05/2024	EFT	0.00	30.00	15258
0688	BELLBOY CORPORATION	12/29/2023	EFT	0.00	6,219.92	15216
0699	BEVERAGE WHOLESALERS, INC.	12/29/2023	Regular	0.00	40,400.15	123862
0699	BEVERAGE WHOLESALERS, INC.	01/05/2024	Regular	0.00	30,412.48	123877
6163	BLUE LINE SHARPENING & SALES	01/05/2024	EFT	0.00	1,172.04	15259
0726	BORCH'S SPORTING GOODS, INC.	01/05/2024	EFT	0.00	6,550.00	15260
0018	BORDER STATES INDUSTRIES, INC.	01/05/2024	EFT	0.00	6,532.20	15261
3829	BRAU BROTHERS	12/29/2023	EFT	0.00	141.00	15217
3829	BRAU BROTHERS	01/05/2024	EFT	0.00	54.00	15262
4457	BREAKTHRU BEVERAGE MINNESOTA WINE & SF	12/29/2023	Regular	0.00	18,782.76	123864
4457	BREAKTHRU BEVERAGE MINNESOTA WINE & SF	01/05/2024	Regular	0.00	4,064.04	123878
5696	BROTHERS FIRE PROTECTION	01/05/2024	EFT	0.00	973.00	15263
2683	BROWN, TOM	01/05/2024	EFT	0.00	217.21	15264
3568	BRUNSVOLD, QUENTIN	01/05/2024	EFT	0.00	30.00	15265
6857	BRUSVEN, KATHERINE	01/05/2024	EFT	0.00	30.00	15266
2431	BUELTEL-MOSENG LAND SURVEYING, INC	12/29/2023	EFT	0.00	1,200.00	15218
0378	BUYSSE, JASON	01/05/2024	EFT	0.00	30.00	15267
6744	C&L DISTRIBUTING	01/05/2024	EFT	0.00	1,820.36	15268
0380	CALLENS, DAVID	01/05/2024	EFT	0.00	30.00	15269
6791	CAPITAL ONE	12/29/2023	Regular	0.00	251.87	123866
6791	CAPITAL ONE	01/05/2024	Regular	0.00	141.43	123880
7164	CARD CONNECT/MERCHANT BANK CD	01/03/2024	Bank Draft	0.00	660.14	DFT0003570
0802	CARLSON & STEWART REFRIGERATION, INC.	01/05/2024	EFT	0.00	166.60	15270
0818	CAUWELS, ROGER	01/05/2024	EFT	0.00	30.00	15271
2034	CHANGE FUND	12/29/2023	Regular	0.00	10.29	123867
7127	CIVICPLUS, LLC	01/05/2024	EFT	0.00	7,730.00	15272
0384	COUDRON, DEAN	01/05/2024	EFT	0.00	30.00	15273
7394	CRESTED RIVER CANNABIS COMPANY	12/29/2023	EFT	0.00	1,300.00	15219
0920	CULLIGAN WATER CONDITIONING OF MARSHAI	01/05/2024	Regular	0.00	112.00	123881
3819	DACOTAH PAPER CO	01/05/2024	EFT	0.45	44.05	15274
7102	DAHLHEIMER BEVERAGE	12/29/2023	EFT	0.00	1,804.70	15220
6472	DEUTZ, LAUREN	01/05/2024	EFT	0.00	80.00	15275
5731	DOLL DISTRIBUTING LLC	12/29/2023	EFT	0.00	19,465.02	15221
5731	DOLL DISTRIBUTING LLC	01/05/2024	EFT	0.00	20,839.90	15276
4126	DOOM & CUYPER CONSTRUCTION	01/05/2024	EFT	0.00	17,124.60	15277
1029	EAGLE ENGRAVING	01/05/2024	EFT	0.00	87.95	15278
7503	ENVIRONMENTAL SCIENTIFIC LLC	12/29/2023	Regular	0.00	750.00	123868
1090	FASTENAL COMPANY	12/29/2023	EFT	0.00	12.39	15223
1090	FASTENAL COMPANY	01/05/2024	EFT	0.00	41.31	15279
7500	FINNLYTECH INC	01/05/2024	EFT	0.00	10,416.60	15280
1158	GALLS INC	01/05/2024	EFT	0.00	2,552.97	15281
6127	GRANDVIEW VALLEY WINERY, INC	01/05/2024	Regular	0.00	1,584.00	123882

Council Check Report

Date Range: 12/29/2023 - 01/09/2024

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
6379	GRAPE BEGINNINGS, INC.	12/29/2023	EFT	0.00	553.50	15224
1208	GREAT PLAINS NATURAL GAS COMPANY	01/05/2024	Bank Draft	0.00	13,587.03	DFT0003539
7336	HANSON, ERIC	01/05/2024	EFT	0.00	70.00	15282
7501	HART, JACOB	12/29/2023	Regular	0.00	500.00	123869
7506	HAUKOM, NICOLE	01/05/2024	Regular	0.00	30.00	123883
1268	HELENA CHEMICAL COMPANY	01/05/2024	Regular	0.00	6,197.33	123884
1271	HENLE PRINTING COMPANY	01/05/2024	EFT	0.00	16,541.26	15283
2153	HOFFMANN, RYAN	12/29/2023	EFT	0.00	130.53	15225
2153	HOFFMANN, RYAN	01/05/2024	EFT	0.00	30.00	15284
1325	ICMA RETIREMENT TRUST #300877	01/05/2024	EFT	0.00	50.00	15285
1399	JOHNSON BROTHERS LIQUOR COMPANY	12/29/2023	EFT	0.00	16,879.37	15228
1399	JOHNSON BROTHERS LIQUOR COMPANY	01/05/2024	EFT	0.00	20,242.65	15287
2036	JOHNSON BROTHERS LIQUOR COMPANY	12/29/2023	EFT	0.00	17,267.57	15229
2036	JOHNSON BROTHERS LIQUOR COMPANY	01/05/2024	EFT	0.00	21,912.37	15289
2605	JOHNSON BROTHERS LIQUOR COMPANY	12/29/2023	EFT	0.00	4,228.68	15226
2605	JOHNSON BROTHERS LIQUOR COMPANY	01/05/2024	EFT	0.00	3,264.44	15288
5447	JOHNSON BROTHERS LIQUOR COMPANY	12/29/2023	EFT	0.00	1,628.25	15227
5447	JOHNSON BROTHERS LIQUOR COMPANY	01/05/2024	EFT	0.00	2,421.94	15286
1417	KENNEDY & GRAVEN, CHARTERED	01/05/2024	EFT	0.00	5,615.00	15290
2389	KLAITH, BROCK	12/29/2023	EFT	0.00	179.00	15230
0450	KOPITSKI, JASON	01/05/2024	EFT	0.00	30.00	15291
2363	KRUK, CHRISTOPHER	01/05/2024	EFT	0.00	30.00	15292
4140	KRUSE FORD-LINCOLN-MERCURY, INC	01/05/2024	EFT	0.00	130.83	15293
1480	LAW ENFORCEMENT LABOR SERVICE INC	12/29/2023	EFT	0.00	1,232.12	15231
6183	LEE, JERRED	01/05/2024	EFT	0.00	30.00	15294
1508	LOCKWOOD MOTORS INC	01/05/2024	EFT	0.00	5.58	15295
3065	LUTHER, ERIC	01/05/2024	EFT	0.00	30.00	15296
3816	LUTHERAN SOCIAL SERVICES	01/05/2024	Regular	0.00	22.40	123885
1531	LYON COUNTY AUDITOR-TREASURER	01/05/2024	EFT	0.00	2,815.00	15297
1546	LYON COUNTY HISTORICAL SOCIETY	01/05/2024	Regular	0.00	7,009.25	123886
1552	LYON COUNTY RECORDER	01/05/2024	EFT	0.00	64.20	15298
1568	MACTA	01/05/2024	Regular	0.00	425.00	123887
1571	MADISON NATIONAL LIFE INSURANCE COMPAN	12/29/2023	EFT	0.00	1,088.02	15232
1604	MARSHALL AREA CHAMBER OF COMMERCE	12/29/2023	EFT	0.00	500.00	15233
1604	MARSHALL AREA CHAMBER OF COMMERCE	01/05/2024	EFT	0.00	300.00	15299
1616	MARSHALL CONVENTION & VISITORS BUREAU	01/05/2024	EFT	0.00	21,868.09	15300
5813	MARSHALL LUMBER CO	12/29/2023	EFT	0.00	93.07	15234
5813	MARSHALL LUMBER CO	01/05/2024	EFT	0.00	5,010.41	15301
1635	MARSHALL NORTHWEST PIPE FITTINGS INC	12/29/2023	EFT	1.03	50.51	15235
1635	MARSHALL NORTHWEST PIPE FITTINGS INC	01/05/2024	EFT	3.48	170.32	15302
0460	MARSHALL, JAMES	01/05/2024	EFT	0.00	317.50	15303
7153	MAVERICK WINE LLC	12/29/2023	EFT	0.00	1,911.02	15236
7153	MAVERICK WINE LLC	01/05/2024	EFT	0.00	1,332.06	15304
1680	MCEA EXECUTIVE OFFICE	01/05/2024	Regular	0.00	1,335.00	123888
7077	MEDSURETY, LLC	12/29/2023	Bank Draft	0.00	7,500.00	DFT0003543
6025	MELLENTHIN, CODY	01/05/2024	EFT	0.00	30.00	15305
4980	MENARDS INC	12/29/2023	EFT	0.00	41.98	15237
4980	MENARDS INC	01/05/2024	EFT	0.00	39.06	15306
3971	MEULEBROECK, ANDY	01/05/2024	EFT	0.00	30.00	15307
4095	MINNESOTA DEPARTMENT OF PUBLIC SAFETY	01/05/2024	Regular	0.00	350.00	123889
3555	MINNESOTA DEPARTMENT OF TRANSPORTATIC	01/05/2024	Regular	0.00	274.50	123890
1839	MINNESOTA VALLEY TESTING LABS INC	12/29/2023	EFT	0.00	180.00	15238
6422	MN STATE LOTTERY	01/04/2024	Bank Draft	0.00	729.82	DFT0003575
6955	MOBERG, E.J.	01/05/2024	EFT	0.00	80.00	15308
6398	MORRELL MANUFACTURING	12/29/2023	EFT	0.00	1,319.92	15239
1923	NCPERS MN GROUP LIFE INS.	12/29/2023	EFT	0.00	224.00	15240
1945	NORM'S GTC	12/29/2023	Regular	0.00	77.46	123870
1945	NORM'S GTC	01/05/2024	Regular	0.00	211.25	123891
1986	NORTH CENTRAL INTERNATIONAL, INC	12/29/2023	EFT	0.00	780.03	15241
7166	NORTHAMERICAN BANCARD/EPX	01/03/2024	Bank Draft	0.00	13,874.30	DFT0003572
7325	NUTRITION EXCELLENCE LLC	01/05/2024	Regular	0.00	545.00	123892

Council Check Report

Date Range: 12/29/2023 - 01/09/2024

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
5891	ONE OFFICE SOLUTION	01/05/2024	EFT	0.00	23.65	15309
3809	O'REILLY AUTOMOTIVE STORES, INC	01/05/2024	EFT	0.00	149.00	15310
1783	PAGE, BRIAN	01/05/2024	EFT	0.00	306.05	15311
5205	PAINTED PRAIRIE VINEYARD, LLC	01/05/2024	EFT	0.00	660.00	15312
2019	PAUSTIS WINE COMPANY	01/05/2024	EFT	0.00	5,607.75	15313
7168	PAYLIDIFY/GATEWAY SERVICES	01/05/2024	Bank Draft	0.00	13.00	DFT0003576
7163	PAYLIDIFY/MERCHANT BANK	01/03/2024	Bank Draft	0.00	164.79	DFT0003569
7163	PAYLIDIFY/MERCHANT BANK	01/03/2024	Bank Draft	0.00	449.07	DFT0003571
5707	PAYPAL INC	01/03/2024	Bank Draft	0.00	49.00	DFT0003574
2026	PEPSI COLA BOTTLING OF PIPESTONE MN INC	12/29/2023	EFT	0.00	129.00	15242
2044	PITNEY BOWES INC	12/29/2023	Bank Draft	0.00	273.84	DFT0003546
5606	PRE-PAID LEGAL SERVICES, INC.	12/29/2023	Regular	0.00	319.95	123871
1163	PRZYBILLA, SCOTT	01/05/2024	EFT	0.00	30.00	15314
5451	PSI POWER WASHERS INC	01/05/2024	Regular	0.00	768.50	123893
6267	RATWIK, ROSZAK & MALONEY, PA	12/29/2023	EFT	0.00	189.00	15243
5885	REGION 5 MAAO	01/05/2024	Regular	0.00	200.00	123894
4826	RIEKE, BENJAMIN	01/05/2024	EFT	0.00	30.00	15315
6687	RIGNELL, DEREK	01/05/2024	Regular	0.00	925.86	123895
0481	ROKEH, JASON	01/05/2024	EFT	0.00	30.00	15316
6684	ROLLING FORKS VINEYARDS, LLC	12/29/2023	EFT	0.00	156.00	15244
2201	RUNNING SUPPLY, INC	12/29/2023	EFT	0.00	94.97	15245
2201	RUNNING SUPPLY, INC	01/05/2024	EFT	0.00	839.98	15317
5556	SANDGREN, KAYLYNN	01/05/2024	EFT	0.00	30.00	15318
5838	SCHEDULEPLUS LLC	01/05/2024	Regular	0.00	840.00	123896
6735	SMALL LOT COOP, LLC	12/29/2023	Regular	0.00	1,262.54	123873
3495	SMSU	01/05/2024	EFT	0.00	1,950.00	15319
4855	SOUTHERN GLAZER'S	12/29/2023	EFT	0.00	12,778.36	15246
4855	SOUTHERN GLAZER'S	01/05/2024	EFT	0.00	14,511.77	15320
2311	SOUTHWEST GLASS CENTER, INC	01/05/2024	EFT	0.00	254.00	15321
0491	ST AUBIN, GREGORY	01/05/2024	EFT	0.00	30.00	15322
2556	STANTON, TROY	01/05/2024	EFT	0.00	199.99	15323
3808	STELTER, GEOFFREY	01/05/2024	EFT	0.00	30.00	15324
4134	STENSRUD, PRESTON	01/05/2024	EFT	0.00	30.00	15325
6800	STOCKWELL ENGINEERS	01/05/2024	EFT	0.00	45,460.00	15326
6706	SUN LIFE FINANCIAL	12/29/2023	EFT	0.00	1,504.66	15247
0495	SWANSON, GREGG	01/05/2024	EFT	0.00	30.00	15327
6884	TACTICAL POLICE GEAR LLC	12/29/2023	Regular	0.00	1,899.00	123874
4734	TESSMAN COMPANY	01/05/2024	EFT	0.00	109.31	15328
7504	THE BROOKSHIRE CO., LLC	01/05/2024	Regular	0.00	4,500.00	123897
0875	THE COMPUTER MAN INC	12/29/2023	EFT	0.00	98.00	15249
2143	THOOFTE ENTERPRISES LLC	01/05/2024	EFT	0.00	480.00	15329
2428	TITAN MACHINERY	12/29/2023	EFT	0.00	14.00	15250
6389	TOWNE & COUNTRY EXCAVATING LLC	01/05/2024	EFT	0.00	146,410.61	15330
7184	TRANSAX	01/02/2024	Bank Draft	0.00	25.40	DFT0003573
3342	TRUEDSON, SCOTT	01/05/2024	EFT	0.00	30.00	15331
2497	UNIVERSITY OF MINNESOTA EXTENSION SERVIC	01/05/2024	Regular	0.00	472.50	123898
2499	US BANK	01/05/2024	EFT	0.00	550.00	15332
0512	VANLEEUEWE, SARA J.	01/05/2024	EFT	0.00	70.00	15333
4489	VERIZON WIRELESS	12/29/2023	EFT	0.00	440.15	15251
0164	VESSCO, INC	01/05/2024	EFT	0.00	393.58	15334
2538	VIKING COCA COLA BOTTLING CO.	12/29/2023	EFT	0.00	649.50	15252
2538	VIKING COCA COLA BOTTLING CO.	01/05/2024	EFT	0.00	148.95	15335
4594	VINOCOPIA INC	01/05/2024	EFT	0.00	783.75	15336
3566	WEIS ENTERPRISES, INC.	12/29/2023	EFT	0.00	3,025.75	15222

Council Check Report

Date Range: 12/29/2023 - 01/09/2024

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
2632	ZIEGLER INC	01/05/2024	EFT	0.00	10,690.00	15337

Bank Code AP Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	61	34	0.00	125,145.99
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	11	11	0.00	37,326.39
EFT's	224	125	5.92	509,994.81
	296	170	5.92	672,467.19

All Bank Codes Check Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	61	34	0.00	125,145.99
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	11	11	0.00	37,326.39
EFT's	224	125	5.92	509,994.81
	296	170	5.92	672,467.19

Fund Summary

Fund	Name	Period	Amount
999	POOLED CASH FUND	12/2023	171,481.35
999	POOLED CASH FUND	1/2024	500,985.84
			672,467.19

CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, January 9, 2024
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Consider a Resolution Authorizing Submission of the Pay Equity Implementation Report
Background Information:	<p>In accordance with the Local Government Pay Equity Act, Minnesota Statute 471.991 to 471.999, the City of Marshall is required to submit a Pay Equity Report by January 31, 2024 using compensation and employee data that were effective on December 31, 2023. The required Pay Equity Report has been prepared for submission to the Minnesota Management and Budget Office. The report is required to be approved by the City Council, signed by the Mayor, and submitted to the State by January 31, 2024. The 2023 report indicates that the City is in compliance with Pay Equity Requirements.</p> <p>Staff recommend adoption of Resolution Number XXXX, Second Series, authorizing staff to submit the 2024 Pay Equity Report to the Minnesota Management and Budget Office for their review.</p> <p>Additional background information: In 1984, the Minnesota Legislature passed the Local Government Pay Equity Act, Minnesota Statutes 471.991 to 471.999. This law requires all public jurisdictions to eliminate any gender-based wage inequities in compensation and to submit reports to the Minnesota Department of Management and Budget once every three (3) years. The City of Marshall is required to submit the report by January 31, 2024, using compensation and employee data that were effective on December 31, 2023. Pay Equity is a method of eliminating discrimination against women who are paid less than men for jobs requiring comparable levels of expertise. Minnesota's pay equity law does not address individual differences in pay; rather, it relates to the overall structure of a pay system. The pay equity law does not take the job market or another organizations' salary data into account---the statistical analysis is based solely on our (City of Marshall) internal compensation structure.</p> <p>There are four tests for compliance with the Pay Equity Act. The statistical calculations are performed by the software developed by the MMB. Following are the tests and the results:</p> <ol style="list-style-type: none"> 1. Completeness and Accuracy Test: the City will pass this test if the report is submitted electronically by January 31, 2024. Upon approval by the Council, the report will be submitted. 2. Statistical Analysis Tests: the City is in compliance with this test. This test compares salary data to determine if female classes are paid consistently below male classes of comparable work value (job points). To pass this test, the City must have an underpayment ratio of 80 or higher. The City's underpayment ratio is 93.33. 3. Salary Range Test: the City is in compliance with this test. This test measures whether male classes are reaching the top of their salary range faster than female classes. This result must either be 0 or above 80 to be found in compliance. The result

	<p>of the salary range test for the City is 100, which is above the established standard and indicates that the City would pass this test.</p> <p>4. Exceptional Service Pay Test: the City is in compliance with this test. This test analyzes whether there is a larger percentage of male classes receiving longevity or performance pay than female classes. This test does not apply to the City because our compensation system does not include longevity or performance-based pay.</p> <p>The Predicted Pay report often generates questions. When reviewing the Predicted Pay Report, you'll note that the maximum monthly salary column does not reflect actual monthly employee salaries. For instance, where a job class represents a part-time employee, the minimum and maximum monthly salaries have been converted to a "full-time equivalent" by multiplying the minimum and maximum pay rates by 173.3. The State requirements prescribe the calculations for the minimum and maximum salary amounts and requires it to be applied to all job classes so that comparisons can be made, even for those job classes where employees may not actually work full-time. Thus, though the part-time job titles will reflect full-time monthly salaries; this is not the actual salary paid to the employee.</p> <p>The Predicted Pay column is utilized by an entity that is out of compliance with pay equity requirements. The City of Marshall is in compliance, so no further action is needed. If the City was not in compliance, the predicted pay column would be used to guide compensation adjustments to improve the underpayment ratio---which will bring an entity back into compliance. The predicted pay column <u>does not</u> represent the salary that "should" be paid at any particular point level or account for external factors or salaries. Rather, it represents the average monthly pay of male classes at any given point value. An entity that is out of compliance would use this report to adjust one or more female job titles by the "Pay Difference" column to achieve compliance. Due to the City's statistical analysis test results, no compensation adjustments are required for Pay Equity purposes.</p> <p>Staff are requesting the City Council approve the Resolution authorizing staff to submit the report to the State of Minnesota Management & Budget Office. The report must be received by MMB by January 31st. There are no exceptions to this deadline.</p> <p>Once the report is submitted, Staff will ensure the proper notices are sent and posted in accordance with the Pay Equity Act. Additional information related to this Act may be found in Minn. Statutes 471.991 to 471.999 and at https://mn.gov/mmb/employee-relations/compensation/laws/local-gov/local-gov-pay-equity/</p>
Fiscal Impact:	No fiscal impact.
Alternative/ Variations:	
Recommendations:	that the Council adopt Resolution Number 24-013 approving the 2024 Pay Equity Report for submission to the State of Minnesota Management and Budget Office.

**RESOLUTION NUMBER 24-013
CITY OF MARSHALL, MINNESOTA**

**RESOLUTION AUTHORIZING SUBMISSION OF THE
2024 PAY EQUITY IMPLEMENTATION REPORT**

WHEREAS, the Local Government Pay Equity Act, passed by the Minnesota Legislature in 1984, requires all public jurisdictions to submit a Pay Equity Implementation Report to the Minnesota Department of Management and Budget; and

WHEREAS, the Pay Equity Law in Minnesota requires that all public jurisdictions eliminate any gender-based wage inequities in compensation; and

WHEREAS, the Pay Equity Law in Minnesota requires that all jurisdictions use a job evaluation system in its pay equity analysis to determine the comparable work value of the work performed by each class of its employees; and

WHEREAS, the Pay Equity Law in Minnesota requires each local government unit to analyze its pay structure for evidence of gender-based pay inequities and to report this information to the Minnesota Department of Management and Budget; and

WHEREAS, City of Marshall is required to submit a Pay Equity Implementation Report once every three years, the next report is due by January 31, 2024; and

WHEREAS, the City of Marshall has accomplished the required Pay Equity analysis and has prepared the required report for submission; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MARSHALL, MINNESOTA, that the City of Marshall 2024 Pay Equity Implementation Report be authorized for submission to the Minnesota Department of Management and Budget.

Passed and adopted by the Common Council of the City of Marshall, Minnesota this 9th day of January 2024.

THE COMMON COUNCIL

Mayor of the City of Marshall, Minnesota

ATTEST:

Steven Anderson, City Clerk

Compliance Report

Jurisdiction: Marshall
344 West Main Street

Marshall, MN 56258

Contact: Sheila Dubs

Phone: (507) 537-6790

E-Mail: Sheila.dubs@ci.marshall.mn.us

Report Year: 2024
Case: 5 - 2023Data (Shared (Jur and MMB))

The statistical analysis, salary range and exceptional service pay test results are shown below. Part I is general information from your pay equity report data. Parts II, III and IV give you the test results.

For more detail on each test, refer to the Guide to Pay Equity Compliance and Computer Reports.

I. GENERAL JOB CLASS INFORMATION

	Male Classes	Female Classes	Balanced Classes	All Job Classes
# Job Classes	40	16	3	59
# Employees	71	19	8	98
Avg. Max Monthly Pay per employee	7001.99	6963.37		6846.25

II. STATISTICAL ANALYSIS TEST

A. Underpayment Ratio = 93.33334 *

	Male Classes	Female Classes
a. # At or above Predicted Pay	12	4
b. # Below Predicted Pay	28	12
c. TOTAL	40	16
d. % Below Predicted Pay (b divided by c = d)	70.00	75.00

*(Result is % of male classes below predicted pay divided by % of female classes below predicted pay.)

B. T-test Results

Degrees of Freedom (DF) = 88	Value of T = -0.851
------------------------------	---------------------

a. Avg. diff. in pay from predicted pay for male jobs = 1

b. Avg. diff. in pay from predicted pay for female jobs = 77

III. SALARY RANGE TEST = 100.00 (Result is A divided by B)

A. Avg. # of years to max salary for male jobs = 9.00

B. Avg. # of years to max salary for female jobs = 9.00

IV. EXCEPTIONAL SERVICE PAY TEST = 0.00 (Result is B divided by A)

A. % of male classes receiving ESP = 0.00 *

B. % of female classes receiving ESP = 0.00

*(If 20% or less, test result will be 0.00)

Job Class Data Entry Verification List

Case: 2023Data

Marshall

LGID: 734

Job Nbr	Class Title	Nbr Males	Nbr Females	Non- Binary	Class Type	Jobs Points	Min Mo Salary	Max Mo Salary	Yrs to Max Salary	Yrs of Service	Exceptional Service Pay
1	Building Custodian	1	2	0	B	112	3034.00	4036.00	9.00	0.00	
2	Liquor Checkout Clerk	4	1	0	M	112	3034.00	4036.00	9.00	0.00	
3	Liquor Sales Associate	2	1	0	B	113	3494.00	4646.00	9.00	0.00	
4	Office Asst/Receptionist	0	2	0	F	113	3494.00	4646.00	9.00	0.00	
5	Office Specialist	0	1	0	F	221	4131.00	5495.00	9.00	0.00	
6	Program Specialist	0	1	0	F	221	4131.00	5495.00	9.00	0.00	
7	Community Services Officer	2	0	0	M	221	4131.00	5495.00	9.00	0.00	
8	WW Maintenance Operator	1	0	0	M	221	4131.00	5495.00	9.00	0.00	
9	WW Plant Operator I	1	0	0	M	221	4131.00	5495.00	9.00	0.00	
10	Maintenance Worker--Parks	3	0	0	M	221	4131.00	5495.00	9.00	0.00	
11	Maintenance Worker--Streets	2	0	0	M	221	4131.00	5495.00	9.00	0.00	
12	Accounting Specialist	1	0	0	M	222	4449.00	5915.00	9.00	0.00	
13	Assessing Tech/EDA Assistant	0	1	0	F	222	4449.00	5915.00	9.00	0.00	
14	Media Production Technician	1	0	0	M	222	4449.00	5915.00	9.00	0.00	
15	Administrative Assistant	0	3	0	F	222	4449.00	5915.00	9.00	0.00	
16	Police Records Technician	0	1	0	F	222	4449.00	5915.00	9.00	0.00	
17	Building Inspector I	1	0	0	M	222	4449.00	5915.00	9.00	0.00	
18	Senior Maintenance Worker	5	0	0	M	222	4449.00	5915.00	9.00	0.00	
19	WW Laboratory Specialist	0	1	0	F	222	4449.00	5915.00	9.00	0.00	
20	WW Plant Operator II	2	0	0	M	222	4449.00	5915.00	9.00	0.00	
21	WW Senior Maintenance Operator	2	0	0	M	222	4449.00	5915.00	9.00	0.00	
22	Adult Community Center Coord	0	1	0	F	223	4762.00	6334.00	9.00	0.00	
23	Appraiser	0	1	0	F	223	4762.00	6334.00	9.00	0.00	
24	Building Maintenance Superviso	1	0	0	M	223	4762.00	6334.00	9.00	0.00	
25	Maintenance Technician	3	0	0	M	223	4762.00	6334.00	9.00	0.00	
26	Mechanic	1	0	0	M	223	4762.00	6334.00	9.00	0.00	
27	Payroll/Benefits Specialist	0	1	0	F	223	4762.00	6334.00	9.00	0.00	
28	Recreation Coordinator	1	0	0	M	223	4762.00	6334.00	9.00	0.00	
29	Training Facility Coordinator	0	1	0	F	223	4762.00	6334.00	9.00	0.00	
30	WW Technical Operator	1	0	0	M	224	4762.00	6334.00	9.00	0.00	
31	City Clerk	1	0	0	M	224	5159.00	6859.00	9.00	0.00	
32	Engineering Specialist	3	0	0	M	224	5159.00	6859.00	9.00	0.00	

Item 21.

Page 109

Job Class Data Entry Verification List

Case: 2023Data

Marshall

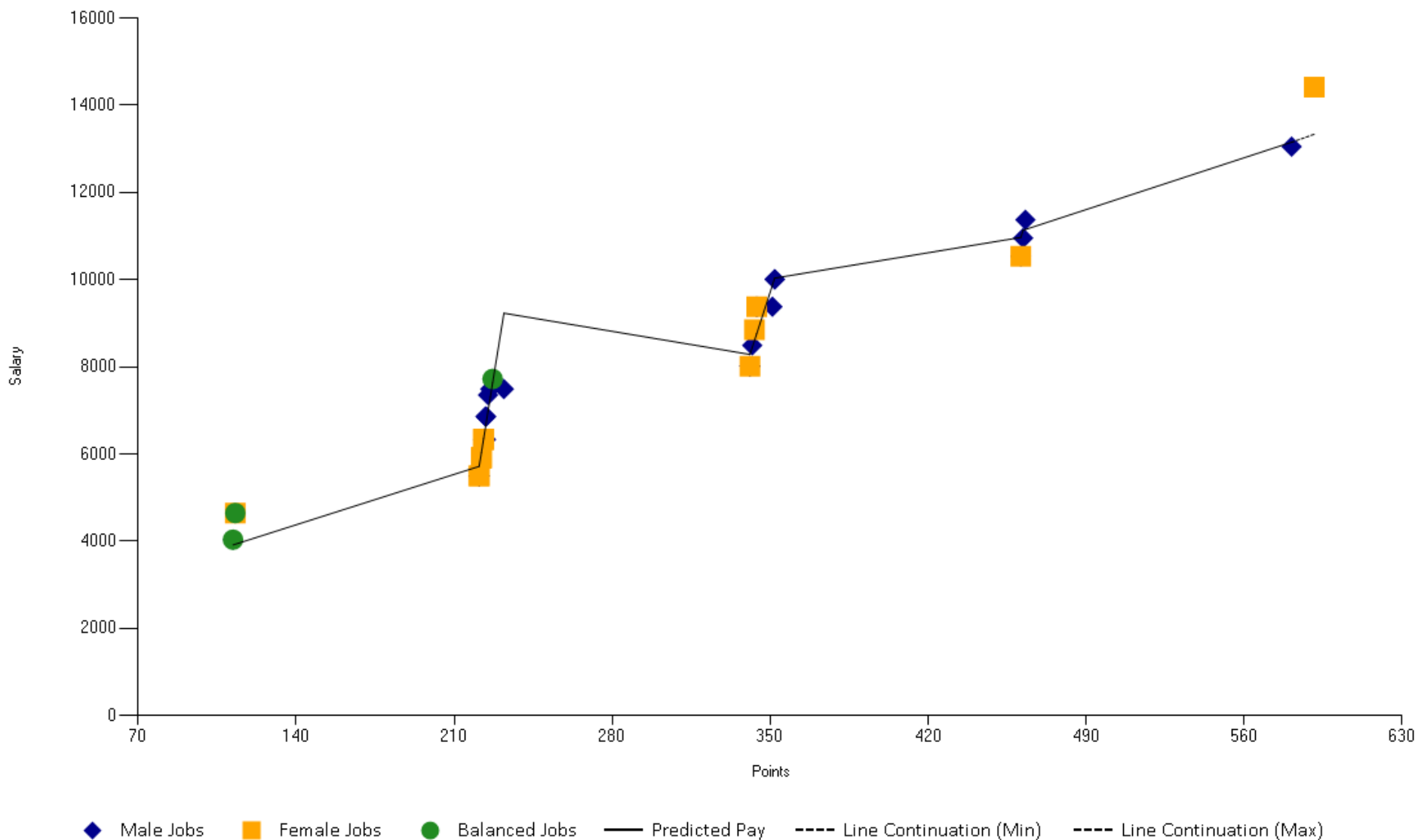
LGID: 734

Job Nbr	Class Title	Nbr Males	Nbr Females	Non- Binary	Class Type	Jobs Points	Min Mo Salary	Max Mo Salary	Yrs to Max Salary	Yrs of Service	Exceptional Service Pay
33	Lead Maintenance Worker	2	0	0	M	224	5159.00	6859.00	9.00	0.00	
34	Police Officer	10	1	0	M	225	5528.00	7353.00	9.00	0.00	
35	Plans Examiner/Asst Zoning Adm	1	0	0	M	226	5632.00	7490.00	9.00	0.00	
36	Police Corporal	3	0	0	M	227	5806.00	7721.00	9.00	0.00	
37	Police Detective	1	1	0	B	227	5806.00	7721.00	9.00	0.00	
38	Building Services Coordinator	1	0	0	M	232	5632.00	7490.00	9.00	0.00	
39	Community Education Coord	0	1	0	F	341	6026.00	8015.00	9.00	0.00	
40	Facility Maintenance Superviso	1	0	0	M	341	6026.00	8015.00	9.00	0.00	
41	Media Communications Specialis	1	0	0	M	341	6026.00	8015.00	9.00	0.00	
42	Senior Engineering Specialist	1	0	0	M	341	6026.00	8015.00	9.00	0.00	
43	WW Assistant Plant Supt	1	0	0	M	341	6026.00	8015.00	9.00	0.00	
44	WW Coll System Asst Supt	1	0	0	M	341	6026.00	8015.00	9.00	0.00	
45	Police Sergeant	1	0	0	M	342	6383.00	8492.00	9.00	0.00	
46	Finance Director	0	1	0	F	343	6656.00	8854.00	9.00	0.00	
47	Assistant City Engineer	1	0	0	M	344	7052.00	9379.00	9.00	0.00	
48	Human Resource Manager	0	1	0	F	344	7052.00	9379.00	9.00	0.00	
49	Liquor Store Manager	1	0	0	M	344	7052.00	9379.00	9.00	0.00	
50	Public Ways Superintendent	1	0	0	M	344	7052.00	9379.00	9.00	0.00	
51	WW Plant Superintendent	1	0	0	M	351	7052.00	9379.00	9.00	0.00	
52	Park and Recreation Superinten	1	0	0	M	352	7525.00	10008.00	9.00	0.00	
53	Police Captain	1	0	0	M	352	7525.00	10008.00	9.00	0.00	
54	City Assessor	1	0	0	M	461	7920.00	10533.00	9.00	0.00	
55	Economic Development Director	0	1	0	F	461	7920.00	10533.00	9.00	0.00	
56	Director of Administrative Ser	1	0	0	M	462	8233.00	10953.00	9.00	0.00	
57	Director of Public Safety	1	0	0	M	463	8551.00	11372.00	9.00	0.00	
58	Director of Public Works/City	1	0	0	M	581	9814.00	13051.00	9.00	0.00	
59	City Administrator	0	1	0	F	591	10838.0	14415.00	9.00	0.00	
							0				

Job Number Count: 59

Predicted Pay Report for: Marshall

Case: 2023Data



Predicted Pay Report for: Marshall

Case: 2023Data

Job Nbr	Job Title	Nbr Males	Nbr Females	Non- Binary	Total Nbr	Job Type	Job Points	Max Mo Salary	Predicted Pay	Pay Difference
1	Building Custodian	1	2	0	3	Balanced	112	4036.0000	3915.4202	120.5798
2	Liquor Checkout Clerk	4	1	0	5	Male	112	4036.0000	3915.4202	120.5798
3	Liquor Sales Associate	2	1	0	3	Balanced	113	4646.0000	3938.2904	707.7096
4	Office Asst/Receptionist	0	2	0	2	Female	113	4646.0000	3938.2904	707.7096
5	Office Specialist	0	1	0	1	Female	221	5495.0000	5714.8297	-219.8297
6	Program Specialist	0	1	0	1	Female	221	5495.0000	5714.8297	-219.8297
7	Community Services Officer	2	0	0	2	Male	221	5495.0000	5714.8297	-219.8297
8	WW Maintenance Operator	1	0	0	1	Male	221	5495.0000	5714.8297	-219.8297
9	WW Plant Operator I	1	0	0	1	Male	221	5495.0000	5714.8297	-219.8297
10	Maintenance Worker--Parks	3	0	0	3	Male	221	5495.0000	5714.8297	-219.8297
11	Maintenance Worker--Streets	2	0	0	2	Male	221	5495.0000	5714.8297	-219.8297
13	Assessing Tech/EDA Assistant	0	1	0	1	Female	222	5915.0000	6028.8895	-113.8895
15	Administrative Assistant	0	3	0	3	Female	222	5915.0000	6028.8895	-113.8895
16	Police Records Technician	0	1	0	1	Female	222	5915.0000	6028.8895	-113.8895
19	WW Laboratory Specialist	0	1	0	1	Female	222	5915.0000	6028.8895	-113.8895
12	Accounting Specialist	1	0	0	1	Male	222	5915.0000	6028.8895	-113.8895
14	Media Production Technician	1	0	0	1	Male	222	5915.0000	6028.8895	-113.8895
17	Building Inspector I	1	0	0	1	Male	222	5915.0000	6028.8895	-113.8895
18	Senior Maintenance Worker	5	0	0	5	Male	222	5915.0000	6028.8895	-113.8895
20	WW Plant Operator II	2	0	0	2	Male	222	5915.0000	6028.8895	-113.8895
21	WW Senior Maintenance Operator	2	0	0	2	Male	222	5915.0000	6028.8895	-113.8895
22	Adult Community Center Coord	0	1	0	1	Female	223	6334.0000	6350.6093	-16.6093
23	Appraiser	0	1	0	1	Female	223	6334.0000	6350.6093	-16.6093
27	Payroll/Benefits Specialist	0	1	0	1	Female	223	6334.0000	6350.6093	-16.6093
29	Training Facility Coordinator	0	1	0	1	Female	223	6334.0000	6350.6093	-16.6093
28	Recreation Coordinator	1	0	0	1	Male	223	6334.0000	6350.6093	-16.6093
24	Building Maintenance Superviso	1	0	0	1	Male	223	6334.0000	6350.6093	-16.6093
25	Maintenance Technician	3	0	0	3	Male	223	6334.0000	6350.6093	-16.6093
26	Mechanic	1	0	0	1	Male	223	6334.0000	6350.6093	-16.6093
30	WW Technical Operator	1	0	0	1	Male	224	6334.0000	6672.3291	-338.3291
Item 21.	City Clerk	1	0	0	1	Male	224	6859.0000	6672.3291	186.6709
	Engineering Specialist	3	0	0	3	Male	224	6859.0000	6672.3291	186.6709

Predicted Pay Report for: Marshall

Case: 2023Data

Job Nbr	Job Title	Nbr Males	Nbr Females	Non- Binary	Total Nbr	Job Type	Job Points	Max Mo Salary	Predicted Pay	Pay Difference
33	Lead Maintenance Worker	2	0	0	2	Male	224	6859.0000	6672.3291	186.6709
34	Police Officer	10	1	0	11	Male	225	7353.0000	6994.0489	358.9511
35	Plans Examiner/Asst Zoning Adm	1	0	0	1	Male	226	7490.0000	7308.1087	181.8913
37	Police Detective	1	1	0	2	Balanced	227	7721.0000	7629.8285	91.1715
36	Police Corporal	3	0	0	3	Male	227	7721.0000	7629.8285	91.1715
38	Building Services Coordinator	1	0	0	1	Male	232	7490.0000	9230.7674	-1740.7674
39	Community Education Coord	0	1	0	1	Female	341	8015.0000	8284.4279	-269.4279
40	Facility Maintenance Superviso	1	0	0	1	Male	341	8015.0000	8284.4279	-269.4279
41	Media Communications Specialis	1	0	0	1	Male	341	8015.0000	8284.4279	-269.4279
42	Senior Engineering Specialist	1	0	0	1	Male	341	8015.0000	8284.4279	-269.4279
43	WW Assistant Plant Supt	1	0	0	1	Male	341	8015.0000	8284.4279	-269.4279
44	WW Coll System Asst Supt	1	0	0	1	Male	341	8015.0000	8284.4279	-269.4279
45	Police Sergeant	1	0	0	1	Male	342	8492.0000	8444.6141	47.3859
46	Finance Director	0	1	0	1	Female	343	8854.0000	8604.8002	249.1998
48	Human Resource Manager	0	1	0	1	Female	344	9379.0000	8761.1724	617.8276
47	Assistant City Engineer	1	0	0	1	Male	344	9379.0000	8761.1724	617.8276
49	Liquor Store Manager	1	0	0	1	Male	344	9379.0000	8761.1724	617.8276
50	Public Ways Superintendent	1	0	0	1	Male	344	9379.0000	8761.1724	617.8276
51	WW Plant Superintendent	1	0	0	1	Male	351	9379.0000	9878.6616	-499.6616
52	Park and Recreation Superinten	1	0	0	1	Male	352	10008.0000	10035.0338	-27.0338
53	Police Captain	1	0	0	1	Male	352	10008.0000	10035.0338	-27.0338
55	Economic Development Director	0	1	0	1	Female	461	10533.0000	10967.9658	-434.9658
54	City Assessor	1	0	0	1	Male	461	10533.0000	10967.9658	-434.9658
56	Director of Administrative Ser	1	0	0	1	Male	462	10953.0000	11136.2065	-183.2065
57	Director of Public Safety	1	0	0	1	Male	463	11372.0000	11150.2848	221.7152
58	Director of Public Works/City	1	0	0	1	Male	581	13051.0000	13152.2882	-101.2882
59	City Administrator	0	1	0	1	Female	591	14415.0000	13335.3635	1079.6365

Job Number Count: 59

Minnesota Pay Equity Management System - Marshall(24-No Submission)

[Home](#)
[Utilities](#)
[Go To](#)
[Log Out](#)

Pay Equity Implementation Form

Information entered on this page is not submitted until you click "sign and submit." This page may be printed and shared with your governing body for approval. After you receive approval, you will need to come back to this page, complete the necessary information, then click "sign and submit."

Part A: Jurisdiction Identification

Jurisdiction: Marshall
344 West Main Street
Marshall

Jurisdiction Type: CITY - City

Contact:	Name	Title	Phone	Email
	Sharon Hanson	City Administrator	507-537-6760	Sharon.Hanson@ci.marshall.mn.us
	Sheila Dubs	Human Resource Mgr	507-537-6790	Sheila.dubs@ci.marshall.mn.us

Part B: Official Verification

1. The job evaluation system used measured skill, effort responsibility and working conditions and the same system was used for all classes of employees.

The system used was:

Consultant's System (specify) ▼

Describe below if the job evaluation system used is: "The same as last year", "A new system", "A substantially modified system from last year", or another descriptor not listed here: (*less than 240 characters)

A new system.
Decision Band Method (DBM).
Consultant: Gallagher

2. Health Insurance benefits for male and female classes of comparable value have been evaluated and

There is no difference ▼ and female classes are not at a disadvantage.

3. An official notice has been posted at:

Marshall City Hall Bulletin Board

(prominent location) (*less than 60 characters)

informing employees that the Pay equity Implementation Report has been filed and is available to employees upon request. A copy of the notice has been sent to each exclusive representative, if any, and also to the public library.

The report was approved by:

City Council

(governing body) (*less than 60 characters)

Robert J Byrnes

(chief elected official)(*less than 60 characters)

Mayor

(title) (*less than 60 characters)

☐ Checking this box indicates the following:

- signature of chief elected official
- approval by governing body
- all information is complete and accurate, and
- all employees over which the jurisdiction has final budgetary authority are included

is the annual payroll
for the calendar year just ended
December 31.

Save Changes

Sign & Submit

Return to Test Results

We have worked to ensure this product is accessible and compliant with the standard WCAG 2.0 level AA. We have tested accessibility using the JAWS software from Freedom Scientific. We found it to work correctly for us. If you find errors in accessibility, please let us know at pay.equity@state.mn.us so that we can follow up. Thank you.

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Preston Stensrud
Meeting Date:	Tuesday, January 9, 2024
Category:	NEW BUSINESS
Type:	INFO/ACTION
Subject:	Authorization of Services with Widseth for Purpose of DNR Outdoor Recreation Grant Application for 2024
Background Information:	<p>For the past several years the Parks Department has applied for the DNR Outdoor Recreation Grant annually. Several times, the work for the grant application was done with City staff, however, in the last two years we have utilized services from Widseth to complete the application process of which both years were successful awards.</p> <p>For the next grant application, we would like to apply for funding to be put towards the renovation/remodeling of the Bandshell at Liberty Park. In 2021, the Bandshell was inspected by a Structural Engineering Firm, that report has been shared with Council previously. The report noted significant deterioration of the support structures and recommended significant repairs or even replacement.</p> <p>If awarded, the grant would require a 50/50 match and the project must be completed by June 30, 2026. Costs for the project are expected to be close to \$500,000. Currently, the 2025 CIP has \$400,000 earmarked for funding this project. The maximum eligible award amount is \$350,000.</p> <p>This would be funded from the Community Services Admin 2024 Budget.</p>
Fiscal Impact:	\$15,800
Alternative/ Variations:	None recommended
Recommendations:	Accept Widseth's proposal in the amount of \$15,800 for DNR Outdoor Recreation Grant Application

CONFIRMATION OF REQUEST FOR FUNDING SERVICES

Alexandria

610 Fillmore Street
Alexandria MN 56308

320.762.8149

Alexandria@Widseth.com
Widseth.com

CLIENT: City of Marshall

LOCATION: Marshall, MN

SERVICE REQUESTED BY: Preston Stensrud, Park and Recreation Director

DATE: December 20, 2023

PROJECT: DNR Outdoor Recreation Grant Application

DESCRIPTION OF WORK INVOLVED: Assist in the preparation of a DNR Outdoor Recreation Grant application for the improvement of Liberty Park. Assistance with the following tasks will be provided by Widseth professionals:

Tasks to include:

- Research supporting data
- Prepare three or more required maps including location map, accessibility map, and recreational site plan with park elements, consistent with requirements
- Architect review of cost estimate of band shell provided by client
- Prepare narrative for application
- Prepare project budget
- Prepare desktop environmental site evaluation
- Assemble required photos and dates of park facilities
- Cost estimate and typical section of ADA trails to connect park facilities
- Submit on behalf of city

TIME SCHEDULE FOR SERVICES: Immediate through submission by April 1, 2024, at 11:59 PM.

ESTIMATED COSTS FOR WIDSETH LABOR & EXPENSES:

Estimated costs are estimated to be \$15,800 plus expenses, such as report fee, mileage and meals, as needed.

BILLING METHOD:

- ☒ Hourly
- ☐ Percentage
- ☐ Lump Sum
- ☐ Other

BILLING SCHEDULE:

- ☒ Monthly
- ☐ Phased
- ☐ Upon Completion

REMARKS: Billing will be on an hourly basis with monthly invoices. Widseth will not exceed the combined estimated cost above by more than 10% without authorization from the City of Marshall. See attached general provisions attached and fee schedule attached.

WIDSETH SMITH NOLTING agrees to perform the described work as set forth above. The **CLIENT** agrees to make payment for work performed within thirty (30) days after receipt of billing.

SUBMITTED:
WIDSETH SMITH NOLTING

APPROVED:

BY: Bryan B. Bye
Bryan Bye, P. E., Vice President

BY: _____
Preston Stensrud, City of Marshall

BY: Gail M. Levenson
Gail M. Levenson, Sr. Funding Specialist

DATE: _____

2024 FEE SCHEDULE

CLASSIFICATION	RATE
Engineer/Architect/Surveyor/Scientist/Wetland Specialist/Geographer/Project Manager	
Level I	\$135 / Hour
Level II	\$160 / Hour
Level III	\$185 / Hour
Level IV	\$195 / Hour
Level V	\$205 / Hour
Technician	
Level I	\$ 90 / Hour
Level II	\$115 / Hour
Level III	\$135 / Hour
Level IV	\$150 / Hour
Level V	\$165 / Hour
Computer Systems Specialist	\$175 / Hour
Senior Funding Specialist	\$140 / Hour
Marketing Specialist	\$123 / Hour
Funding Specialist	\$110 / Hour
Administrative Assistant	\$ 82 / Hour

OTHER EXPENSES	RATE
Mileage (Federal Standard Rate) <i>subject to IRS Guidelines</i>	
Meals/Lodging	Cost
Stakes & Expendable Materials	Cost
ATV 4-Wheeler Rental	\$100 / Day
ATV Side by Side Rental	\$200 / Day
Waste Water Sampler	\$40 / Day
ISCO Flow Recorder	\$60 / Day
Photoionization Detection Meter	\$100 / Day
Explosimeter	\$50 / Day
Product Recovery Equipment	\$35 / Day
Survey-Grade GPS (Global Positioning System)	\$75 / Hour
Mapping GPS (Global Positioning System)	\$150 / Day
Lath & Hubs	\$150 / Day
Soil Drilling Rig	\$35 / Hour
Groundwater Sampling Equipment	\$125 / Day
Hydrographic Survey System	\$500 / Day
Subcontractors	Cost plus 10%

REPRODUCTION COSTS	
Black & White Copies: 8-1/2" x 11"	\$0.10 Each
Black & White Copies: 11" x 17"	\$0.50 Each
Black & White Copies: 24" x 36"	\$3 Each
Color Copies: 8-1/2" x 11"	\$2 Each
Color Copies: 11" x 17"	\$4 Each
Color Copies: 24" x 36"	\$12 Each
Color Plots: 42" x 48"	\$22 Each

These rates are effective for only the year indicated and are subject to yearly adjustments which reflect equitable changes in the various components.

General Provisions of Professional Services Agreement

These General Provisions are intended to be used in conjunction with a letter-type Agreement or a Request for Services between Widseth Smith Nolting & Assoc., Inc., a Minnesota Corporation, hereinafter referred to as WIDSETH, and a CLIENT, wherein the CLIENT engages WIDSETH to provide certain Architectural, and/or Engineering services on a Project.

As used herein, the term "this Agreement" refers to (1) the WIDSETH Proposal Letter which becomes the Letter Agreement upon its acceptance by the Client, (2) these General Provisions and (3) any attached Exhibits, as if they were part of one and the same document. With respect to the order of precedence, any attached Exhibits shall govern over these General Provisions, and the Letter Agreement shall govern over any attached Exhibits and these General Provisions. These documents supersede all prior communications and constitute the entire Agreement between the parties. Amendments to this Agreement must be in writing and signed by both CLIENT and WIDSETH.

ARTICLE 1. PERIOD OF SERVICE

The term of this Agreement for the performance of services hereunder shall be as set forth in the Letter Agreement. In this regard, any lump sum or estimated maximum payment amounts set forth in the Letter Agreement have been established in anticipation of an orderly and continuous progress of the Project in accordance with the schedule set forth in the Letter Agreement or any Exhibits attached thereto. WIDSETH shall be entitled to an equitable adjustment to its fee should there be an interruption of services, or amendment to the schedule.

ARTICLE 2. SCOPE OF SERVICES

The scope of services covered by this Agreement shall be as set forth in the Letter Agreement or a Request for Services. Such scope of services shall be adequately described in order that both the CLIENT and WIDSETH have an understanding of the expected work to be performed.

If WIDSETH is of the opinion that any work they have been directed to perform is beyond the Scope of this Agreement, or that the level of effort required significantly exceeds that estimated due to changed conditions and thereby constitutes extra work, they shall notify the CLIENT of that fact. Extra work, additional compensation for same, and extension of time for completion shall be covered by a revision to the Letter Agreement or Request for Services and entered into by both parties.

ARTICLE 3. COMPENSATION TO WIDSETH

A. Compensation to WIDSETH for services described in this Agreement shall be on a Lump Sum basis, Percentage of Construction, and/or Hourly Rate basis as designated in the Letter Agreement and as hereinafter described.

1. A Lump Sum method of payment for WIDSETH's services shall apply to all or parts of a work scope where WIDSETH's tasks can be readily defined and/or where the level of effort required to accomplish such tasks can be estimated with a reasonable degree of accuracy. The CLIENT shall make monthly payments to WIDSETH within 30 days of date of invoice based on an estimated percentage of completion of WIDSETH's services.
2. A Percentage of Construction or an Hourly Rate method of payment of WIDSETH's services shall apply to all or parts of a work scope where WIDSETH's tasks cannot be readily defined and/or where the level of effort required to accomplish such tasks cannot be estimated with any reasonable degree of accuracy. Under an Hourly Rate method of payment, WIDSETH shall be paid for the actual hours worked on the Project by WIDSETH technical personnel times an hourly billing rate established for each employee. Hourly billing rates shall include compensation for all salary costs, payroll burden, general, and administrative overhead and professional fee. In a Percentage of Construction method of payment, final compensation will be based on actual bids if the project is bid and WIDSETH's estimate to the CLIENT if the project is not bid. A rate schedule shall be furnished by WIDSETH to CLIENT upon which to base periodic payments to WIDSETH.
3. In addition to the foregoing, WIDSETH shall be reimbursed for items and services as set forth in the Letter Agreement or Fee Schedule and the following Direct Expenses when incurred in the performance of the work:
 - (a) Travel and subsistence.
 - (b) Specialized computer services or programs.
 - (c) Outside professional and technical services with cost defined as the amount billed WIDSETH.
 - (d) Identifiable reproduction and reprographic costs.
 - (e) Other expenses for items such as permit application fees, license fees, or other additional items and services whether or not specifically identified in the Letter Agreement or Fee Schedule.
4. The CLIENT shall make monthly payments to WIDSETH within 30 days of date of invoice based on computations made in accordance with the above charges for services provided and expenses incurred to date, accompanied by supporting evidence as available.

B. The CLIENT will pay the balance stated on the invoice unless CLIENT notifies WIDSETH in writing of the particular item that is alleged to be incorrect within 15 days from the date of invoice, in which case, only the disputed item will remain undue until resolved by the parties. All accounts unpaid after 30 days from the date of original invoice shall be subject to a service charge of 1 % per month, or the maximum amount authorized by law, whichever is less. WIDSETH shall be entitled to recover all reasonable costs and disbursements, including reasonable attorneys fees, incurred in connection with collecting amount owed by CLIENT. In addition, WIDSETH may, after giving seven days written notice to the CLIENT, suspend services and withhold deliverables under this Agreement until WIDSETH has been paid in full for all amounts then due for services, expenses and charges. CLIENT agrees that WIDSETH shall not be responsible for any claim for delay or other consequential damages arising from suspension of services hereunder. Upon payment in full by Client and WIDSETH's resumption of services, the time for performance of WIDSETH's services shall be equitably adjusted to account for the period of suspension and other reasonable time necessary to resume performance.

ARTICLE 4. ABANDONMENT, CHANGE OF PLAN AND TERMINATION

Either Party has the right to terminate this Agreement upon seven days written notice. In addition, the CLIENT may at any time, reduce the scope of this Agreement. Such reduction in scope shall be set forth in a written notice from the CLIENT to WIDSETH. In the event of unresolved dispute over change in scope or changed conditions, this Agreement may also be terminated upon seven days written notice as provided above.

In the event of termination, and upon payment in full for all work performed and expenses incurred to the date of termination, documents that are identified as deliverables under the Letter Agreement whether finished or unfinished shall be made available by WIDSETH to the CLIENT pursuant to Article 5, and there shall be no further payment obligation of the CLIENT to WIDSETH under this Agreement except for payment of an amount for WIDSETH's anticipated profit on the value of the services not performed by WIDSETH and computed in accordance with the provisions of Article 3 and the Letter Agreement.

In the event of a reduction in scope of the Project work, WIDSETH shall be paid for the work performed and expenses incurred on the Project work thus reduced and for any completed and abandoned work, for which payment has not been made, computed in accordance with the provisions of Article 3 and the Letter Agreement.

ARTICLE 5. DISPOSITION OF PLANS, REPORTS AND OTHER DATA

All reports, plans, specifications, field data and notes and other documents, including all documents on electronic media, prepared by WIDSETH or its consultants are Instruments of Service and shall remain the property of WIDSETH or its consultants, respectively. WIDSETH and its subconsultants retain all common law, statutory and other reserved rights, including, without limitation, copyright. WIDSETH and its subconsultants maintain the right to determine if production will be made, and allowable format for production, of any electronic media or data to CLIENT or any third-party. Upon payment in full of monies due pursuant to the Agreement, WIDSETH shall make hard copies available to the CLIENT, of all documents that are identified as deliverables under the Letter Agreement. If the documents have not been finished (including, but not limited to, completion of final quality control), then WIDSETH shall have no liability for any claims expenses or damages that may arise out of items that could have been corrected during completion/quality control. Any Instruments of Service provided are not intended or represented to be suitable for reuse by the CLIENT or others on extensions of the Project or any other project. Any modification or reuse without written verification or adaptation by WIDSETH for the specific purpose intended will be at CLIENT's sole risk and without liability or legal exposure to WIDSETH. CLIENT shall indemnify, defend and hold harmless WIDSETH from any and all suits or claims of third parties arising out of use of unfinished documents, or modification or reuse of finished documents, which is not specifically verified, adapted, or authorized in writing by WIDSETH. This indemnity shall survive the termination of this Agreement.

Should WIDSETH choose to deliver to CLIENT documents in electronic form, CLIENT acknowledges that differences may exist between any electronic files delivered and the printed hard-copy. Copies of documents that may be relied upon by CLIENT are limited to the printed hard-copies that are signed and/or sealed by WIDSETH. Files in electronic form are only for convenience of CLIENT. Any conclusion or information obtained or derived from such electronic documents will be at user's sole risk. CLIENT acknowledges that the useful life of some forms of electronic media may be limited because of deterioration of the media or obsolescence of the computer hardware and/or software systems. Therefore, WIDSETH makes no representation that such media will be fully usable beyond 30 days from date of delivery to CLIENT.

ARTICLE 6. CLIENT'S ACCEPTANCE BY PURCHASE ORDER OR OTHER MEANS

In lieu of or in addition to signing the acceptance blank on the Letter Agreement, the CLIENT may accept this Agreement by permitting WIDSETH to commence work on the project or by issuing a purchase order signed by a duly authorized representative. Such purchase order shall incorporate by reference the terms and conditions of this Agreement. In the event of a conflict between the terms and conditions of this Agreement and those contained in the CLIENT's purchase order, the terms and conditions of this Agreement shall govern. Notwithstanding any purchase order provisions to the contrary, no warranties, express or implied, are made by WIDSETH.

WIDSETH

ARCHITECTS ■ ENGINEERS
SCIENTISTS ■ SURVEYORS

ARTICLE 7. CLIENT'S RESPONSIBILITIES

A. To permit WIDSETH to perform the services required hereunder, the CLIENT shall supply, in proper time and sequence, the following at no expense to WIDSETH:

1. Provide all program, budget, or other necessary information regarding its requirements as necessary for orderly progress of the work.
2. Designate in writing, a person to act as CLIENT's representative with respect to the services to be rendered under this Agreement. Such person shall have authority to transmit instructions, receive instructions, receive information, interpret and define CLIENT's policies with respect to WIDSETH's services.
3. Furnish, as required for performance of WIDSETH's services (except to the extent provided otherwise in the Letter Agreement or any Exhibits attached hereto), data prepared by or services of others, including without limitation, core borings, probes and subsurface explorations, hydrographic and geohydrologic surveys, laboratory tests and inspections of samples, materials and equipment; appropriate professional interpretations of all of the foregoing; environmental assessment and impact statements; property, boundary easement, right-of-way, topographic and utility surveys; property descriptions; zoning, deed and other land use restriction; and other special data not covered in the Letter Agreement or any Exhibits attached hereto.
4. Provide access to, and make all provisions for WIDSETH to enter upon publicly or privately owned property as required to perform the work.
5. Act as liaison with other agencies or involved parties to carry out necessary coordination and negotiations; furnish approvals and permits from all governmental authorities having jurisdiction over the Project and such approvals and consents from others as may be necessary for completion of the Project.
6. Examine all reports, sketches, drawings, specifications and other documents prepared and presented by WIDSETH, obtain advice of an attorney, insurance counselor or others as CLIENT deems necessary for such examination and render in writing, decisions pertaining thereto within a reasonable time so as not to delay the services of WIDSETH.
7. Give prompt written notice to WIDSETH whenever CLIENT observes or otherwise becomes aware of any development that affects the scope of timing of WIDSETH's services or any defect in the work of Construction Contractor(s), Consultants or WIDSETH.
8. Initiate action, where appropriate, to identify and investigate the nature and extent of asbestos and/or pollution in the Project and to abate and/or remove the same as may be required by federal, state or local statute, ordinance, code, rule, or regulation now existing or hereinafter enacted or amended. For purposes of this Agreement, "pollution" and "pollutant" shall mean any solid, liquid, gaseous or thermal irritant or contaminant, including smoke, vapor, soot, alkalis, chemicals and hazardous or toxic waste. Hazardous or toxic waste means any substance, waste pollutant or contaminant now or hereafter included within such terms under any federal, state or local statute, ordinance, code, rule or regulation now existing or hereinafter enacted or amended. Waste further includes materials to be recycled, reconditioned or reclaimed.

If WIDSETH encounters, or reasonably suspects that it has encountered, asbestos or pollution in the Project, WIDSETH shall cease activity on the Project and promptly notify the CLIENT, who shall proceed as set forth above. Unless otherwise specifically provided in the Letter Agreement, the services to be provided by WIDSETH do not include identification of asbestos or pollution, and WIDSETH has no duty to identify or attempt to identify the same within the area of the Project.

With respect to the foregoing, CLIENT acknowledges and agrees that WIDSETH is not a user, handler, generator, operator, treater, storer, transporter or disposer of asbestos or pollution which may be encountered by WIDSETH on the Project. It is further understood and agreed that services WIDSETH will undertake for CLIENT may be uninsurable obligations involving the presence or potential presence of asbestos or pollution. Therefore, CLIENT agrees, except (1) such liability as may arise out of WIDSETH's sole negligence in the performance of services under this Agreement or (2) to the extent of insurance coverage available for the claim, to hold harmless, indemnify and defend WIDSETH and WIDSETH's officers, subcontractor(s), employees and agents from and against any and all claims, lawsuits, damages, liability and costs, including, but not limited to, costs of defense, arising out of or in any way connected with the presence, discharge, release, or escape of asbestos or pollution. This indemnification is intended to apply only to existing conditions and not to conditions caused or created by WIDSETH. This indemnification shall survive the termination of this Agreement.

9. Provide such accounting, independent cost estimating and insurance counseling services as may be required for the Project, such legal services as CLIENT may require or WIDSETH may reasonably request with regard to legal issues pertaining to the Project including any that may be raised by Contractor(s), such auditing service as CLIENT may require to ascertain how or for what purpose any Contractor has used the moneys paid under the construction contract, and such inspection services as CLIENT may require to ascertain that Contractor(s) are complying with any law, rule, regulation, ordinance, code or order applicable to their furnishing and performing the work.

10. Provide "record" drawings and specifications for all existing physical features, structures, equipment, utilities, or facilities which are pertinent to the Project, to the extent available.
11. Provide other services, materials, or data as may be set forth in the Letter Agreement or any Exhibits attached hereto.

B. WIDSETH may use any CLIENT provided information in performing its services. WIDSETH shall be entitled to rely on the accuracy and completeness of information furnished by the CLIENT. If WIDSETH finds that any information furnished by the CLIENT is in error or is inadequate for its purpose, WIDSETH shall endeavor to notify the CLIENT. However, WIDSETH shall not be held responsible for any errors or omissions that may arise as a result of erroneous or incomplete information provided by CLIENT.

ARTICLE 8. OPINIONS OF COST

Opinions of probable project cost, construction cost, financial evaluations, feasibility studies, economic analyses of alternate solutions and utilitarian considerations of operations and maintenance costs provided for in the Letter Agreement or any Exhibits attached hereto are to be made on the basis of WIDSETH's experience and qualifications and represent WIDSETH's judgment as an experienced design professional. It is recognized, however, that WIDSETH does not have control over the cost of labor, material, equipment or services furnished by others or over market conditions or contractors' methods of determining their prices, and that any evaluation of any facility to be constructed, or acquired, or work to be performed on the basis of WIDSETH's cost opinions must, of necessity, be speculative until completion of construction or acquisition. Accordingly, WIDSETH does not guarantee that proposals, bids or actual costs will not substantially vary from opinions, evaluations or studies submitted by WIDSETH to CLIENT hereunder.

ARTICLE 9. CONSTRUCTION PHASE SERVICES

CLIENT acknowledges that it is customary for the architect or engineer who is responsible for the preparation and furnishing of Drawings and Specifications and other construction-related documents to be employed to provide professional services during the Bidding and Construction Phases of the Project, (1) to interpret and clarify the documentation so furnished and to modify the same as circumstances revealed during bidding and construction may dictate, (2) in connection with acceptance of substitute or equal items of materials and equipment proposed by bidders and Contractor(s), (3) in connection with approval of shop drawings and sample submittals, and (4) as a result of and in response to WIDSETH's detecting in advance of performance of affected work inconsistencies or irregularities in such documentation. CLIENT agrees that if WIDSETH is not employed to provide such professional services during the Bidding (if the work is put out for bids) and the Construction Phases of the Project, WIDSETH will not be responsible for, and CLIENT shall indemnify and hold WIDSETH, its officers, consultant(s), subcontractor(s), employees and agents harmless from, all claims, damages, losses and expenses including attorneys' fees arising out of, or resulting from, any interpretation, clarification, substitution acceptance, shop drawing or sample approval or modification of such documentation issued or carried out by CLIENT or others. Nothing contained in this paragraph shall be construed to release WIDSETH, its officers, consultant(s), subcontractor(s), employees and agents from liability for failure to perform in accordance with professional standards any duty or responsibility which WIDSETH has undertaken or assumed under this Agreement.

ARTICLE 10. REVIEW OF SHOP DRAWINGS AND SUBMITTALS

WIDSETH may review and approve or take other appropriate action on the contractor's submittals or shop drawings for the limited purpose of checking for general conformance with information given and design concept expressed in the Contract Documents. Review and/or approval of submittals is not conducted for the purpose of determining accuracy and completeness of other details or for substantiating instructions for installation or performance of equipment or systems, all of which remain the exclusive responsibility of the contractor. WIDSETH's review and/or approval shall not constitute approval of safety precautions, or any construction means, methods, techniques, sequences or procedures. WIDSETH's approval of a specific item shall not indicate approval of an assembly of which the item is a component. WIDSETH's review and/or approval shall not relieve contractor for any deviations from the requirements of the contract documents nor from the responsibility for errors or omissions on items such as sizes, dimensions, quantities, colors, or locations. Contractor shall remain solely responsible for compliance with any manufacturer requirements and recommendations.

ARTICLE 11. REVIEW OF PAY APPLICATIONS

If included in the scope of services, any review or certification of any pay applications, or certificates of completion shall be based upon WIDSETH's observation of the Work and on the data comprising the contractor's application for payment, and shall indicate that to the best of WIDSETH's knowledge, information and belief, the quantity and quality of the Work is in general conformance with the Contract Documents. The issuance of a certificate for payment or substantial completion is not a representation that WIDSETH has made exhaustive or continuous inspections, reviewed construction means and methods, verified any back-up data provided by the contractor, or ascertained how or for what purpose the contractor has used money previously paid by CLIENT.

ARTICLE 12. REQUESTS FOR INFORMATION (RFI)

If included in the scope of services, WIDSETH will provide, with reasonable promptness, written responses to requests from any contractor for clarification, interpretation or information on the requirements of the Contract Documents. If Contractor's RFI's are, in WIDSETH's professional opinion, for information readily apparent from reasonable observation of field conditions or review of the Contract Documents, or are reasonably inferable therefrom, WIDSETH shall be entitled to compensation for Additional Services for WIDSETH's time in responding to such requests. CLIENT may wish to make the Contractor responsible to the CLIENT for all such charges for additional services as described in this article.

ARTICLE 13. CONSTRUCTION OBSERVATION

If included in the scope of services, WIDSETH will make site visits as specified in the scope of services in order to observe the progress of the Work completed. Such site visits and observations are not intended to be an exhaustive check or detailed inspection, but rather are to allow WIDSETH to become generally familiar with the Work. WIDSETH shall keep CLIENT informed about the progress of the Work and shall advise the CLIENT about observed deficiencies in the Work. WIDSETH shall not supervise, direct or have control over any Contractor's work, nor have any responsibility for the construction means, methods, techniques, sequences or procedures selected by the Contractor nor for the Contractor's safety precautions or programs in connection with the Work. These rights and responsibilities are solely those of the Contractor. WIDSETH shall not be responsible for any acts or omissions of any Contractor and shall not be responsible for any Contractor's failure to perform the Work in accordance with the Contract Documents or any applicable laws, codes, regulations, or industry standards.

If construction observation services are not included in the scope of services, CLIENT assumes all responsibility for interpretation of the Contract Documents and for construction observation, and the CLIENT waives any claims against WIDSETH that are connected with the performance of such services.

ARTICLE 14. BETTERMENT

If, due to WIDSETH's negligence, a required item or component of the Project is omitted from the construction documents, WIDSETH shall not be responsible for paying the cost required to add such item or component to the extent that such item or component would have been required and included in the original construction documents. In no event, will WIDSETH be responsible for any cost or expense that provides betterment or upgrades or enhances the value of the Project.

ARTICLE 15. CERTIFICATIONS, GUARANTEES AND WARRANTIES

WIDSETH shall not be required to sign any documents, no matter by who requested, that would result in WIDSETH having to certify, guarantee or warrant the existence of conditions whose existence WIDSETH cannot ascertain. CLIENT agrees not to make resolution of any dispute with WIDSETH or payment of any amount due to WIDSETH in any way contingent upon WIDSETH signing such certification.

ARTICLE 16. CONTINGENCY FUND

CLIENT and WIDSETH agree that certain increased costs and changes may be required because of possible omissions, ambiguities or inconsistencies in the plans and specifications prepared by WIDSETH, and therefore, that the final construction cost of the Project may exceed the bids, contract amount or estimated construction cost. CLIENT agrees to set aside a reserve in the amount of 5% of the Project construct costs as a contingency to be used, as required, to pay for any such increased costs and changes. CLIENT further agrees to make no claim by way of direct or third-party action against WIDSETH with respect to any increased costs within the contingency because of such changes or because of any claims made by any Contractor relating to such changes.

ARTICLE 17. INSURANCE

WIDSETH shall procure and maintain insurance for protection from claims against it under workers' compensation acts, claims for damages because of bodily injury including personal injury, sickness or disease or death of any and all employees or of any person other than such employees, and from claims against it for damages because of injury to or destruction of property including loss of use resulting therefrom.

Also, WIDSETH shall procure and maintain professional liability insurance for protection from claims arising out of performance of professional services caused by any negligent act, error, or omission for which WIDSETH is legally liable.

Certificates of insurance will be provided to the CLIENT upon request.

ARTICLE 18. ASSIGNMENT

Neither Party to this Agreement shall transfer, sublet or assign any rights or duties under or interest in this Agreement, including but not limited to monies that are due or monies that may be due, without the prior written consent of the other party. Subcontracting to subconsultants, normally contemplated by WIDSETH as a generally accepted business practice, shall not be considered an assignment for purposes of this Agreement.

ARTICLE 19. NO THIRD-PARTY BENEFICIARIES

Nothing contained in this Agreement shall create a contractual relationship or a cause of action by a third-party against either WIDSETH or CLIENT. WIDSETH's services pursuant to this Agreement are being performed solely for the CLIENT's benefit, and no other party or entity shall have any claim against WIDSETH because of this Agreement.

ARTICLE 20. CORPORATE PROTECTION

It is intended by the parties to this Agreement that WIDSETH's services in connection with the Project shall not subject WIDSETH's individual employees, officers or directors to any personal legal exposure for the risks associated with this Project. Therefore, and notwithstanding anything to the contrary, CLIENT agrees that as the CLIENT's sole and exclusive remedy, any claim, demand or suit shall be directed and/or asserted only against WIDSETH, a Minnesota corporation, and not against any of WIDSETH's individual employees, officers or directors.

ARTICLE 21. CONTROLLING LAW

This Agreement is to be governed by the laws of the State of Minnesota.

ARTICLE 22. ASSIGNMENT OF RISK

In recognition of the relative risks and benefits of the project to both the CLIENT and WIDSETH, the risks have been allocated such that the CLIENT agrees, to the fullest extent permitted by law, to limit the liability of WIDSETH, employees of WIDSETH and sub-consultants, to the CLIENT and to all construction contractors, subcontractors, agents and assigns on the project for any and all claims, losses, costs, damages of any nature whatsoever or claims expenses from any cause or causes, so that total aggregate liability of WIDSETH, employees of WIDSETH and sub-consultants, to all those named shall not exceed WIDSETH's total fee received for services rendered on this project. Such claims and causes include, but are not limited to negligence, professional errors or omissions, strict liability, breach of contract or warranty.

ARTICLE 23. NON-DISCRIMINATION

WIDSETH will comply with the provisions of applicable federal, state and local statutes, ordinances and regulations pertaining to human rights and non-discrimination.

ARTICLE 24. SEVERABILITY

Any provision or portion thereof in this Agreement which is held to be void or unenforceable under any law shall be deemed stricken and all remaining provisions shall continue to be valid and binding between CLIENT and WIDSETH. All limits of liability and indemnities contained in the Agreement shall survive the completion or termination of the Agreement.

ARTICLE 25. PRE-LIEN NOTICE

PURSUANT TO THE AGREEMENT WIDSETH WILL BE PERFORMING SERVICES IN CONNECTION WITH IMPROVEMENTS OF REAL PROPERTY AND MAY CONTRACT WITH SUBCONSULTANTS OR SUBCONTRACTORS AS APPROPRIATE TO FURNISH LABOR, SKILL AND/OR MATERIALS IN THE PERFORMANCE OF THE WORK. ACCORDINGLY, CLIENT IS ENTITLED UNDER MINNESOTA LAW TO THE FOLLOWING NOTICE:

- (a) ANY PERSON OR COMPANY SUPPLYING LABOR OR MATERIALS FOR THIS IMPROVEMENT TO YOUR PROPERTY MAY FILE A LIEN AGAINST YOUR PROPERTY IF THAT PERSON OR COMPANY IS NOT PAID FOR ITS CONTRIBUTIONS.**
- (b) UNDER MINNESOTA LAW, YOU HAVE THE RIGHT TO PAY PERSONS WHO SUPPLIED LABOR OR MATERIALS FOR THIS IMPROVEMENT DIRECTLY AND DEDUCT THIS AMOUNT FROM OUR CONTRACT PRICE, OR WITHHOLD THE AMOUNTS DUE FROM US UNTIL 120 DAYS AFTER COMPLETION OF THE IMPROVEMENT UNLESS WE GIVE YOU A LIEN WAIVER SIGNED BY PERSONS WHO SUPPLIED ANY LABOR OR MATERIALS FOR THE IMPROVEMENT AND WHO GAVE YOU TIMELY NOTICE.**

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Jason Anderson
Meeting Date:	Tuesday, January 9, 2024
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Consider Resolution for Municipal State Aid Street System (MSAS) 2024 Advance Funds: -Project Z88/SAP 139-103-004 - 2021 State Aid Overlay Project Payment -Project PK-013/SAP 139-590-001 (2024 AT Grant Project)
Background Information:	<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 Street (MSAS) funds to make bond payments.</p> <p>Project PK-013 includes shared use trail and RRFB improvements at three different locations. The project adds trail along US 59 between Boyer Drive and Windstar Street, adds an RRFB pedestrian crossing of US 59 at A Street, and adds an RRFB pedestrian crossing of CR7/Airport Road near the Redwood River and includes realignment of the existing bike trail to eliminate the need to use Airport Road as a bike Trail. This project is funded by an Active Transportation (AT) Grant award to the City of Marshall, in the amount of \$360,381. The intent is to utilize MSAS funds to pay for applicable engineering fees and to cover any construction costs should costs exceed our AT Grant award.</p> <p>The current MSAS construction account balance as of 01/04/2024 is (\$2,060,591). 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 2024 City of Marshall annual construction apportionment is estimated at \$809,261, 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 PK-013 engineering costs and possible construction costs in excess of our AT Grant award.</p>
Fiscal Impact:	Total State Aid advance is requested in an amount up to \$1,636,330 required to be repaid in accordance with the regulations established by Mn/DOT from future MSAS disbursements.
Alternative/ Variations:	No alternative actions recommended.
Recommendations:	that the Council adopt RESOLUTION NUMBER 24-012, 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 \$1,636,330.

RESOLUTION NUMBER 24-012
RESOLUTION FOR MUNICIPAL STATE AID STREET FUNDS ADVANCE

WHEREAS, the Municipality of Marshall is planning to implement Municipal State Aid Street Project(s) in 2024 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>1/4/2024</u>	\$ <u>(2,060,591)</u>
Anticipated 2024 Construction Allotment (Fall 2023)	\$ <u>809,261</u>
Less estimated disbursements:	
Project # <u>139-590-001</u>	\$ <u>150,000</u>
Project # _____	\$ _____
Project # _____	\$ _____
Project # _____	\$ _____
Bond Principle (139-103-004)	\$ <u>235,000</u>
Project Finals (overruns-if any)	\$ _____
Other _____	\$ _____
Total Estimated Disbursements	\$ <u>385,000</u>
Advance Amount (amount in excess of acct balance)	\$ <u>(1,636,330)</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: 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 (\$1,636,330). I 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 9th day of January, 2024.

Mayor

ATTEST:

City Clerk

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Jason Anderson
Meeting Date:	Tuesday, January 9, 2024
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Justice Park Trail Project – 1) Consider Resolution Authorizing Agent of Sponsoring Agency for Transportation Alternatives Project; 2) Consider Resolution Identifying Responsibility for Operation and Maintenance for Transportation Alternatives Project
Background Information:	<p>MnDOT District 8 is currently soliciting for 2028 Transportation Alternatives (TA) grant applications. The TA grant is an 80-20 grant to match program that provides funds for pedestrian and bike facilities, historic preservation, Safe Routes to School, and more. Previous projects the City had funded through this program include the RRFB School Crossings Project which was constructed in 2022, the C St.-Southview Trail Project which is scheduled for construction in 2025, and the East Lyon Street Trail Project which is scheduled for construction in 2026.</p> <p>The proposed project includes the reconstruction of a 10-foot-wide multi-use trail through Justice Park and replacement of a pedestrian bridge over the Redwood River from Pleasant Street to Justice Park by reconstruction of approximately 1,200 feet of off-street multi-use trail through Justice Park and the replacement of the City's oldest pedestrian bridge. The pedestrian bridge is a direct connection point from the neighborhood across the Redwood River into Justice Park. This project will replace distressed paving and replace a dated bridge with a pedestrian friendly crossing over the Redwood River while bringing both the pedestrian bridge and trail into compliance with current ADA standards.</p> <p>Included with the Council packet are Exhibits A, E, and G from the grant application. Exhibits A & E visually identify the project and Exhibit G is the preliminary cost estimates.</p> <p>To complete the grant application process, staff would like the City Council to offer their support for our grant application and we will need two resolutions to be approved. One resolution identifies the City as the grant sponsoring agency and the entity responsible for managing the grant. The other resolution identifies the City as the responsible party for continued operation and maintenance of the shared use path.</p>
Fiscal Impact:	There is no fiscal impact today. If we are awarded a grant, we will be notified in Spring 2024. In today's dollars, our cost estimate for City participation is \$103,576 in cash with the City also providing the services for grant application, project design, project permitting, and construction administration. These engineering services are valued at

	approximately \$82,862. Local cost participation may be funded through the use of Municipal State Aid Street (MSAS) funds.
Alternative/ Variations:	No alternative actions recommended.
Recommendations:	<p>Recommendation No. 1 that the Council adopt RESOLUTION NUMBER 24-008, which is the Resolution Authorizing Agent of Sponsoring Agency for Transportation Alternatives Project.</p> <p>Recommendation No. 2 that the Council adopt RESOLUTION NUMBER 24-009, which is the Resolution Identifying Responsibility for Operation and Maintenance for Transportation Alternatives Project.</p>

RESOLUTION NUMBER 24-008

**RESOLUTION AUTHORIZING AGENT OF SPONSORING AGENCY
FOR TRANSPORTATION ALTERNATIVES PROJECT**

BE IT RESOLVED that the City of Marshall agrees to act as sponsoring agency for the project identified as the Justice Park Trail Project seeking Transportation Alternatives funding and has reviewed and approved the project as proposed. Sponsorship includes a willingness to secure and guarantee the local share of costs associated with this project and responsibility for seeing this project through to its completion, with compliance of all applicable laws, rules, and regulations.

BE IT FURTHER RESOLVED that Jason R. Anderson, P.E., or his designee, is hereby authorized to act as agent on behalf of this sponsoring agency.

Passed and adopted this 9th day of January, 2024.

Mayor

City Clerk

The undersigned, being the duly qualified City Clerk of the City of Marshall, Minnesota, and as such the custodian of the books and records of said City, hereby certifies and attests that the attached copy of the Resolution Number 24-008, adopted on this 9th day of January, 2024 is a true and correct copy of the original of said Resolution which is on file and of record in my office.

Steven Anderson
City Clerk
City of Marshall

(SEAL)

RESOLUTION NUMBER 24-009

RESOLUTION IDENTIFYING RESPONSIBILITY FOR OPERATION AND MAINTENANCE FOR TRANSPORTATION ALTERNATIVES PROJECT

WHEREAS: The Federal Highway Administration (FHWA) requires that states agree to operate and maintain facilities constructed with federal transportation funds for the useful life of the improvement and not change the use of right of way or property ownership acquired without prior approval from the FHWA; and

WHEREAS: Transportation Alternatives projects receive federal funding; and

WHEREAS: the Minnesota Department of Transportation (MnDOT) has determined that for projects implemented with alternative funds, this requirement should be applied to the project proposer; and

WHEREAS: the City of Marshall is the sponsoring agency for the transportation alternatives project identified as Justice Park Trail Project.

THEREFORE BE IT RESOLVED THAT: the sponsoring agency hereby agrees to assume full responsibility for the operation and maintenance of property and facilities related to the aforementioned transportation alternatives project.

Passed and adopted this 9th day of January, 2024.

Mayor

City Clerk




The undersigned, being the duly qualified City Clerk of the City of Marshall, Minnesota, and as such the custodian of the books and records of said City, hereby certifies and attests that the attached copy of the Resolution Number 24-009, adopted on this 9th day of January, 2024 is a true and correct copy of the original of said Resolution which is on file and of record in my office.

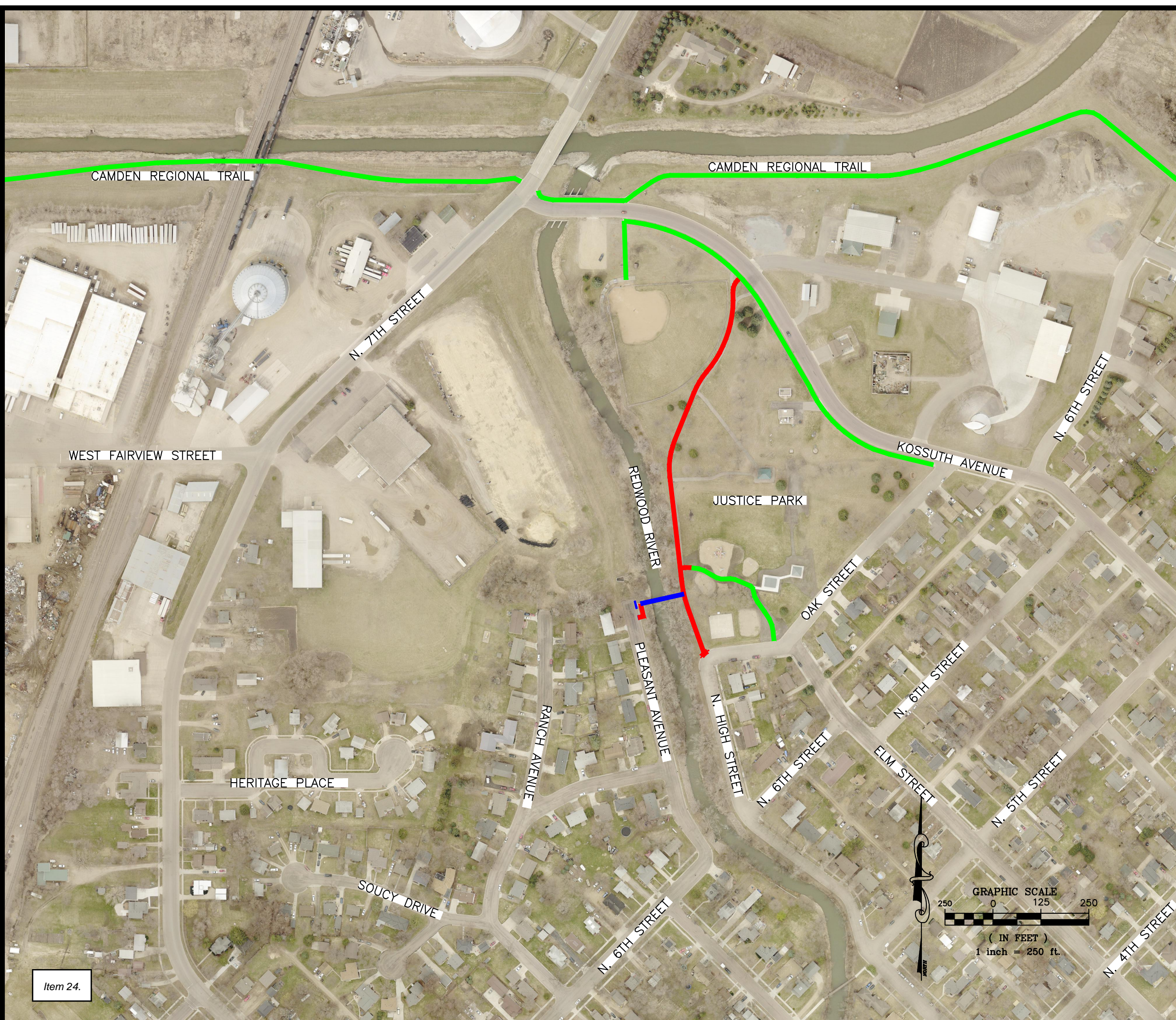
Steven Anderson
City Clerk
City of Marshall

(SEAL)

Exhibit A

Justice Park Trail and Bridge Reconstruction

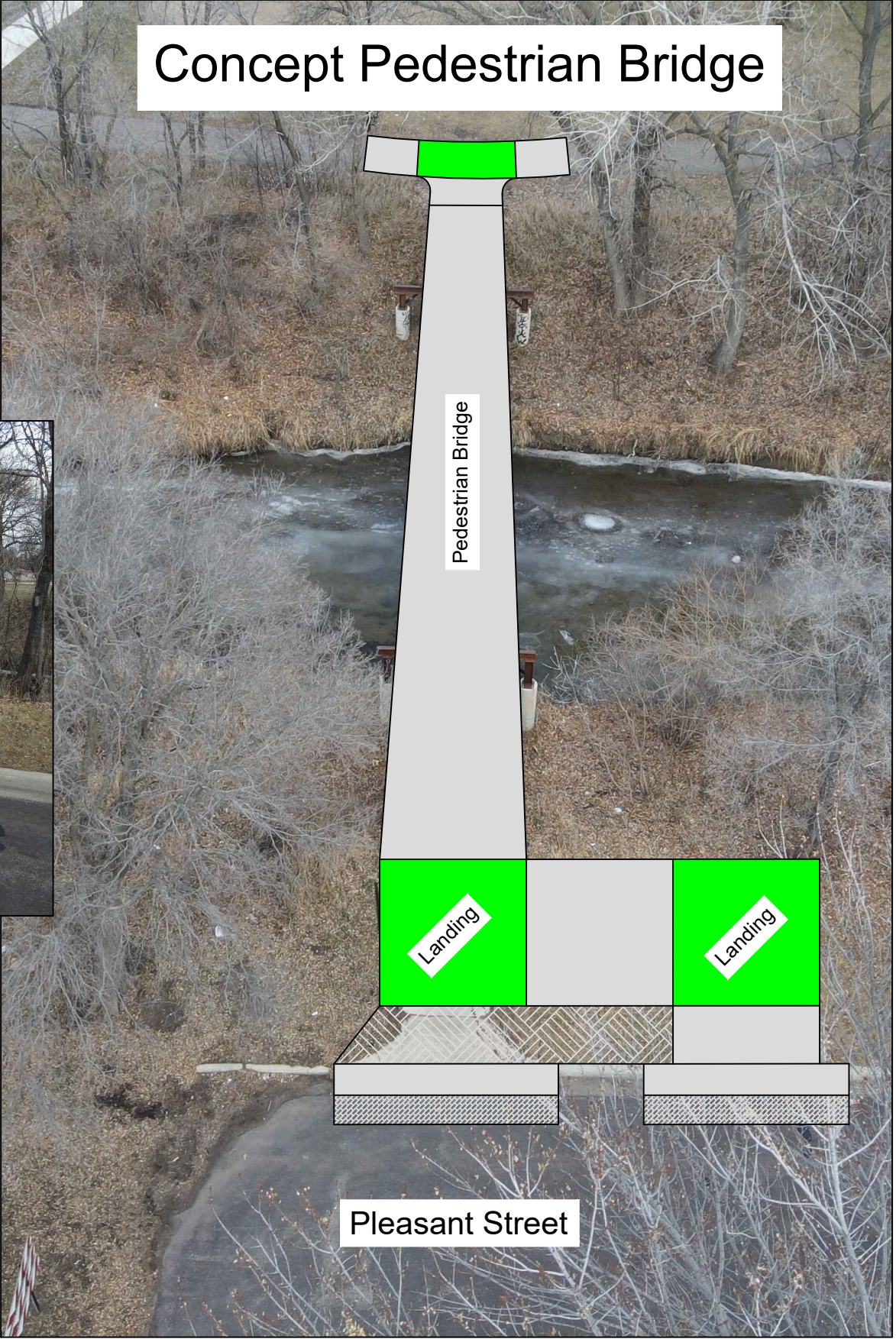
-  Proposed Bridge Replacement
-  Proposed Bike Trail Reconstruction, ADA, and Drainage Improvements
-  Existing off Street Bike Path



**** Disclaimer:** The City of Marshall does not guarantee the accuracy of the data included on this map.

This map data is for referencing purposes only.

Exhibit E



Looking east from Pleasant Street into Justice Park

Where the current trail meets Pleasant Street the longitudinal slope were measured in the field to be 12.5%. With the conceptual design the existing fire hydrant will be relocated and the trail will have two landings to bring the trail into compliance with ADA standards.

DESIGNED BY: ERH	DATE	REVISIONS	INIT.
DRAWN: Item 24.			
APPROVED BY:			
SCALE:			



ENGINEERING DEPARTMENT
344 WEST MAIN STREET
MARSHALL, MINNESOTA
56258

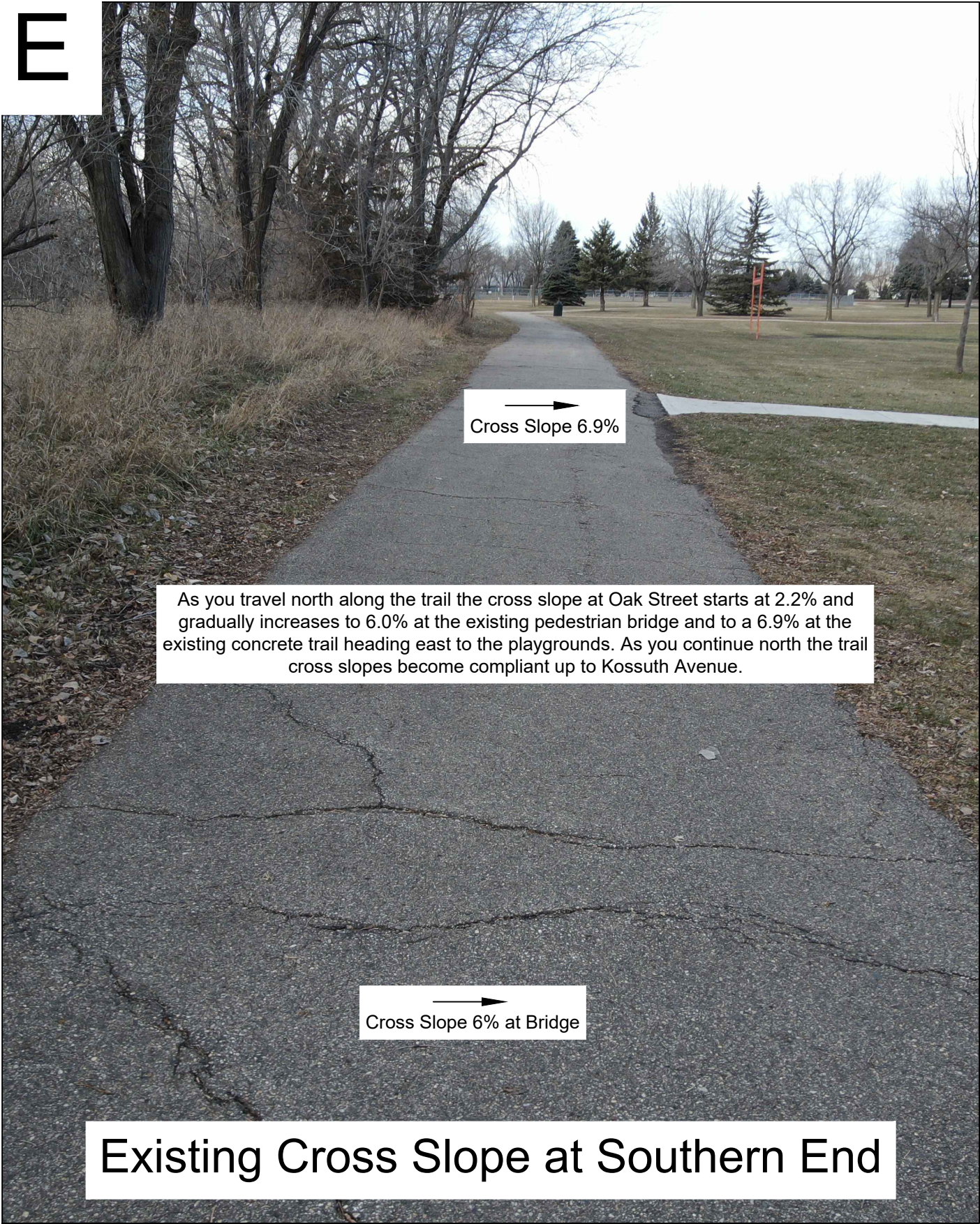
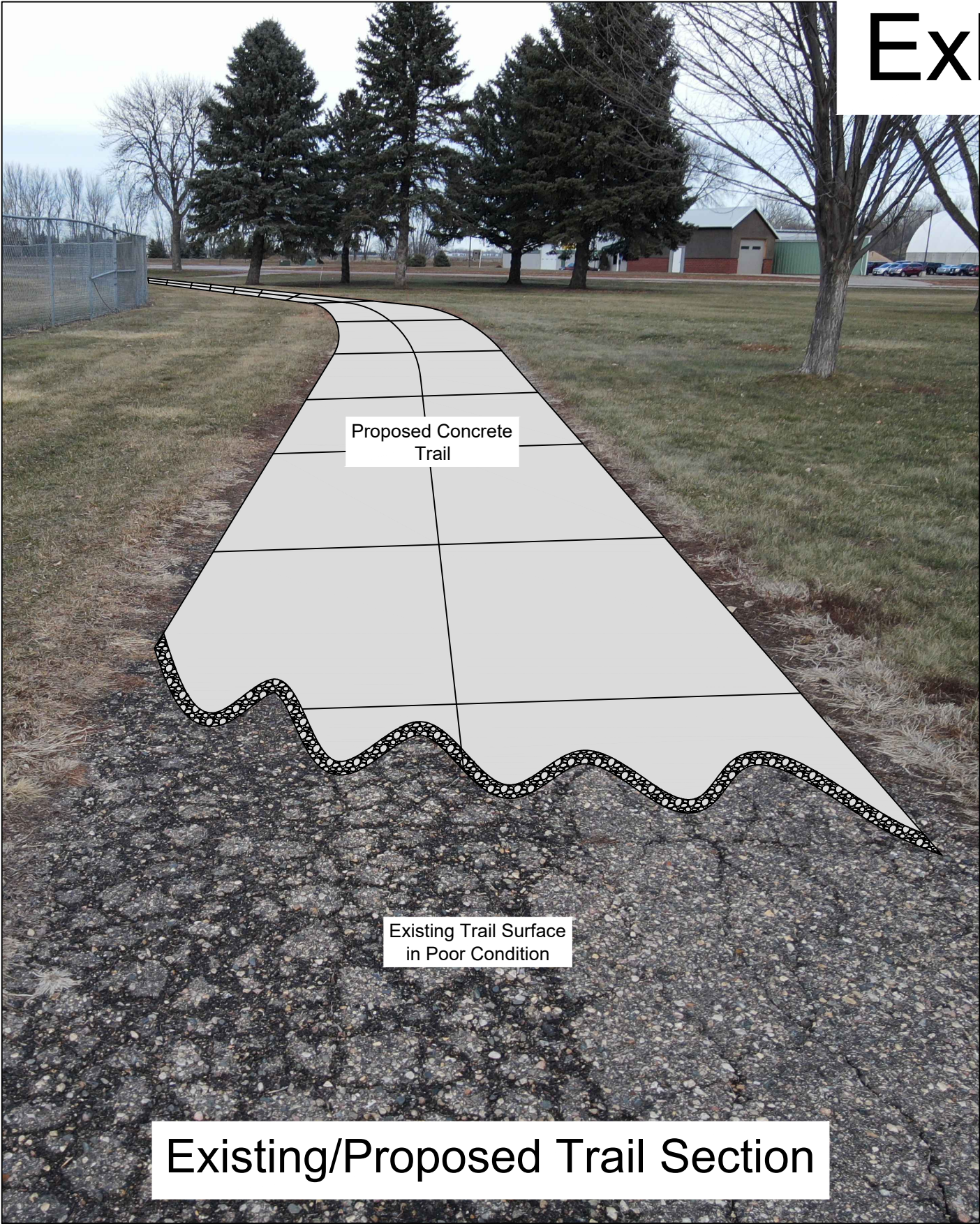
Justice Park Trail Reconstruction Project
Concept Trail

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

DATE 00/00/21 LICENSE NO. 53322


CITY PROJECT NO.	DATE 1/3	Page 130
STATE AID PROJECT NO.	SHEET NO. 1 OF 2	

Exhibit E



DESIGNED BY: ERH
DRAWN: Item 24.
APPROVED BY:
SCALE:

DATE	REVISIONS	INIT.


MARSHALL

ENGINEERING DEPARTMENT
344 WEST MAIN STREET
MARSHALL, MINNESOTA
56258

Justice Park Trail Reconstruction Project
Concept Trail

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.	
DATE 00/00/21	LICENSE NO 53322

CITY PROJECT NO.	DATE 1/3
STATE AID PROJECT NO.	SHEET NO. 2 OF 2

Page 131

Exhibit G



Justice Park Trail Project Engineers Estimate

Item Number	Description	Unit	Quantity	Unit Price	Est. Price*
2121.501	Mobilization	LS	1	\$ 45,000.00	\$ 45,000.00
2121.501	Clear and Grub	LS	1	\$ 5,000.00	\$ 5,000.00
2104.518	Remove Sidewalk	SF	166	\$ 2.60	\$ 432.00
2104.503	Remove C&G	LF	50	\$ 11.70	\$ 585.00
2104.504	Remove Bituminous Pavement	SY	1,234	\$ 13.00	\$ 16,042.00
2104.601	Remove Pedestrian Bridge	EA	1	\$ 14,300.00	\$ 14,300.00
2105.507	Common Excavation (CV)	CY	167	\$ 26.00	\$ 4,342.00
2360.604	Bituminous Patching	SF	98	\$ 13.00	\$ 1,274.00
2521.518	5" Concrete Walk/Tie Bars	SF	10,575	\$ 12.35	\$ 130,602.00
2521.518	6" Concrete Walk/Tie Bars	SF	709	\$ 13.65	\$ 9,678.00
2118.507	Class 5 Aggregate Base	CY	134	\$ 52.00	\$ 6,968.00
2531.503	Curb & Gutter, Design B618	LF	50	\$ 65.00	\$ 3,250.00
2531.618	Truncated Domes	SF	40	\$ 104.00	\$ 4,160.00
2402.601	Pedestrian Bridge	EA	1	\$ 260,000.00	\$ 260,000.00
2573.601	Erosion Control	LS	1	\$ 3,250.00	\$ 3,250.00
2563.601	Traffic Control	LS	1	\$ 3,250.00	\$ 3,250.00
2574.507	Boulevard Topsoil Borrow	CY	50	\$ 65.00	\$ 3,250.00
2575.605	Turf Establishment	LS	1	\$ 6,500.00	\$ 6,500.00
Total Construction =					\$ 517,883.00
TA Grant Request* (80% of Total Construction Cost) =					\$ 414,307.00
State Aid Funds* (20% of Total Construction Cost) =					\$ 103,576.00
Engineering* (16% of Total Constrcuon Cost) =					\$ 82,862.00

* Prices area rounded to the nearest dollar.

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Jason Anderson
Meeting Date:	Tuesday, January 9, 2024
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Country Club Trail Reconstruction Project – 1) Consider Resolution Authorizing Agent of Sponsoring Agency for Transportation Alternatives Project; 2) Consider Resolution Identifying Responsibility for Operation and Maintenance for Transportation Alternatives Project
Background Information:	<p>MnDOT District 8 is currently soliciting for 2028 Transportation Alternatives (TA) grant applications. The TA grant is an 80-20 grant to match program that provides funds for pedestrian and bike facilities, historic preservation, Safe Routes to School, and more. Previous projects the City had funded through this program include the RRFB School Crossings Project which was constructed in 2022, the C St.-Southview Trail Project which is scheduled for construction in 2025, and the East Lyon Street Trail Project which is scheduled for construction in 2026.</p> <p>The Country Club Trail Reconstruction project includes reconstruction of approximately 1,300 feet of off-street multi-use trail running parallel to County Club Drive. The reconstruction would start at Travis Road and end at Southview Drive. This project will replace distressed paving, construct ADA compliant pedestrian ramps and improve drainage within the limits of the project.</p> <p>Included with the Council packet are Exhibits A, E, and G from the grant application. Exhibits A & E visually identify the project and Exhibit G is the preliminary cost estimates.</p> <p>To complete the grant application process, staff would like the City Council to offer their support for our grant application and we will need two resolutions to be approved. One resolution identifies the City as the grant sponsoring agency and the entity responsible for managing the grant. The other resolution identifies the City as the responsible party for continued operation and maintenance of the shared use path.</p>
Fiscal Impact:	There is no fiscal impact today. If we are awarded a grant, we will be notified in Spring 2024. In today's dollars, our cost estimate for City participation is \$70,936 in cash with the City also providing the services for grant application, project design, project permitting, and construction administration. These engineering services are valued at approximately \$56,750. Local cost participation may be funded through the use of Municipal State Aid Street (MSAS) funds.

Alternative/ Variations:	No alternative actions recommended.
Recommendations:	<p>Recommendation No. 1 that the Council adopt RESOLUTION NUMBER 24-010, which is the Resolution Authorizing Agent of Sponsoring Agency for Transportation Alternatives Project.</p> <p>Recommendation No. 2 that the Council adopt RESOLUTION NUMBER 24-011, which is the Resolution Identifying Responsibility for Operation and Maintenance for Transportation Alternatives Project.</p>

RESOLUTION NUMBER 24-010

**RESOLUTION AUTHORIZING AGENT OF SPONSORING AGENCY
FOR TRANSPORTATION ALTERNATIVES PROJECT**

BE IT RESOLVED that the City of Marshall agrees to act as sponsoring agency for the project identified as the Country Club Trail Reconstruction Project seeking Transportation Alternatives funding and has reviewed and approved the project as proposed. Sponsorship includes a willingness to secure and guarantee the local share of costs associated with this project and responsibility for seeing this project through to its completion, with compliance of all applicable laws, rules, and regulations.

BE IT FURTHER RESOLVED that Jason R. Anderson, P.E., or his designee, is hereby authorized to act as agent on behalf of this sponsoring agency.

Passed and adopted this 9th day of January, 2024.

Mayor

City Clerk

The undersigned, being the duly qualified City Clerk of the City of Marshall, Minnesota, and as such the custodian of the books and records of said City, hereby certifies and attests that the attached copy of the Resolution Number 24-___, adopted on this 9th day of January, 2024 is a true and correct copy of the original of said Resolution which is on file and of record in my office.

Steven Anderson
City Clerk
City of Marshall

(SEAL)

RESOLUTION NUMBER 24-011

RESOLUTION IDENTIFYING RESPONSIBILITY FOR OPERATION AND MAINTENANCE FOR TRANSPORTATION ALTERNATIVES PROJECT

WHEREAS: The Federal Highway Administration (FHWA) requires that states agree to operate and maintain facilities constructed with federal transportation funds for the useful life of the improvement and not change the use of right of way or property ownership acquired without prior approval from the FHWA; and

WHEREAS: Transportation Alternatives projects receive federal funding; and

WHEREAS: the Minnesota Department of Transportation (MnDOT) has determined that for projects implemented with alternative funds, this requirement should be applied to the project proposer; and

WHEREAS: the City of Marshall is the sponsoring agency for the transportation alternatives project identified as Country Club Trail Reconstruction Project.

THEREFORE BE IT RESOLVED THAT: the sponsoring agency hereby agrees to assume full responsibility for the operation and maintenance of property and facilities related to the aforementioned transportation alternatives project.

Passed and adopted this 9th day of January, 2024.

Mayor

City Clerk

The undersigned, being the duly qualified City Clerk of the City of Marshall, Minnesota, and as such the custodian of the books and records of said City, hereby certifies and attests that the attached copy of the Resolution Number 24-__, adopted on this 9th day of January, 2024 is a true and correct copy of the original of said Resolution which is on file and of record in my office.

Steven Anderson
City Clerk
City of Marshall

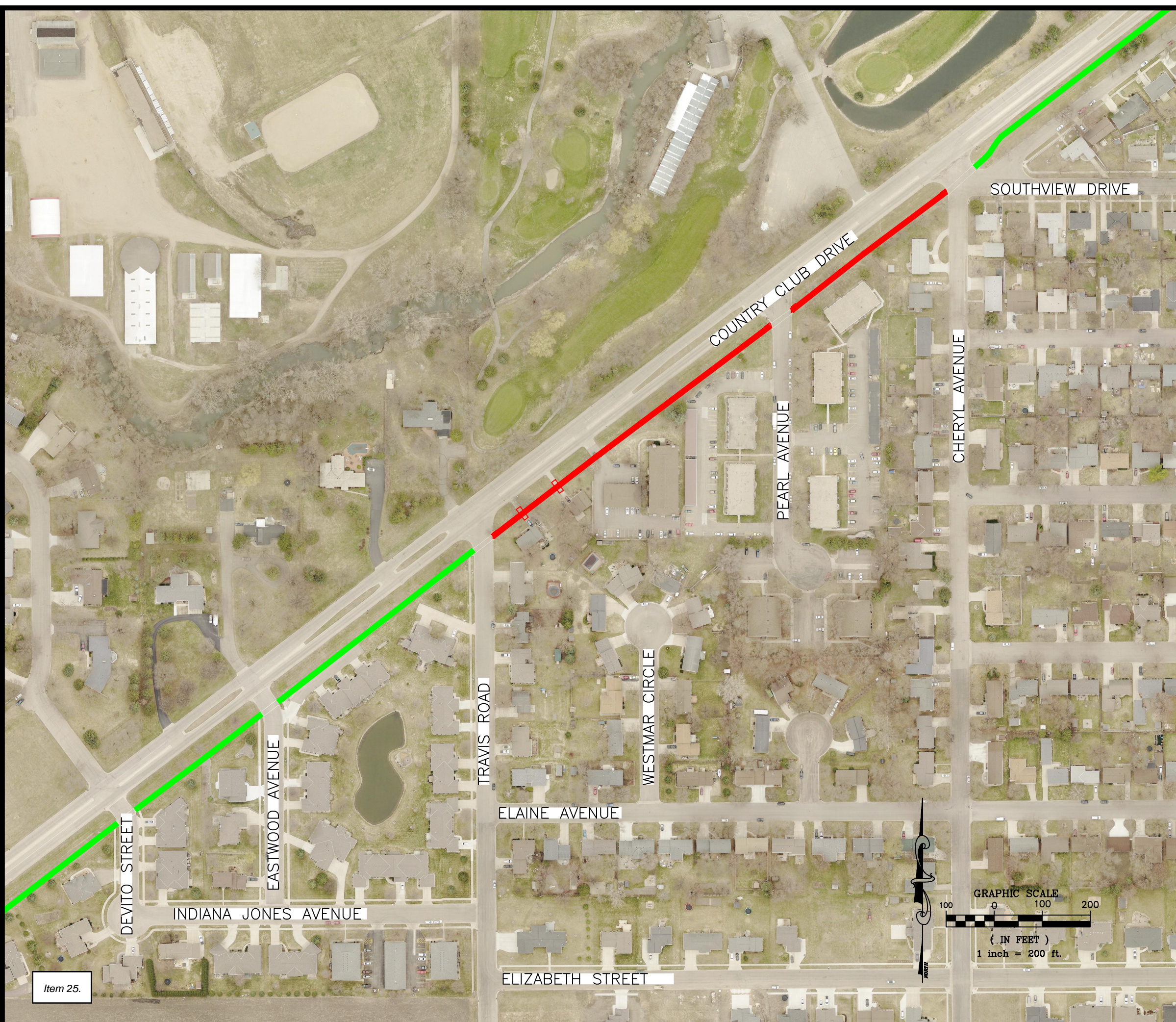
(SEAL)

Exhibit A

Country Club Bike Trail Reconstruction

 Proposed Bike Trail Reconstruction, ADA, and Drainage Improvements

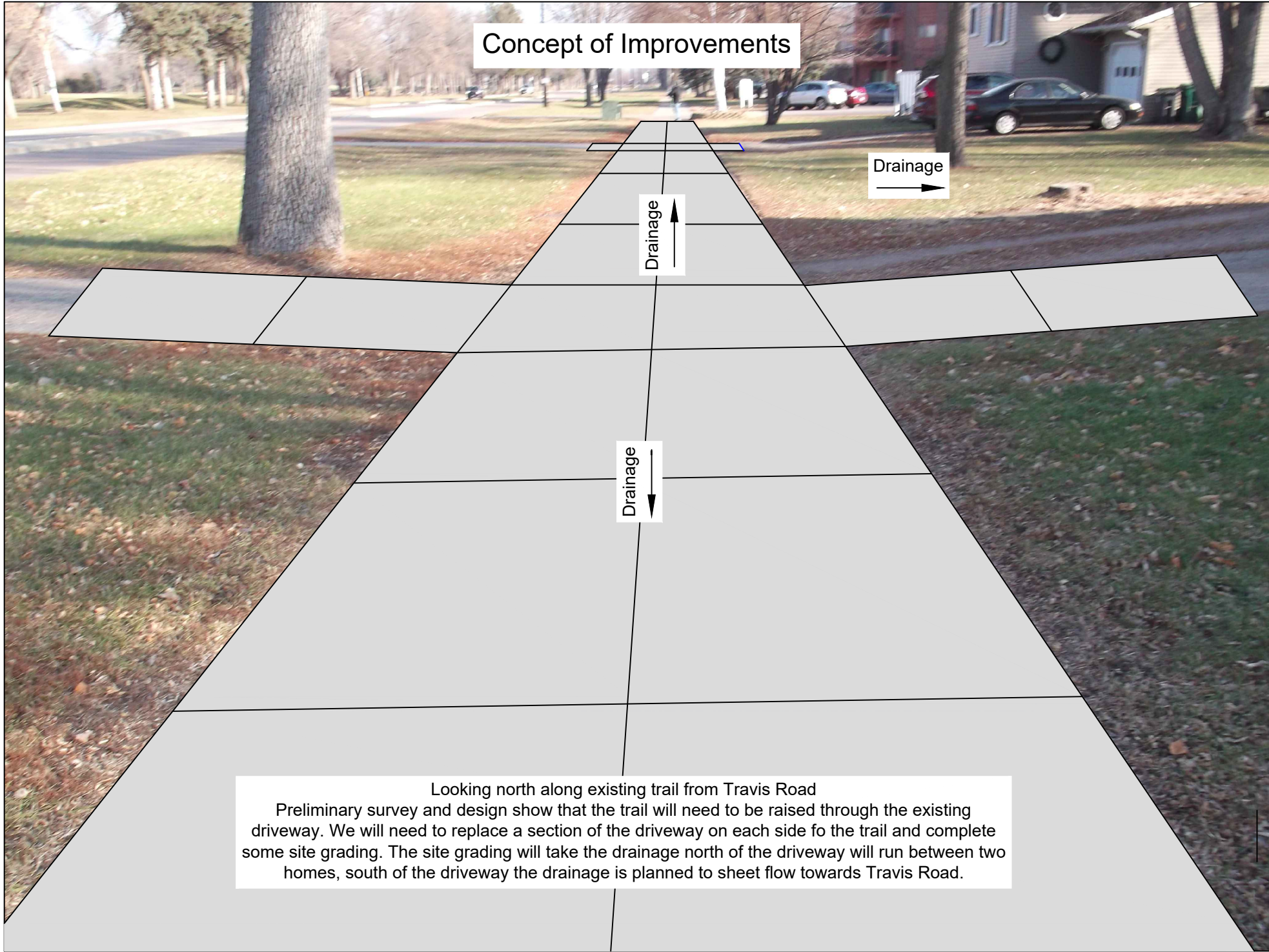
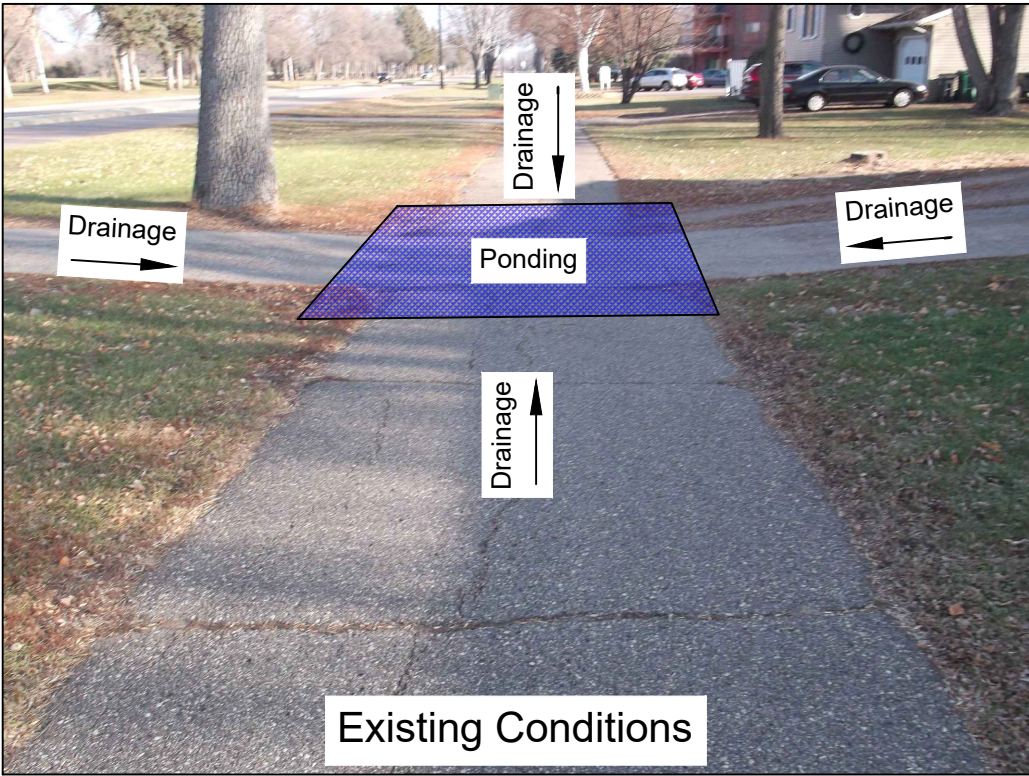
 Existing off Street Bike Path




**** Disclaimer:** The City of Marshall does not guarantee the accuracy of the data included on this map.

This map data is for referencing purposes only.

Exhibit E



DESIGNED BY: ERH	DATE	REVISIONS	INIT.
DRAWN: Item 25.			
APPROVED BY:			
SCALE:			



ENGINEERING DEPARTMENT
344 WEST MAIN STREET
MARSHALL, MINNESOTA
56258

Country Club Trail Reconstruction Project
Concept Trail

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

DATE: 00/00/21 LICENSE NO: 53322

CITY PROJECT NO.	DATE	1/3
STATE AID PROJECT NO.	SHEET NO.	1 OF 2

Page 138

Exhibit E

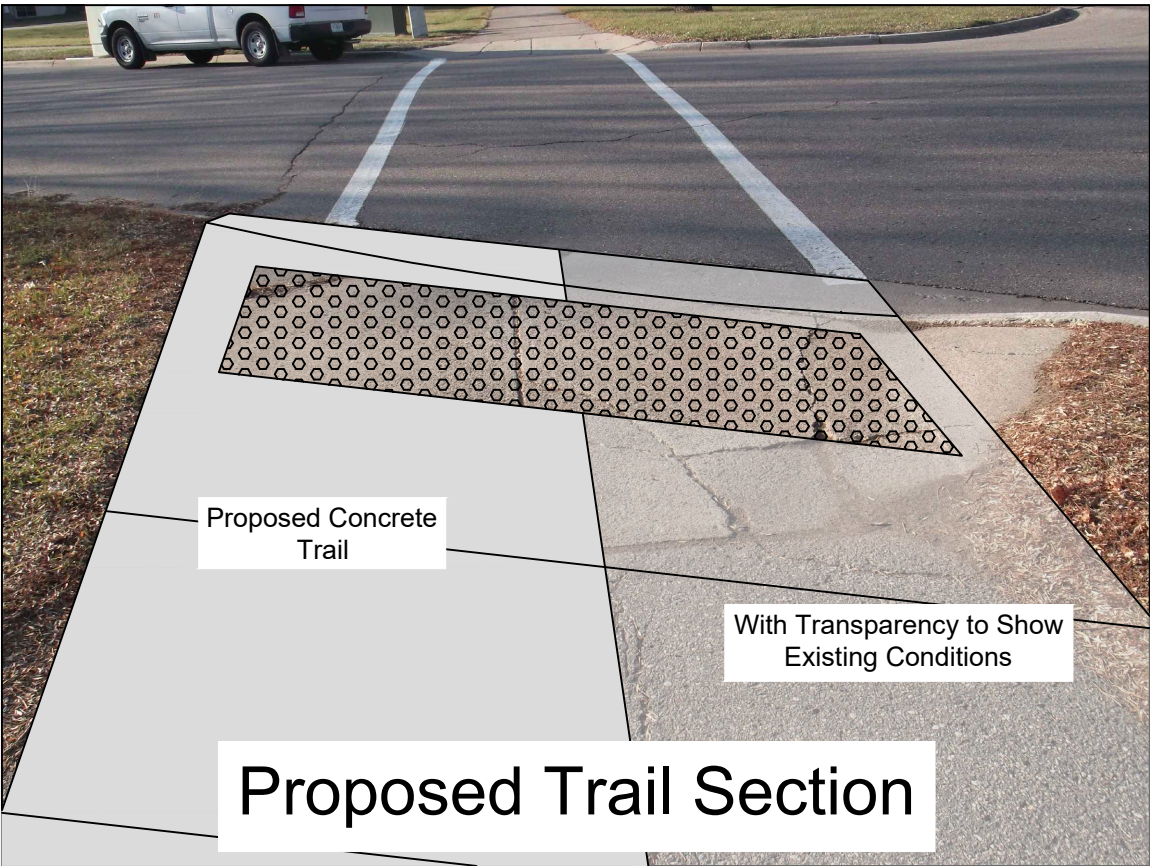
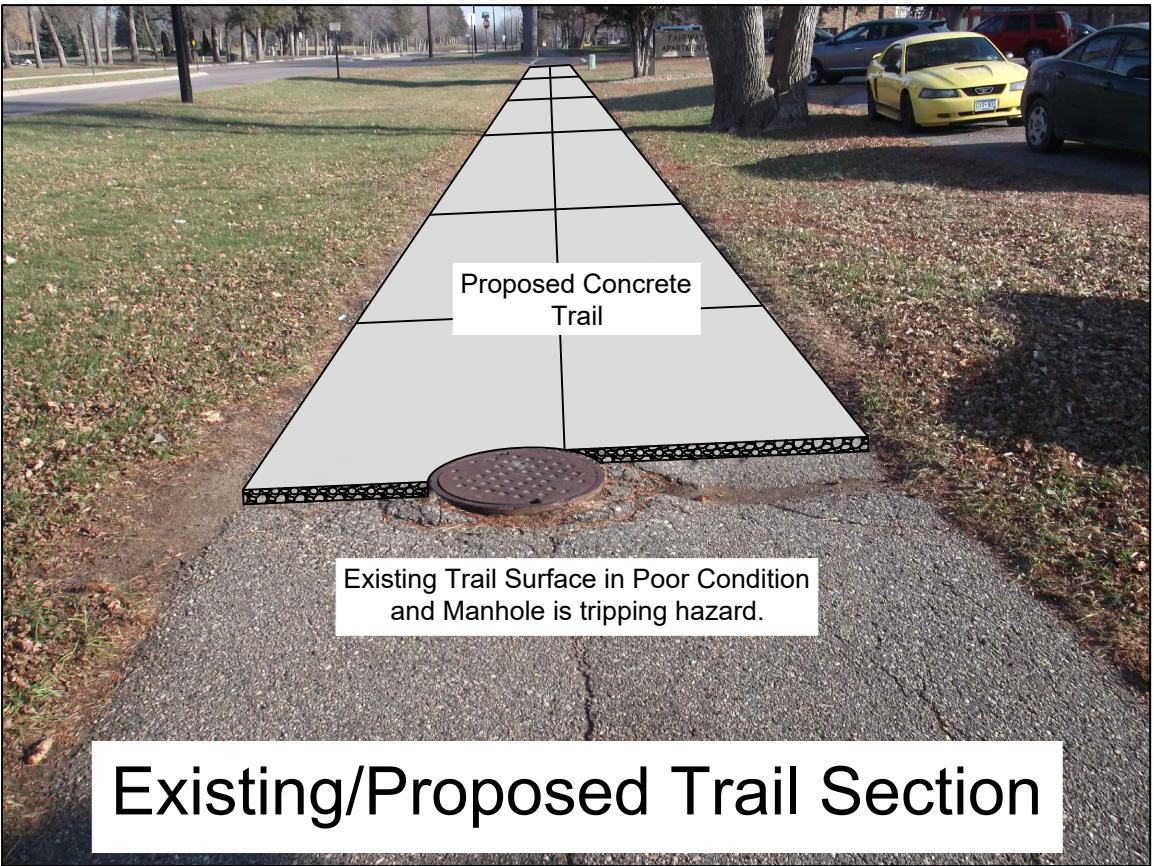
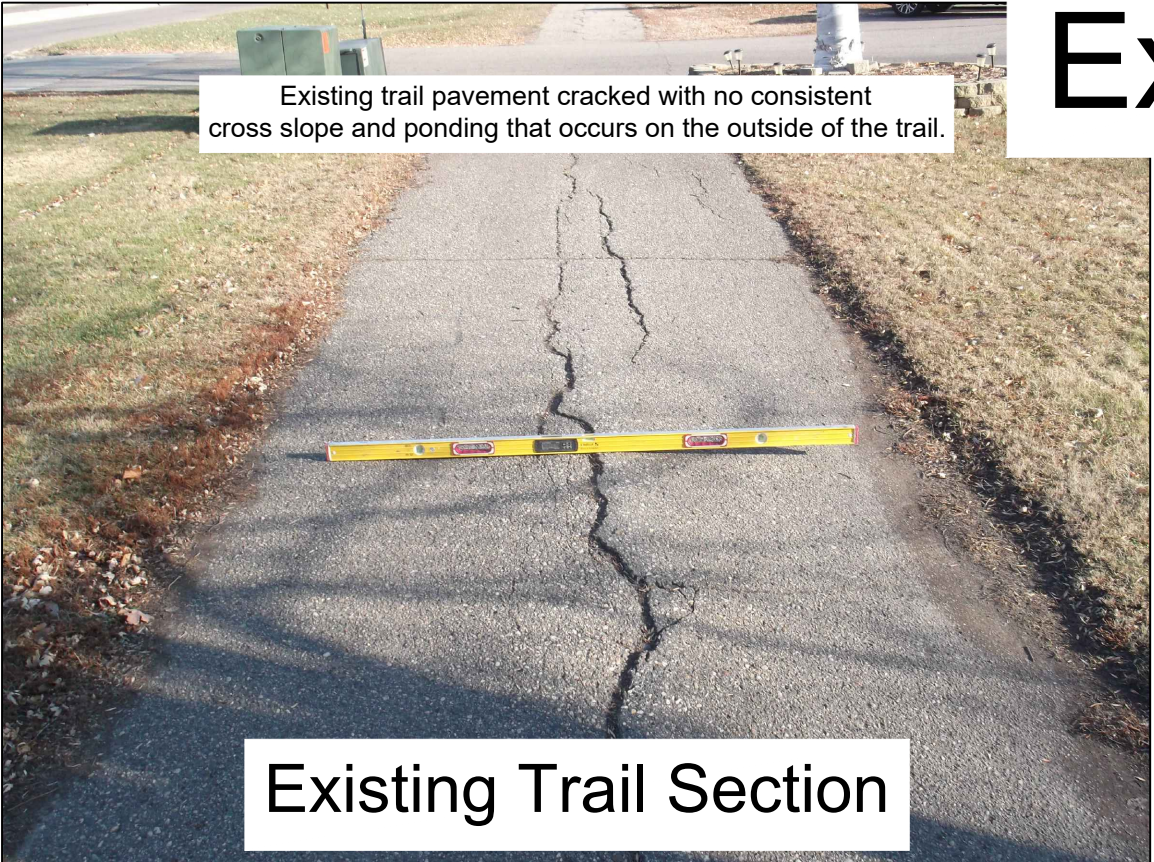


Exhibit G



Country Club Trail Reconstruction Engineers Estimate

Item Number	Description	Unit	Quantity	Unit Price	Est. Price*
2121.501	Mobilization	LS	\$ 1.00	\$ 30,000.00	\$ 30,000.00
2104.518	Remove Sidewalk	SF	\$ 1,200.00	\$ 2.60	\$ 3,120.00
2104.503	Remove C&G	LF	\$ 135.00	\$ 11.70	\$ 1,580.00
2104.504	Remove Bituminous Pavement	SY	\$ 1,575.00	\$ 13.00	\$ 20,475.00
2105.507	Common Excavation (CV)	CY	\$ 500.00	\$ 26.00	\$ 13,000.00
2360.604	Bituminous Patching	SF	\$ 1,295.00	\$ 13.00	\$ 16,835.00
2521.518	5" Concrete Walk/Tie Bars	SF	\$ 15,520.00	\$ 12.35	\$ 191,672.00
2521.518	6" Concrete Walk/Tie Bars	SF	\$ 1,500.00	\$ 13.65	\$ 20,475.00
21118.507	Class 5 Aggregate Base	CY	\$ 260.00	\$ 52.00	\$ 13,520.00
5231.503	Curb & Gutter, Design B618	LF	\$ 135.00	\$ 65.00	\$ 8,775.00
2531.618	Truncated Domes	SF	\$ 120.00	\$ 104.00	\$ 12,480.00
2573.601	Erosion Control	LS	\$ 1.00	\$ 3,250.00	\$ 3,250.00
2563.601	Traffic Control	LS	\$ 1.00	\$ 6,500.00	\$ 6,500.00
2574.507	Boulevard Topsoil Borrow	CY	\$ 100.00	\$ 65.00	\$ 6,500.00
2575.605	Turf Establishment	LS	\$ 1.00	\$ 6,500.00	\$ 6,500.00
Total Construction =					\$ 354,682.00
TA Grant Request* (80% of Total Construction Cost) =					\$ 283,746.00
State Aid Funds* (20% of Total Construction Cost) =					\$ 70,936.00
Engineering* (16% of Total Construction Cost) =					\$ 56,750.00

* Prices area rounded to the nearest dollar.

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Mayor Byrnes
Meeting Date:	Tuesday, January 9, 2024
Category:	COUNCIL REPORTS
Type:	INFO
Subject:	Commission/Board Liaison Reports
Background Information:	<p>Byrnes - Fire Relief Association and Regional Development Commission</p> <p>Schafer – Airport Commission, Joint LEC Management Committee, MERIT Center Commission, SW Amateur Sports Commission</p> <p>Meister – Adult Community Center, Cable Commission, Economic Development Authority</p> <p>Schroeder – Economic Development Authority, Planning Commission, Public Housing Commission</p> <p>Alcorn – Community Services Advisory Board, MMU Commission</p> <p>Moua-Leske – Convention & Visitors Bureau; Diversity, Equity & Inclusion Commission; Library Board</p> <p>Lozinski – Marshall Area Transit Committee, Joint LEC Management Committee, Police Advisory Board</p>
Fiscal Impact:	
Alternative/ Variations:	
Recommendations:	

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

FROM: Sharon Hanson, City Administrator

DATE: January 9, 2024

SUBJECT: Administrative Brief

CITY ATTORNEY

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

- Attended meetings.
- Reviewed contracts for Staff.
 - Finalized review of Adult Community Center Contracts (with MASC and LSS) and attend MASC meeting to answer questions.
 - Answered questions on SWWC agreement.
 - Review and answer additional questions on CVB contract.
- Drafted documents
 - Finalized agreement for Administrative Hearing Officers for Council review.
 - Work on ordinance amending moratorium on retail sale of THC products.
 - Draft new ordinance and ordinance amendments on public use of cannabinoid products.
 - Draft repeal of emergency ordinance on use of cannabinoid products.
- Work with staff and Attorney Lykke on ownership of property (service restoration) and plan for HRA to transfer property to City
- Responded to question from staff related to property near airport.
- Answered questions on rental ordinance from staff.
- Worked on Charter Commission documents and attended Charter Commission meeting. Reviewed final report to send to district court. Answered staff questions about charter amendments.
- Worked with staff on open meeting law questions.
- Worked collaboratively with MMU on updating Council on national PFAS litigation and available PFAS settlement. Prepare script for closing meeting for Council for update of litigation matter.
- Met with staff on Chlorides questions and helped draft template SIU agreement.
- Worked with police department and administrative staff on police matters.
- Assisted with questions related to BCA.
- Assisted with HR questions.
- Assisted with various data requests and analysis of classifications of data.
- Sent finalized hearing officer agreements to hearing officers and send executed agreements back to City for list.
- Worked with MMU on reviewing outside counsel retention agreement for PFAS related work.

Work of other K&G Attorneys:

- Attorney Gilchrist worked on city hall questions.
- Attorney Vose introduced to Jason Anderson to help with Natural Gas Franchise questions.
- Attorney Lykke drafted documents for HRA and attended HRA meeting.

CITY PROSECUTOR:

	ASSAULT	OFP VIOL.	DWI	OTHER ALCOHOL	TRAFFIC	THEFT	OTHER	TOTAL 2023	2022 Comparison
Prosecution	1		4	1	8	9	7	30	16
Dismissed									
Non-Prosecution									4
Refer to County									

ADMINISTRATION

- This past month discussions regarding EDA hotel development occurred and options were explored for future work on this project. There continues to be the need and local interest.
- This past month also included multiple personnel discussions with City Attorney and selected staff.
- The Charter Commission met for the 2nd time this year and finalized Charter revisions proposed by City Attorney. Recommendation will be brought forward to Council on January 9th, with public hearing scheduled for February 13th.
- Community Services staff and YMCA staff met to discuss collaborative programming. Staff will meet again in early February for continued discussions.
- Met with Councilmember Schafer, City Attorney and staff to discuss Helena land acquisition and status of Helena's work with MN Department of Ag. Progress is still being made by Helena and the city continues to be in holding pattern with purchase agreement.
- Wastewater staff have been working on a PFAS management plan as stipulated by MPCA, with one requirement being identifying sources of PFAS. Preliminary work has begun in this area and eventual public education on potential sources will also be part of future work on this topic.
- The Public Infrastructure Transportation (PIT) met with residents regarding the proposed trail project that crosses County Road 7.
- Staff plans to meet with Stockwell in mid-February regarding next steps. Asst Engineer Eric Hanson has now assumed the role as staff lead with regard to construction and has been reaching out to Stockwell on a regular basis. The Aquatic Center Fundraising Committee sent out in mid-February a letter requesting donations for the proposed project, thus far over \$20,000 has been committed and reaching out to individuals and businesses will continue to occur. The Aquatic center land purchase was finalized in late December by Schwan's, with Land Use Attorney Dennis Simpson ensuring completion of this transaction.
- Various other staff and meetings occurred including EDA Board meeting, DEI Commission meeting and one-on-one business meetings.

Economic Development Authority

- Completing Grant Agreements for East College Grant and notifying businesses of awards.
- Staff plans to meet with Solugen team to discuss upcoming groundbreaking ceremony tentatively scheduled for late March. Team will also schedule a roadshow including presentations from Solugen staff.
- Land sale was completed on 27-485012-0 (S 10th St) to 2nd Avenue Investments who is the new owner of the former Willmar Poultry building.
- Staff is working with SWWC on Purchase Agreement, rezone, and survey work for Parkway site.

- Staff attended Transportation Meeting to discuss Tiger Drive alternatives.
- Staff will attend Community Venture Network event on 1-12.

Human Resources

- Staffing:
 - Office Specialist (CS division) interviews will begin the week of January 8.
 - WW Plant Operator: recruitment for this position began on 01/02/2024 following a voluntary resignation.
 - Community Services Officer: recruitment for this part-time position began on 01/02/2024. This part-time position serves the department primarily on weekends.
 - Appraiser: the application period closed on 01/05/2024. Review of applications will begin on 01/08/2024 and interviews will be scheduled.
 - Temporary/seasonal: a variety of temporary and seasonal positions are being recruited and filled by various departments.
- Safety: In January, employees will be trained on AWAIR, Employee Right to Know, Hazard communication, Bloodborne pathogens, and Personal Protective Equipment. These are all courses required by MNOSHA to be provided on an annual basis.
- Staff are also preparing to complete the City's Pay Equity report, which is due by January 31, 2024. Per the Local Government Pay Equity Act, M.S. 471.991-471.999 and Minnesota Rules Chapter 3920, local government jurisdictions are required to submit a Pay Equity Report to the State of Minnesota every three years.

Clerk

- The Charter Commission met and made recommendations to City Council for amendments. The Commission also submitted their annual report to Honorable Judge Zimmer and requested that James Zmeskal be appointed to the commission to fill a vacancy.
- Licenses renewed/issued: Nine (9) 3.2% Off-Sale, Three (3) 3.2% On-Sale, Two (2) On-Sale Wine, Thirteen (13) On-Sale Liquor, Two (2) Taxi, Eleven (11) Tobacco, and One (1) Brewer.
- A number of openings on boards/commissions had occurred and are upcoming at the beginning of 2024. An advertisement will be upcoming to try to fill open positions.

Finance

- 2024 Budget – The 2024 budget was adopted in December 2023. The Finance Director has generated electronic copies of the budget book and sent the document to Council and staff.
- 2023 Audit – Staff will be working to close out 2023 and will continue to prepare information for our auditors over the next few months.
- 2024 Bonding – The bonding process to ensure funding is secured for 2024 projects is underway, including public hearings at the 1/09 Council meeting. Resolutions authorizing the sales are currently planned for February, with sale of the obligations in March and receipt of the proceeds and settlement of the obligations in April.

Assessing

- No Report

Liquor Store

- December Financials: Sales 847,969 + 8%, Ticket Average \$41.04 + 1.71%, Customer Count 20,660 + 6.12%. A solid month for all financials. It was a record month for Sales due to ideal weather conditions compared to December 2022. A great finish for the year. Unofficial sales FY 2023: 7.375 million, up around \$300 Thousand from 2022 or an increase of 4.25%.
- Staff have been busy restocking/organizing the floor from the busy Christmas season.
- Installation of 3 digital message boards will be completed next week. This will allow us to decrease the paper clutter in the store and give us more flexibility with marketing monthly specials, new products and messages to the customers entering the store.

COMMUNITY SERVICES

Parks & Recreation

- There were 1,053 open skate and hockey participants over the course of fifteen dates during the month of December at the Red Baron Arena.
- Upcoming recreation offerings for the month of January include soccer, ice skating, basketball, curling, baseball, pickleball, gymnastics, softball and cheerleading!
- Working on plans for 2024 construction projects – Independence Park back parking lot, Independence Park Shelter and Restroom (DNR Grant – awaiting final contract), Legion Field improvements (bidding in spring for late summer start)
- Meeting with businesses on sponsorship opportunities for new Aquatic Center
- ReLeaf Grant contract for EAB funding has been finalized - \$329,080 awarded to City of Marshall
- Working on updating bike trail maps – will have new signage printed for kiosks in 2024, CVB is helping with this.
- Parks staff has been doing a lot of tree trimming in the parks with nice weather.
- Staff will start getting trained on new software implementation – FinnlySport with goal of roll-out in the spring/summer.

Community Education

- There were approximately 84 children that attended the 3rd annual Visit Santa event held at the Marshall Lyon County Library.
- Researching other communities/schools Driver's Education programs
- Driver's Education Session 1 starts January 8th, 2024 classes are filling up
- Marketing for Winter/Spring Community Education classes
- It Begins With Us (formerly Cultures on the Prairie) Event
- Early planning for 4th of July Event
- Upcoming Community Education classes: Theater Fun, Egg Roll Valentine's Night Cooking, Spanish for Beginners, Canvas Painting, Junior Curator

Studio 1

- We recently completed the installation and wireless networking of security cameras at the newly-finished amateur sports complex shelter.
- We will be working on installing additional exterior security cameras on City Hall to cover the Terrace 1872 area and alleyway in the near future as well.

- We continue to cover sporting and community events throughout town and produce our recurring monthly shows such as Tiger Talk, Community Connect, and Senior Compass.

COMMUNITY PLANNING

Building Services / Planning & Zoning

- About 200 open permits.
- Family Dollar, a dental clinic, and Kwik Trip (E College Dr) are the largest projects under construction.
- Rental Ordinance ready for Council approval
- Sign ordinance is being reviewed.

PUBLIC WORKS DIVISION

Engineering

- Project ST-007: UCAP Bus Shelter Installations – Project plans are complete. Staff is waiting on final contract requirements from UCAP Transit for their MnDOT grant. Once received, staff will recommend advertisement for bids.
- Project ST-009: N. 3rd St./W. Lyon St. Reconstruction (R&G Construction Co.) –The Addison Parking lot will be reconstructed in the spring.
- Project ST-012-2024: South Whitney Street Reconstruction Project (East College Drive to Jean Avenue) – Staff is currently working on the design and specifications for this project.

Building Maintenance

- No report.

Street Department

- No report.

Airport/Public Ways Maintenance

- No report.

Wastewater

- Staff have completed 277 preventative maintenance work orders in the last 30 days.
- Finished cleaning the east traveling bridge effluent filter.
- Interest in the water softening rebate program has been increasing, especially in removals. Around \$15,000 of funding is still available.
- Biosolids application has been completed. Equipment has been cleaned and put away for the season.
- The MPCA biosolids annual report has been completed and submitted.
- HWY 23 ATS and VFD replacement has been completed.
- Beginning of winter cleaning of various buildings in the collection department and wastewater facility.
- Working on MPCA annual reports. The Pretreatment Annual, Variability of Operations, and DNR Water Use reports have all been completed and submitted so far.

PUBLIC SAFETY DIVISION

FIRE DEPARTMENT

- The Fire Department responded to thirteen (13) calls for service. Total calls for service included:
 - Fire/CO2 Alarm (6)
 - Fire; Structure (6)
 - Medical Assist (0)
 - Vehicle Accident (1)
 - Other – Assist (0)

POLICE DEPARTMENT

- The Marshall Police Department responded to a total of 734 calls for the month of December. 66 criminal offenses were reported with a total number of 38 adults and 1 juvenile arrested.

OFFICER'S REPORT

- Alarms (21)
 - Accidents (19)
 - Alcohol involved incidents (0)
 - Assaults (10)
 - Domestic Assaults (12)
 - Burglaries (1)
 - Criminal Sexual Conduct (1)
 - Damage to Property (0)
 - Keys Locked in Vehicles (30)
 - Loud Party (8)/ Public Disturbances (9)
 - Thefts (27)
 - Traffic Related Complaints (124)
 - Vandalism (1)
 - Warrant Pickups (7)
 - Welfare Checks/Mental Health (27)
-
- Officer Jonathon Monterosso has started his second phase of field training. Officer Monterosso accepted a full-time position after Officer Ben Kelly resigned from the MPD at the end of December.
 - The Bureau of Criminal Apprehension (BCA) was asked to conduct the investigation into the critical incident involving the Marshall Police Department that occurred on December 17th, 2023. Once the BCA completes its investigation, the facts will be sent to the Lyon County Attorney's Office for their review.

DETECTIVE REPORT

- A 25-year-old Marshall man was arrested for 3rd Degree Assault at the conclusion of an investigation of injuries to a child under 4 years old.
- A 39-year-old Marshall man was arrested for domestic assault and interfering with an emergency call after the investigation of an assault.
- A 45-year-old Marshall woman was arrested for felony theft after the investigation of multiple thefts from a Marshall retail store.
- The theft of a firearm from a vehicle was investigated. The firearm was recovered in Willmar and a suspect was charged with possession of stolen property.

- Eighteen theft cases and six theft by swindle cases were investigated during the month of December.
- Two cases of financial transaction card fraud and a check forgery case are under investigation.
- Twenty 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

- In December, MN West held a Stakeholder meeting, Hazwoper Refresher and CDL training utilizing the driving track at the MERIT Center.
- On December 1st ARMER Train the Trainer concluded. It was conducted by On Target Training & Consulting and SW Communications Board.
- On December 5th and December 6th, ARMOR Training conducted Global Wind Organization Training for SGRE, utilizing a classroom and wind turbine with 3 attendees each day.
- BLR-ERU conducted training on December 7th with 22 attending.
- On December 7th, Ralco held their Employee Meeting with 66 attending.
- EVOG was held by the Marshall PD on December 11th.
- On December 13th North Memorial conducted First Responders Training.
- On December 14th Plumbology conducted Plumbing, heating & Cooling Training with 29 attendees.
- On December 15th to December 17th North Star Training & Consulting Held NFPA 1001 FF I & II Course with 43 attendees each day.
- On December 21st SW Communication Board held Next Gen 9-1-1 Course with 12 attendees.
- On December 21st ADM held their monthly safety contractors training with 40 attendees.
- Next Gen hosted their Regional Communication Board Meeting on December 27th.
- The MERIT Center was utilized 15 out of 31 days with 20 reservations in December with 416 attendees.

MONTHLY REPORT OF ACTIVITY FOR MARSHALL POLICE For Month and Year ending December 2023 (YTD TOTALS)

OFFENSE/ARREST DATA

	Offenses		Actual	Total Arrests/Excluding traffic	
	Reported	Unfounded	Offenses	Adult	Juvenile
January	57	0	57	33	0
February	89	0	89	37	0
March	99	0	99	28	1
April	97	0	97	41	1
May	125	0	125	40	0
June	98	0	98	37	0
July	109	0	109	35	2
August	111	0	111	39	2
September	79	0	79	35	1
October	96	0	96	45	0
November	74	0	74	34	0
December	66	0	66	38	1

YTD 2023	1100	0	1100	442	8
-----------------	-------------	----------	-------------	------------	----------

Averages for all Activities (Calls for Service)

	#Calls	Time in Hrs
	Total	Spent
January	743	316
February	757	319
March	750	318
April	728	363
May	920	434
June	846	416
July	878	430
August	938	421
September	901	415
October	959	435
November	808	333
December	734	353
YTD 2023	9962	4553

Accidents	Jan.	Feb.	Mar.	April	May	June	July	Aug.	Sep	Oct.	Nov.	Dec.	YTD
Hit and Run	9	6	7	10	14	5	4	9	5	6	9	1	85
Property Damage	15	25	15	18	19	21	19	17	32	21	25	16	243
Personal Injury	1	3	5	1	2	3	5	2	3	6	1	2	34
Fatalities	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL 2023	25	34	27	29	35	29	28	28	40	33	35	19	362

CITATIONS	Jan.	Feb.	Mar	Apr	May	June	July	Aug	Sept	Oct.	Nov.	Dec.	YTD
Citations	45	61	49	44	47	39	42	33	44	50	47	44	545
Parking Tickets	91	75	23	5	0	1	0	0	0	0	1	1	197

Activities (Calls For Service) *High Hours Expended

	Jan.	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct.	Nov.	Dec.	YTD
Alarms	11	11	20	14	18	5	20	22	27	13	13	21	195

Alcohol	0	3	2	2	0	2	1	1	4	0	1	0	16
Animal Bite	2	3	1	2	4	1	4	1	6	4	3	1	32
Animal Complaint	10	13	11	20	14	26	16	13	28	15	27	11	204
Assault	6	4	7	8	11	5	7	8	9	5	2	10	82
Assists	50	45	48	53	51	54	60	62	53	52	40	52	620
Auto Theft	3	1	0	1	1	0	2	5	1	1	0	1	16
Bike Found	0	4	1	2	9	7	15	9	10	10	8	5	80
Bike Theft	0	0	0	1	5	6	9	5	5	3	1	1	36
Burglary	0	3	0	1	7	4	9	10	3	1	1	1	40
Bus Violation	3	5	5	4	5	3	4	0	3	7	6	3	48
Check Forgery	0	1	0	0	0	0	0	0	0	0	0	0	1
Check Fraud	1	1	0	0	0	1	0	0	0	1	1	1	6
Civil Matters	12	10	8	7	17	19	15	20	13	17	13	17	168
Criminal Sex	2	3	2	3	6	1	3	2	0	4	6	1	33
Damage to Prp	2	2	4	1	4	2	5	4	1	4	4	0	33
Death Investigation	0	2	0	1	2	4	5	4	3	3	2	4	30
Domestics	10	15	12	10	19	12	17	11	15	18	17	12	168
Drugs/Narcotics	2	3	4	3	2	4	2	3	3	3	0	0	29
Family Matters	4	9	9	9	12	6	12	11	11	12	12	6	113
Fire Alarm	0	2	0	0	0	0	0	1	1	0	1	1	6
Gas Meal Assist	3	1	2	4	4	2	8	5	3	1	0	0	33
Gun Permits	4	10	15	8	10	5	8	4	4	17	13	7	105
Harassment	8	5	6	5	11	18	6	10	16	11	6	5	107
Intoxicated/Detox	2	2	3	1	3	1	4	4	2	1	2	2	27
Keys Locked In vehicles	27	21	26	24	26	21	35	24	28	26	27	30	315
Mental Health	8	9	6	14	8	9	12	6	7	13	7	5	104
Fraud	2	6	6	5	2	7	1	0	0	1	1	2	33
Parking Complaints	76	69	38	17	18	14	11	22	9	17	17	14	322
Party Loud Party	1	3	3	2	5	10	6	6	4	16	5	8	69
Pred - Sex Offender	2	2	1	1	0	2	2	0	1	0	3	0	14
Property Found	1	3	10	12	13	8	16	13	6	2	6	3	93
Public Disturbance	5	7	9	11	14	14	17	9	7	8	8	9	118
Pursuit	0	0	0	1	0	0	0	0	0	0	0	0	1
Runaway	2	3	7	3	9	2	8	4	12	15	3	10	78
Escort Funeral,other	13	13	8	7	9	13	12	13	13	11	7	12	131
Search Warrant	1	0	0	1	0	0	1	0	0	0	0	0	3
Suspicious Anything	38	34	42	50	97	110	43	51	38	47	37	24	611
Suspicious Vehicle	3	4	3	5	6	7	12	13	8	15	6	11	93
Tobacco Violation	1	1	2	2	0	1	0	0	7	3	3	5	25
Theft	17	18	14	14	28	28	40	37	33	39	21	27	316
Trains	1	0	0	1	0	0	0	0	1	0	0	1	4
Transport (Marshall PD etc)	1	2	2	2	3	2	2	0	0	1	1	1	17
Trespassing	10	6	6	9	10	13	7	8	3	8	5	8	93
Traffic Related Complaints	190	224	200	142	199	145	149	123	150	138	150	124	1934
Unsecured Building	0	1	2	2	0	2	4	3	2	0	2	0	18
Vandalism	0	6	4	11	9	17	8	22	3	4	3	1	88
Violation of OFP	6	3	5	1	4	8	2	6	1	2	3	4	45
Warrant Pickups	11	5	7	11	12	7	10	18	12	14	14	7	128
Welfare Checks	21	27	25	26	27	19	15	32	18	31	29	22	292
Welfare Fraud	0	0	0	0	0	0	0	0	0	0	0	0	0
ERU Activated	0	0	0	1	0	0	0	0	0	0	0	1	2
Weapons Involved	1	1	0	5	1	1	0	3	2	3	1	2	20
YTD 2023	573	626	586	540	715	648	645	628	586	617	538	493	7195

OFFENSE ACTIVITY BY DAY OF WEEK

	Mon	Tues	Wed	Thur	Fri	Sat	Sun
January	5	9	5	12	3	8	15
February	13	16	16	6	17	14	7
March	4	23	25	15	13	12	7
April	16	8	9	19	12	17	16
May	8	18	19	15	16	29	20
June	3	17	12	17	11	30	9
July	11	15	27	12	13	17	14
August	8	17	15	27	15	7	22
September	21	5	13	6	11	7	16
October	12	11	14	13	10	14	22
November	13	4	13	10	13	11	10
December	5	13	6	10	12	9	11

YTD 2023	119	156	174	162	146	175	169
-----------------	-----	-----	-----	-----	-----	-----	-----

DETECTIVE / INVESTIGATIONS ACTIVITIES

	Jan.	Feb.	Mar	Apr	May	June	July	Aug	Sept	Oct.	Nov.	Dec.	YTD
Felonies	23	25	28	28	34	29	42	31	15	25	18	22	320
Gross Misdemeanors	21	17	22	20	26	16	25	25	23	31	28	28	282
Misdemeanors	14	19	24	27	34	30	31	45	35	39	22	24	344



MARSHALL

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

Applicant Name	Location	Description of Work	Valuation	Approved Date
ACTS 20:35 LLC	905 SOUTHVIEW DR E	New Building/House	150000.00	12/20/2023
AP Design Inc.	305 2ND ST S	Wall Mounted Sign	210.00	01/02/2024
B & G PROPERTIES	1217 COLLEGE DR E	Advertising/Billboard , Electronic/LED Sign	2000.00	01/02/2024
Eric Mathiowetz	705 4TH ST N	HVAC - Air Conditioning, Furnace	7600.00	01/02/2024
GESKE HOME IMPROVEMENT CO	502 MINNESOTA ST N	Windows	700.00	12/18/2023
GESKE HOME IMPROVEMENT CO	1212 WESTWOOD DR	Windows	4900.00	12/18/2023
JAMES LOZINSKI CONSTRUCTION INC	311 LONDON RD	New Building/House	260000.00	01/03/2024
Jeff Sussner	604 ERIE RD	HVAC - Air Conditioning, Furnace	34066.00	01/02/2024
Kevin V Goslar	609 4TH ST S	HVAC - Furnace	7500.00	12/18/2023
PANKA/MICHAEL & REBECCA/JT	1309 WESTWOOD DR	Doors	1400.00	12/20/2023
RODRIGUEZ-SCHILLING/JOSE F	708 6TH ST N	Interior Remodeling - ANY Work Inside, Except Fireplace	200.00	12/18/2023
Ronald V Schilling	708 6TH ST N	Plumbing - Bathroom remodeling, New bathroom	4000.00	12/18/2023
Sussner Construction	601 JEWETT ST	Building Addition	304000.00	12/20/2023
WALKER/BENJAMIN & JULIE/JT	609 1ST ST S	Interior Remodeling - ANY Work Inside, Except Fireplace	1500.00	12/29/2023



Upcoming Meetings

January

- 01/09 Legislative and Ordinance Committee, 4:00 PM, City Hall
 - 01/09 Regular Meeting, 5:30 PM, City Hall
 - 01/23 Regular Meeting, 5:30 PM, City Hall
-

February

- 02/13 Regular Meeting, 5:30 PM, City Hall
- 02/27 Regular Meeting, 5:30 PM, City Hall

2024 Regular Council Meeting Dates

2nd and 4th Tuesday of each month *(Unless otherwise noted)*

5:30 P.M.

City Hall, 344 West Main Street

January

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

February

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

March

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

April

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

May

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

June

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

July

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

August

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

September

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

October

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

November

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

December

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

2023 Uniform Election Dates

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

204C.03 PUBLIC MEETINGS PROHIBITED ON ELECTION DAY.

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