



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

**A g e n d a**

**Tuesday, August 22, 2023 at 5:30 PM**  
**City Hall, 344 West Main Street**

**OPENING ITEMS**

**APPROVAL OF AGENDA**

**APPROVAL OF MINUTES**

1. Consider Approval of the Minutes from August 8 Work Session and Regular Meeting

**PUBLIC HEARING**

2. 1) Public Hearing on Proposed Assessments for Unpaid Services 2) Approval of Resolution Adopting Unpaid Services

**CONSENT AGENDA**

3. Introduction of Ordinance Section 18-2 Key Box  
4. Consider Approval of the Red Baron Arena & Expo and Lockwood Motors Sponsorship Agreement  
5. Consider Temporary Extension of Alcohol License Area for Brau Brothers Brewing Company  
6. Consider Approval for a Temporary On-Sale Liquor License for Marshall Area Chamber of Commerce  
7. Declare Speed Trailer for the Marshall Police Department as Surplus Property  
8. Revision of the EMERGENCY OPERATIONS PLAN (EOP), City of Marshall  
9. Consider Approval of the Bills/Project Payments

**APPROVAL OF ITEMS PULLED FROM CONSENT**

**NEW BUSINESS**

10. Coalition of Greater MN Cities Legislative Update  
11. Consider the request of Tadd and Teresa Ihnen for a Variance Adjustment Permit and a Conditional Use Permit for an advertising sign at 511 State Highway 23 South  
12. Resolution Establishing an Absentee Ballot Board  
13. Discuss and Consider City Ordinance 86-248 Outside Storage

**COUNCIL REPORTS**

14. Commission/Board Liaison Reports  
15. Councilmember Individual Items

**STAFF REPORTS**

16. City Administrator  
17. Director of Public Works/City Engineer  
18. City Attorney

**INFORMATION ONLY**

19. Planning Commission July Minutes  
20. Public Housing Commission 2nd Quarter Minutes  
21. Cash and Investments  
22. Independence Park Shelter Grant Award Letter  
23. Building Permits

**MEETINGS**

24. Upcoming Meetings

**ADJOURN**

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



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Presenter:</b>	Mayor Byrnes
<b>Meeting Date:</b>	Tuesday, August 22, 2023
<b>Category:</b>	APPROVAL OF MINUTES
<b>Type:</b>	ACTION
<b>Subject:</b>	Consider Approval of the Minutes from August 8 Work Session and Regular Meeting
<b>Background Information:</b>	Enclosed are the minutes from the previous meetings.
<b>Fiscal Impact:</b>	
<b>Alternative/ Variations:</b>	Staff encourages City Council Members to provide any suggested corrections to the minutes in writing to City Clerk, Steven Anderson, prior to the meeting.
<b>Recommendations:</b>	That the minutes from the meeting held on August 8th be approved as filed with each member and that the reading of the same be waived.

**CITY OF MARSHALL  
WORK SESSION  
M I N U T E S  
Tuesday, August 8, 2023**

The work session of the Common Council of the City of Marshall was held August 8, 2023, at City Hall, 344 West Main Street. The meeting was called to order at 4:00 P.M. by Mayor Robert Byrnes. In addition to Byrnes the following members were in attendance: Craig Schafer, Steve Meister, Amanda Schroeder, John Alcorn, See Moua-Leske and James Lozinski. Absent: None. Staff present included: Sharon Hanson, City Administrator; E.J. Moberg, Director of Administrative Services; Jim Marshall, Director of Public Safety; Jason Anderson, Director of Public Works/City Engineer and Steven Anderson, City Clerk.

**UTV Permit Ordinance Discussion**

Clerk Anderson gave a brief update on the Legislative and Ordinance Committee meeting that had already met on the topic and couldn't come to a recommendation. Clerk Anderson stated that 51 UTV permits have been issued in 2023. Director of Public Safety Marshall spoke about youth and accident statistics in the younger demographic with allowing golf carts. Alcorn questioned what the advantages of a golf cart would be over a UTV that has additional functions. Meister provided background on the original ordinance and that golf carts gave people more choice options for shorter trips around the city. Councilmembers talked about how more and more things are becoming electrified and are allowed on streets and sidewalks such as e-scooters and e-bikes, which has less safety features than a golf cart would. Councilmembers suggested that if golf carts were to be allowed the same safety equipment that are required for UTVs would be extended to golf carts as well such as seat belts, blinkers, and mirrors. Licensed drivers would only be allowed to drive golf carts in city limits and would need to be more heavily enforced than they are with the rental scooters that require the rider to be 18 or older. Council suggested the ordinance be looked at to add golf carts with required safety equipment.

**Enterprise Vehicle Leasing**

Moberg showed a presentation on the financials of the cities current fleet of vehicles, 18 of which are leased through Enterprise Fleet Management and one (1) vehicle is still in transit. With the 18 vehicles currently leased the city has a yearly cost of \$120,873.48 in principal payments and \$44,269.44 in interest and management fees. Based on the original agreement the interest rate is fixed at the date of delivery at the 3-year T-Bill rate plus 3.50%. Moberg pointed out that even with higher interest rates the budget impact of leasing is still lower than purchasing and will cause the total levy to increase less purchasing vehicles outright. Schafer delved into the history of the Equipment Review Committee and why the prospect of Enterprise was considered and eventually approved. Councilmembers discussed other leasing company options, if any local vehicle dealers would do a similar program, and coming up with a vehicle procurement policy that would rotate vehicles every 10 years. Police Department vehicles would be exempted and would follow a different schedule as vehicle use is much higher. Moberg suggested that council wait until after the first budget discussion to make an informed decision on whether to pull away from Enterprise.

**Adjournment**

At 5:08 P.M. Mayor Byrnes adjourned the meeting.

Attest:

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

\_\_\_\_\_  
Mayor

**CITY OF MARSHALL  
CITY COUNCIL MEETING  
M I N U T E S**

**Tuesday, August 08, 2023**

The regular meeting of the Common Council of the City of Marshall was held August 08, 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, Steve Meister, Amanda Schroeder, John Alcorn, See Moua-Leske and James Lozinski. 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; Lauren Deutz, Economic and Development Director; Jim Marshall, Director of Public Safety; Preston Stensrud, Park and Rec Supervisor; Lauren Deutz, EDA Director; and Steven Anderson, City Clerk.

The Pledge of Allegiance was recited at this time.

There was a consensus to operate under the current agenda.

**Consider Approval of the Minutes from Meetings Held on July 25th and July 31st**

There were no changes to the minutes.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to approve the minutes from the meetings held on July 25<sup>th</sup> and July 31st. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. Voting Abstaining: Councilmember Meister. The motion **Carried. 6-0-1.**

**1) Public Hearing for a New On-Sale Liquor License for Wings Axe Company 2) Approval of a On-Sale Liquor License Application for Wings Axe Company**

Clerk Anderson opened the public hearing for Wings Axe Company. The permit location would be at 100 West College Drive Suite 1, and by statute and city ordinance only one location may be licensed per location unless differentiated by suites or units. One existing liquor license had already been approved for The Atlantic Place at the same address but no suite number.

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

Motion made by Councilmember Schafer, Seconded by Councilmember Alcorn to approve the on-sale intoxicating liquor application for Wings Axe Company located at 100 W. College Drive Suite 1. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

**1) Public Hearing for the Purchase Agreement for Sale of Land Located at 116 S. 10th St. 2) Consider Approval of a Resolution for a Purchase Agreement with 2nd Ave. Investments LLC**

Deutz opened the public hearing by explaining that the property is located at 116 South 10<sup>th</sup> Street which was adjacent to the former Wilmar Poultry Company. The developer wished to acquire the land for additional access to the building site. Mayor Byrnes noted that the site is irregularly shaped and Deutz confirmed that the parcel of land is unbuildable as it is now.

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

Motion made by Councilmember Schafer, Seconded by Councilmember Schroeder to approve Resolution 23-060 which was for a purchase agreement with 2<sup>nd</sup> Avenue Investments LLC. Voting Yea: Mayor Byrnes, Councilmember Schafer



Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

#### **Approval of the Consent Agenda**

There were no requests to remove an item for additional discussion.

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

4. Consider Approval for the Data Practice Policy for Members of the Public
5. Consider Approval for a Raffle Permit for the YMCA on November 2, 2023
6. Consider Approval for a Temporary On-Sale Liquor License for the Knights of Columbus
7. Declare Air Compressor as Surplus Equipment for the Marshall Fire Department
8. Consider Approval for a Temporary On-Sale Liquor License for SMSU Ag Bowl
9. Consider Approval for a Temporary On-Sale Liquor License for SMSU University Gala
10. Consider Approval for a Temporary On-Sale Liquor License for SMSU Homecoming
11. Consider Approval for a Temporary On-Sale Liquor License for SMSU Gold Rush
12. Consider Approval of the Bills/Project Payments

#### **Aquatic Center Contract Amendment-Design Documents, Construction Documents, Bidding, Construction Administration and Staking**

Administrator Hanson gave a brief update to council on amendments done to the Aquatic Center design to get the project closer to the 18 million listed in the approved legislative bill. Jon Brown, President, and Principal Engineer for Stockwell Engineers presented new add alternates for consideration to council. Alternate options included an enclosed body slide for \$96,900, a lily pad water walk for \$324,900, additional shade structures for \$75,240, climbing walls and wibit for \$108,300, demolition of the existing facility for \$228,000, and a privacy wall along Highway 19/College Drive for \$638,400. Brown continued his presentation by explaining the bid process environment would be best if it could occur early spring, if council were to wait until after the November 7<sup>th</sup> special election the bidding process would most likely occur during the summer when bidding would be less favorable, and it would also push out the opening date of the Aquatic Center to 2026. Brown indicated that if council would like design work to begin before the November 7<sup>th</sup> special election to get into the best bidding timeframe and a 2025 opening date 1.1 million dollars in funds would need to be committed for Stockwell to continue work through December 31, 2023, regardless of the vote passing or not. Councilmembers asked for clarification on the timeline for constructions and how much prices might increase.

Many councilmembers voiced concerns with approving the amendment agreement for 1.1 million dollars and not knowing if Marshall citizens would approve the sales tax extension during the special election. Schafer asked if the vote was not approved do we have the funds available to honor the agreement or what project in 2024 would need to be pushed off. Whitmore added that if council would like to wait until November 8<sup>th</sup> for approval, the agreement would need to be updated to reflect the contingency.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to approve the contract amendment with Stockwell Engineering contingent on the approval of the sales tax extension special election on November 7, 2023. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Moua-Leske, Councilmember Lozinski. Voting Nay: Councilmember Alcorn. The motion **Carried. 6-1.**

#### **Consider a Resolution Calling for a Special Election to be Held on November 7, 2023**

Minnesota Statutes, Section 297A.99 (the "Local Tax Act"), provides the City of Marshall, with authority to extend a local sales tax if that tax is approved by the voters at a general election and the State Legislature approves the local sales tax through the creation of a special law; The State of Minnesota (the "State") Legislature passed and the Governor of the

State signed Minnesota Laws, 2023, Regular Session, Chapter 64, Article 10, Section 14 (the “Special Law”) which authorizes the City to, among other things, extend a sales and use tax of one-half of one percent. The Special Law is effective upon approval by a majority vote of the City Council of the City (the “Council”) and the filing of a certificate with the Secretary of State accepting the Special Law (the “Certificate of Approval”), all in accordance with Minnesota Statutes, Section 645.021, subdivisions 2 and 3.

City Council had previously approved the special law and the certificate has been filed with the Secretary of State. As part of the special election process notice must be given to the Lyon County Auditor/Treasurer by resolution. Councilmember Lozinski asked if absentee voting would be available for the special election. Clerk Anderson verified that absentee voting would be available and would begin on September 22. All three Marshall wards would be used at their designated voting locations with polling locations opening at 7am and closing at 8pm.

Motion made by Councilmember Schafer, Seconded by Councilmember Schroeder to approve Resolution 23-061 authorizing the issuance of bonds for the purpose of a municipal aquatic center and calling for a special election. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

#### **Adoption of Ordinance Adding Article 2-VII Administrative Citations**

Whitmore explained that when she began as City Attorney an alternative method of enforcement for city code violations was wanted, rather than relying on the criminal court system. The formal criminal prosecution process does not provide an environment to adequately address the unique and sensitive issues that are involved in City Code violations, including, but not limited to, neighborhood concerns, livability issues, economic impact, physical limitations of the offenders and the stigma and unintended consequences of being charged with or convicted of a misdemeanor offense. In addition, the court system is a slow, overburdened, and methodical process that is not conducive to dealing with the violations in a prompt and timely manner. The penalties afforded the criminal court system are restricted to fines or physical confinement, which are not always effective solutions to address Code violations. The new code should provide more flexibility in addressing Code violations on an individualized basis that will be more efficient and effective an alternative enforcement process is necessary. A third-party hearing officer would oversee the procedure and make a ruling that would allow for better due process. This process would not be applied to traffic violations, alcohol licensing or tobacco licensing.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to adopt Ordinance 23-020 adding Article 2-VII Administrative Citations. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

#### **Commission/Board Liaison Reports**

Brynes	Fire Relief Association Board of Trustees held their quarterly meeting.
Schafer	No report.
Meister	No report.
Schroeder	No report.
Alcorn	No report.
Moua-Leske	No report.
Lozinski	No report.

**Councilmember Individual Items**

Councilmember Schafer wanted to remind citizens that the Lyon County Fair was from August 9-13 and Sounds of Summer will be held August 17-20<sup>th</sup>.

Councilmember Lozinski praised the National Night Out event that was held on August 1<sup>st</sup>.

Mayor Brynes thanked Councilmember Schafer for filling in during the last meeting in his absence and had kind words for the Aquatic Center open house event held on August 8<sup>th</sup>.

**City Administrator**

Hanson thanked those that helped with the Nation Night Out event and that city staff will be participating in the Sounds of Summer parade on August 19<sup>th</sup>. Terrace 1872 will have a ribbon cutting ceremony on August 22<sup>nd</sup> at 5pm before the regular city council meeting. A community walk thru event at the Aquatic Center was being planned for some time in September. The Community Services Advisory Board met on August 2<sup>nd</sup> and good discussions was had about the Aquatic Center and ways to promote the special election.

**Director of Public Works/City Engineer**

Updates were given on the following constructions projects: Lyon and Third Street, Channel Parkway, mill and overlays, Highway 23 watermain crossing, Legion Field stormwater pond, and chip sealing. Wastewater was working with MPCA on the chloride grant to expand who the funds could be granted to. Scott Przybilla presented at the 24<sup>th</sup> Annual Salt Symposium regarding the City of Marshall's salt chloride reduction program.

**City Attorney**

No report.

**Administrative Brief**

There were no questions on the Administrative Brief.

**Information Only**

There were no questions on the Information Only items.

**Upcoming Meetings**

There were no questions on the Upcoming Meetings.

**Adjourn**

At 6:34 P.M. Motion made by Councilmember Schroeder, Seconded by Councilmember Schafer to adjourn the meeting. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Attest:

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

\_\_\_\_\_  
Mayor

## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Presenter:</b>	Steven Anderson
<b>Meeting Date:</b>	Tuesday, August 22, 2023
<b>Category:</b>	PUBLIC HEARING
<b>Type:</b>	ACTION
<b>Subject:</b>	1)Public Hearing on Proposed Assessments for Unpaid Services 2) Approval of Resolution Adopting Unpaid Services
<b>Background Information:</b>	<p>Pursuant to City of Marshall Code Section 62-2 (ice and snow on public sidewalks) and pursuant to City of Marshall Code Section 82-1 (grass and weeds on private property), said ice and snow or grass and weeds have been removed from various locations within the City.</p> <p>Minnesota Statue 429.101 does set forth the various types of City charges that can be assessed against property taxes pursuant to the special assessment process. The property owners were sent notice of the public hearing if they wished to contest the unpaid assessments or can pay before the statutory deadline of November 30 for certifying special assessments to the Lyon County Auditor Treasurer for taxes payable in 2024.</p>
<b>Fiscal Impact:</b>	
<b>Alternative/ Variations:</b>	
<b>Recommendations:</b>	To adopt the resolution certifying unpaid services

## RESOLUTION NUMBER 23-062

### RESOLUTION ADOPTING ASSESSMENT

WHEREAS, pursuant to proper notice duly given as required by law, the City Council has met and heard and passed upon all objections to the proposed assessments for the following:

#### Unpaid Services for Grass and Snow Removal, and Unpaid Fire Call Services.

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

1. Such proposed assessments, as outlined below, are hereby accepted, and shall constitute the special assessments against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.

Parcel Number	Property Owner	Property Address	Amount	Reason
27-714020-0	Alexander & Amanda Castro	1300 Parkside Drive	\$60.00	Snow Removal
27-440016-0	Rodney & Diane Winter	701 E. Main St.	\$70.00	Snow Removal
27-170001-0	Meagan Tolk	705 E. Main St.	\$65.00	Snow Removal
27-600054-0	Cory Brown	507 Lynd St.	\$110.00	Mowing
27-100008-0	Robert Anderson	303 S. 4th St.	\$110.00	Mowing
27-164001-0	Aldi Inc.	1400 Boyer Dr.	\$60.00	Fire Call
27-837008-0	Vicki Beckler	214 Carrow Cir.	\$150.00	Mowing
27-757034-0	Andrew Hemish	705 N. 4th St.	\$130.00	Mowing
27-598033-0	Todd Bierschenk	1300 E. College Dr.	\$120.00	Fire Call
27-677134-0	Judith McCann %Jennifer McCann	102 W. Lyon St.	\$95.00	Snow Removal

2. Such assessments are proposed to be payable in equal annual principal installments extending over a period of one (1) year, the first of the installments to be payable on or before the first Monday in January 2024, and shall bear interest at the rate of two and five one-tenths percent (2.50%) per annum from November 30, 2023. To the first installment shall be added interest on the entire assessment from November 30, 2023, to December 31, 2023. To each subsequent installment when due shall be added interest for one year on all unpaid installments.
3. The owner of any property may at any time prior to certification of the assessment to the County Auditor, pay the entire assessment on such property, with interest accrued from October 15, 2023, to the date of payment, to the City Clerk. No interest shall be charged if the entire assessment is paid by November 30, 2023. If you decide not to prepay the assessment before the date given above, the rate of interest that will apply is two and five one-tenths percent (2.5%) per year. The right to partially prepay the assessment to the City Clerk is available.
4. The City Clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on property tax lists of the County. Such assessments shall be collected and paid over in the same manner as other municipal taxes.

Passed and adopted by the Council this 22nd day of August 2023.

Attest:

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

\_\_\_\_\_  
Mayor

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

- (a) It is unlawful for any owner, occupant or agent of any lot or parcel of land in the city, to allow any weeds or grass growing upon any such lot or parcel of land to grow to a greater height than eight inches or to allow such weeds or grass to go to seed, unless such grass or seed is brome grass or alfalfa, which is cut, baled and removed from the premises according to normal farming practices.
- (b) If any such owner, occupant or agent fails to comply with this height limitation and, after notice given by the city clerk, has not within seven days of such notice complied, the city shall cause such weeds or grass to be cut and the expenses thus incurred shall be a lien upon such real estate. The finance director shall certify to the county auditor a statement of the amount of the cost incurred by the city. Such amount, together with interest, shall be entered as a special assessment against such lot or parcel of land and be collected in the same manner as real estate taxes.

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

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

**Sec. 62-2. - Ice and snow on public sidewalks.**

- (a) *Declared a nuisance.* All snow and ice remaining upon public sidewalks is hereby declared to constitute a public nuisance and shall be abated by the owner or tenant of the abutting private property within 12 hours after such snow and ice has ceased to be deposited.
- (b) *City to remove.* The city may cause to be removed from all public sidewalks, beginning 24 hours after snow or ice has ceased to fall, all snow and ice which may be discovered thereon, and it shall keep a record of the cost of such removal and the private property adjacent to which such accumulations were found and removed.
- (c) *Cost of removal to be assessed.* The city administrator shall, upon direction of the council, and on receipt of the information provided for in subsection (b) of this section, extend the cost of such removal of snow or ice as a special assessment against the lots or parcels of ground abutting on walks which were cleared, and such special assessments shall, at the time of certifying taxes to the county auditor, be certified for collection as other special assessments are certified and collected.
- (d) *Civil suit for cost of removal.* The city administrator shall, in the alternative, upon direction of the council, bring suit in a court of competent jurisdiction to recover from the persons owning land adjacent to which sidewalks were cleared, as provided in subsection (b) of this section, the cost of such clearing and the cost and disbursements of a civil action therefor.
- (e) *City administrator to report sidewalks cleared.* The city administrator shall present to the council at its first meeting after snow or ice has been cleared from the sidewalks, as provided in subsection (b) of this section, the report of the city thereon, and shall request the council to determine by resolution the manner of collection to be used as provided in subsections (c) and (d) of this section.
- (f) *Placing snow or ice in public street, walks or on other city property.* It is a misdemeanor for any person, not acting under a specific contract with the city, to remove snow from private property or alleys and place the snow on a public street or walks in such quantity, or in such manner, as to cause a hazard to travel, without adequate arrangements for the immediate removal of the snow. It is also a misdemeanor for any person not acting under a contract with the city to dump snow on other city property.

(Code 1976, § 7.04)

**State law reference—** Special assessments for snow and ice removal, Minn. Stat. § 429.101.

## 2014 Minnesota Statutes

Authenticate

### 429.101 UNPAID SPECIAL CHARGES MAY BE SPECIAL ASSESSMENTS.

Subdivision 1. **Ordinances.** (a) In addition to any other method authorized by law or charter, the governing body of any municipality may provide for the collection of unpaid special charges as a special assessment against the property benefited for all or any part of the cost of:

- (1) snow, ice, or rubbish removal from sidewalks;
- (2) weed elimination from streets or private property;
- (3) removal or elimination of public health or safety hazards from private property, excluding any structure included under the provisions of sections 463.15 to 463.26;
- (4) installation or repair of water service lines, street sprinkling or other dust treatment of streets;
- (5) the trimming and care of trees and the removal of unsound trees from any street;
- (6) the treatment and removal of insect infested or diseased trees on private property, the repair of sidewalks and alleys;
- (7) the operation of a street lighting system;
- (8) the operation and maintenance of a fire protection or a pedestrian skyway system;
- (9) inspections relating to a municipal housing maintenance code violation;
- (10) the recovery of any disbursements under section 504B.445, subdivision 4, clause (5), including disbursements for payment of utility bills and other services, even if provided by a third party, necessary to remedy violations as described in section 504B.445, subdivision 4, clause (2); or
- (11) [Repealed, 2004 c 275 s 5]
- (12) the recovery of delinquent vacant building registration fees under a municipal program designed to identify and register vacant buildings.

(b) The council may by ordinance adopt regulations consistent with this section to make this authority effective, including, at the option of the council, provisions for placing primary responsibility upon the property owner or occupant to do the work personally (except in the case of street sprinkling or other dust treatment, alley repair, tree trimming, care, and removal, or the operation of a street lighting system) upon notice before the work is undertaken, and for collection from the property owner or other person served of the charges when due before unpaid charges are made a special assessment.

(c) A home rule charter city, statutory city, county, or town operating an energy improvements financing program under section 216C.436 has the authority granted to a municipality under paragraph (a) with respect to energy improvements financed under that section.

Subd. 2. **Procedure for assessment.** Any special assessment levied under subdivision 1 shall be payable in a single installment, or by up to ten equal annual installments as the council may provide, except that a special assessment made under an energy improvements financing program under subdivision 1, paragraph (c), may be repayable in up to 20 equal installments. With these exceptions, sections 429.061, 429.071, and 429.081 shall apply to assessments made under this section.

Subd. 3. **Issuance of obligations.** (a) After a contract for any of the work enumerated in subdivision 1 has been let, or the work commenced, the council may issue



obligations to defray the expense of any such work financed in whole or in part by special charges and assessments imposed upon benefited property under this section.

(b) Section 429.091 shall apply to such obligations with the following modifications:

(1) such obligations shall be payable not more than two years from the date of issuance;

(2) the amount of such obligations issued at one time in a municipality shall not exceed the cost of such work during the ensuing six months as estimated by the council;

(3) a separate improvement fund shall be set up for each of the enumerated services referred to in subdivision 1 and financed under this section.

(c) Proceeds of special charges as well as special assessments and taxes shall be credited to such improvement fund.

**History:** 1953 c 398 s 10; 1955 c 811 s 6; 1963 c 771 s 5; 1965 c 323 s 2; 1973 c 337 s 1; 1974 c 340 s 1,2; 1984 c 548 s 7; 1984 c 582 s 7; 1984 c 591 s 6; 1984 c 633 s 5; 1986 c 444; 1Sp2003 c 21 art 11 s 29; 2004 c 275 s 2; 2008 c 366 art 6 s 42; 2010 c 216 s 22; 2013 c 85 art 8 s 6

Copyright © 2014 by the Revisor of Statutes, State of Minnesota. All rights reserved.



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Presenter:</b>	Ilya Gutman
<b>Meeting Date:</b>	Tuesday, August 22, 2023
<b>Category:</b>	CONSENT AGENDA
<b>Type:</b>	ACTION
<b>Subject:</b>	Introduction of Ordinance Section 18-2 Key Box
<b>Background Information:</b>	<p>This new section is adding requirements for installation of key boxes (generally known by its most common brand name Knox Box) on most commercial buildings. These boxes contain keys and documentation that may be vital for the fire department or police in case of fire or other emergencies, as it will facilitate quick and easy access to buildings and orientation within the building after gaining access. Currently, the fire department is sometimes forced to break the front door or window in order to enter the building in cases of fire alarms, for example, so this regulation may be beneficial to the property owners as well.</p> <p>At its meeting on August 8, 2023, L &amp; O recommended approval of the new section 18-2 Key Box.</p>
<b>Fiscal Impact:</b>	None.
<b>Alternative/ Variations:</b>	None recommended.
<b>Recommendations:</b>	Staff recommends introducing the new section 18-2, that will require key boxes for most commercial buildings.

**ORDINANCE AMENDING  
MARSHALL CITY CODE OF ORDINANCES  
CHAPTER 18**

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

Section 1: City Code of Ordinances, Chapter 18 Buildings and Building Regulations, Article 18-I In General, is hereby amended by adding Section 18-2 in its entirety as follows:

---

**MARSHALL CITY CODE OF ORDINANCES  
CHAPTER 18 BUILDINGS AND BUILDING REGULATIONS  
ARTICLE 18-I IN GENERAL**

**Section 18-2 Required Key Box.**

- (a) The following structures shall be equipped with a key box (also called “lock box” or “Knox box”):
  - (1) Commercial or industrial buildings protected by an automatic alarm system or automatic fire suppression system.
  - (2) Multi-family residential buildings that have restricted access through locked doors and have a common corridor for access to the living units.
  - (3) All governmental buildings, hospitals, and nursing care facilities.
  - (4) All commercial or industrial structures that have an alarm system designed to monitor security or fire status that results in an alert that is audible or transmitted to a central monitoring location or that is designed with heightened security or access limitations that preclude, or may interfere with, ready access to the interior of the building by emergency personnel.
  - (5) Any building whose owner doesn’t want it to be broken into in case of emergency.
- (b) The above structures shall be equipped with a key box at the following times:
  - (1) All newly constructed structures subject to this section shall have a key box installed and operational prior to the issuance of occupancy permit.
  - (2) All structures subject to this section that undergo additions, remodeling, upgrades, repairs or change of occupancy requiring a building permit shall have a key box installed at the time of construction.
  - (3) All commercial and industrial structures protected by an automatic fire suppression system in existence on the effective date of this section shall install a key box within one year from the effective date of this section.
- (c) The key box shall be installed at the front of the building near the main entrance in a conspicuous and easily accessible location at a height of a minimum of 60 inches and not to exceed 72 inches, or another location determined by the Fire Chief. In multi-tenant building, a separate key box shall be installed near each tenant’s main entrance at locations as described above.
- (d) The Fire Chief may designate the type of key box system to be implemented within the city and shall have the authority to require all structures to use the designated system.
- (e) The required key box shall contain the following:
  - (1) Main entry key(s) that will allow for access to the building.
  - (2) Keys to all secured interior accessed tenant spaces.
  - (3) Keys to the following rooms: all locked mechanical and electrical rooms, sprinkler system room, elevator control room, and other similar spaces; all keys shall be clearly identified.
    - a. Mechanical and electrical rooms.
    - b. Sprinkler system rooms and booster pump rooms.
    - c. Elevator control rooms.
    - d. Roof access panels and stairs.
    - e. Security gates.
    - f. All provided keys shall be clearly labeled and identified.

- (4) Special keys or other controls for fire alarm panels, sub-panels, pull stations reset, etc.
  - (5) Building plans or legible sketches showing the following:
    - a. Location and designation of all rooms in the building.
    - b. All exits, including stairs and corridors.
    - c. Fire alarm panel and sub-panel locations.
    - d. Roof access.
    - e. Main sprinkler riser and controls.
    - f. Fire department connection location.
    - g. Gas meter location.
    - h. Accessible units locations
    - i. All access codes/cards for entry if equipped with electronic locks.
  - (6) Building owner's or operator's emergency contact information
    - a. Owner's information and phone number.
    - b. Property manager and maintenance employees' information and phone numbers.
    - c. Monitoring company information and phone number.
    - d. Alarm panel ID and security code.
    - e. Sprinkler service company information and phone number.
- (f) The Fire Chief shall be authorized to implement additional rules and regulations for the use of the key box system.
- (g) It shall be the responsibility of the building owner or operator to ensure that if keys, access codes or information stored in the key box become obsolete, they are replaced and that the Fire Chief is notified within 24 hours of the change.
- 

Section 2: This Ordinance shall take effect after its passage and summary publication.

Passed and adopted by the Common Council this 12<sup>th</sup> day of September, 2023.

THE COMMON COUNCIL

ATTEST:

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

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

Ordinance Introduced on: August 22, 2023

Final Passage on: September 12, 2023

Summary Ordinance Published in the Marshall Independent:

## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Presenter:</b>	Cassi Weiss
<b>Meeting Date:</b>	Tuesday, August 22, 2023
<b>Category:</b>	CONSENT AGENDA
<b>Type:</b>	ACTION
<b>Subject:</b>	Consider Approval of the Red Baron Arena & Expo and Lockwood Motors Sponsorship Agreement
<b>Background Information:</b>	Lockwood Motors wishes to be a sponsor for the Red Baron Arena & Expo that will have advertisement signage located in the arena and the Schwan's Regional Amateur Sports Complex.
<b>Fiscal Impact:</b>	
<b>Alternative/ Variations:</b>	None recommended.
<b>Recommendations:</b>	To approve the Sponsorship Agreement with Lockwood Motors.

## SPONSORSHIP AGREEMENT

This Sponsorship Agreement (the “Agreement”) is entered into as of July 1, 2023 (the “Effective Date”) by and between City of Marshall, Minnesota, a municipality of the State of Minnesota (the “City”), and Lockwood Motors Inc., (the “Sponsor,” and together with the City, the “Parties”).

### RECITALS

**WHEREAS**, the City is engaged in the management and the operation of the arena and expo center, known as the Red Baron™ Arena & Expo, and four softball/youth baseball fields yet to be named, hereafter referred to as the “Property,” located in Marshall, MN;

**WHEREAS**, the Sponsor wishes to be a sponsor of the Property by providing financial support in exchange for certain rights to be granted in connection with the Property and agrees to do so under the terms and conditions of this Agreement;

**WHEREAS**, the City wishes to grant the Sponsor certain rights in connection with the Sponsorship on the terms and conditions set forth below; and

**WHEREAS**, each Party is duly authorized and capable of entering into this Agreement.

**NOW THEREFORE**, in consideration of the above recitals and the mutual promises and benefits contained herein, the Parties hereby agree as follows:

#### 1. GRANT OF RIGHTS.

As consideration for the Sponsorship Rights, as such term is defined in Exhibit A, the City hereby grants the Sponsor the rights described in this Agreement and in Exhibit A attached hereto and made a part hereof, in connection with the Property and agrees to perform all of the City’s obligations hereunder.

#### 2. SPONSORSHIP FEE.

The total Sponsorship Fee, as such term is defined in Exhibit A, for the Sponsorship Rights and the schedule of payments of the Sponsorship Fee shall be as set forth in Exhibit A hereto.

#### 3. TERM.

This Agreement is effective as of the Effective Date and shall continue in force, unless otherwise terminated, in accordance with the provisions of Section 4(B) of this Agreement (the “Term”). On or before April 30 of each year, City and Sponsor shall meet at a mutually agreeable time about the Term of the contract.

#### **4. SPONSORSHIP RENEWAL AND TERMINATION.**

##### **(A) SPONSORSHIP RENEWAL.**

The Sponsor shall have the right of first negotiation to negotiate a two (2) year renewal of the Sponsorship Rights at completion of the Term. The City shall negotiate exclusively with the Sponsor for a period of one hundred eighty (180) days prior to the expiration of the Term with respect to the terms and conditions of the Sponsorship Rights for the next offering from the City.

##### **(B) TERMINATION.**

This Agreement may be terminated:

- (i.) By either Party for a material breach of any provision of this Agreement by the other Party, if the other Party's material breach is not cured within ninety (90) days of receipt of written notice thereof.
- (ii.) By either Party, for failure to comply with Section 8 of this Agreement by the other Party, if the other Party's failure to comply is not cured within ninety (90) days of receipt of written notice thereof.
- (iii.) By either Party at any time and on provision of written notice, if any of the other Party's representations and warranties under this Agreement prove to be inaccurate in any material respects.
- (iv.) By either Party at any time and without prior notice, if the other Party is convicted of any crime or offense or is guilty of serious misconduct in connection with performance under this Agreement.
- (v.) By Either Party at any time without cause if either party deems continuation of this agreement is not in said party's best business interest. Termination without cause requires 60 days written notice to non-terminating party before termination becomes effective.

#### **5. EXCULSIVITY OF SPONSORSHIP**

During the term and any renewal term, the City grants to the Sponsor, Sponsorship Rights Exclusivity at the property, in the areas of Automobile Sales. City will not permit any of the competitors of the Sponsor listed on Exhibit B to this Agreement to be a sponsor of the Property. Additional competitors may be added to Exhibit B with the prior written consent of the City and removed with prior written consent of the Sponsor. The City further agrees to use reasonable efforts to prevent the efforts of any non-sponsor competitor of the sponsor, listed in Exhibit B, to weaken or attack the Sponsor's sponsorship Rights. The City agrees that the use of the Sponsor's trademarks shall occur in such a manner so as not to knowingly diminish value or intentionally tarnish the reputation of Sponsor's trademarks.

## **6. RESPONSIBILITIES.**

- (A) Of the City. The City agrees to do each of the following:
- (i) Provide the Sponsor with the Sponsorship Rights detailed in this Agreement and Exhibit A to this Agreement.
  - (ii) Organize, produce, and supervise events in a workmanlike manner, in accordance with applicable laws, and with professional diligence and skill, using fully-trained, skilled, competent, and experienced personnel.
  - (iii) Make all arrangements for the use of the venue, including securing any necessary permits, coordinating parking and/or transportation, supplying equipment, and contracting with vendors and other service providers.
  - (iv) Deliver the Property Trademarks (as defined in Section 8(A) below) to the Sponsor within one hundred eighty (180) days of the Effective Date.
  - (v) Provide adequate professional security for the Events and take reasonable steps to ensure the safety of all workers, volunteers, and persons attending the Events.
  - (vi) Use best efforts to obtain appropriate media coverage of the Property.
  - (vii) Use best efforts to promote the Property and maximize attendance.
- (B) Of the Sponsor. The Sponsor agrees to do each of the following:
- (i) Provide all assistance and cooperation to the City that is necessary in connection with the Sponsor's Sponsorship Rights of the Property.
  - (ii) Deliver the Sponsor Trademarks (as defined in Section 8(A) below) to the City within ninety (90) days of the Effective Date.

## **7. PARTIES' REPRESENTATIONS AND WARRANTIES.**

- (A) The Parties each represent and warrant as follows:
- (i) Each Party has full power, authority, and right to perform its obligations under the Agreement.
  - (ii) This Agreement is a legal, valid, and binding obligation of each Party, enforceable against it in accordance with its terms (except as may be limited by bankruptcy, insolvency, moratorium, or similar laws affecting creditors' rights generally and equitable remedies).
  - (iii) Entering into this Agreement will not violate the charter or bylaws of either Party or any material contract to which that Party is also a party.
- (B) The City hereby represents and warrants as follows:
- (i) The Property shall be operated in accordance with any applicable laws, rules, or regulations, and the City shall obtain all permissions required to comply with such laws, rules, or regulations.



- (ii) The City shall notify the Sponsor of any changes that would materially change the deliverable elements at least ninety (90) days before implementing such changes.
  - (iii) The obligations required by this Agreement shall be performed by the City or the City's staff, and the Sponsor shall not be required to hire, supervise, or pay any assistants to help the City perform such obligations.
- (C) The Sponsor hereby represents and warrants as follows:
  - (i) The Sponsor will make timely payments of the Sponsorship Fee to the City under this Agreement and as detailed in Exhibit A hereto.
  - (ii) In addition to the responsibilities of Sponsor set forth herein and in the exhibits, the Sponsor shall provide such other assistance to the City as the Sponsor deems reasonable and appropriate.
  - (iii) All advertising shall comply with City policies and shall be under the control of the City. The City shall at all times retain final authority to accept or reject advertising submitted by the Sponsor. Installation and removal shall be at the City's sole cost and expense. The City shall have no obligation to display signage or other advertising containing the Sponsor's name or other advertising in violation of applicable law, including, without limitation, city ordinances.

## 8. TRADEMARKS.

### (A) Sponsor Trademarks.

- (i) License. The Sponsor hereby grants the City a non-exclusive limited license to use, display, and reproduce its logos, trademarks, service marks, and trade names (each, a "Sponsor Trademark" and collectively, the "Sponsor Trademarks") only in connection with the promotion and advertisement of the Property and any listing of the sponsors of the Property generally during the Term and any Renewal Term. The City agrees to use reasonable efforts to obtain the consent of the Sponsor before each use, display, and reproduction of the Sponsor Trademarks.
- (ii) Ownership. All Sponsor Trademarks provided, leased, or licensed to the City in connection with the Property are the Sponsor's sole property, and the City has no ownership or other intellectual property rights in or to such items.
- (iii) No Infringement. The Sponsor represents and warrants to the City and unconditionally guarantees that all of the Sponsor Trademarks are owned by the Sponsor or that the Sponsor has permission from the rightful owner to use each of these elements.

### (B) Property Trademarks.

- (i) License. The City hereby grants the Sponsor a non-exclusive limited license to use, display, and reproduce the logos, trademarks, service marks, and trade names, associated with the Property (each a "Property

Trademark” and collectively, the “Property Trademarks”) ~~only~~ in connection with the promotion and advertisement of the Sponsor’s products and services during the Term and any Renewal Term. The Sponsor agrees to obtain the consent of the City before each use, display, and reproduction of the Property Trademarks.

- (ii) Ownership. All Property Trademarks provided, leased, or licensed to the Sponsor in connection with Events are the City’s sole property, and the Sponsor has no ownership or other intellectual property rights in or to such items.
- (iii) No Infringement. The City represents and warrants to the Sponsor and unconditionally guarantees that all of the Property Trademarks are owned by the City or that the City has permission from the rightful owner to use each of these elements.

## **9. EVENT MERCHANDISE.**

Sponsor-Created Merchandise. During the Term and any Renewal Term and subject to the approval of the City, which shall not be unreasonably withheld, the Sponsor shall have the right to create, manufacture or cause to be manufactured, and sell or give away merchandise associated with the Property and containing the Sponsor’s Trademarks in connection with the promotion of the Sponsor’s products and services. All merchandise caused to be manufactured for sale or to be given away by the Sponsor in association with the Property shall be of high quality, free from product defects, merchantable, and suitable for its intended purpose.

## **10. INDEMNIFICATION.**

- (A) Of Sponsor by City.  
The City’s liability shall be subject to the limitations and provisions of the Minnesota Tort Claims Act and other applicable law. The City shall indemnify and hold harmless the Sponsor and its officers, directors, members, managers, employees, agents, contractors, sublicensees, affiliates, subsidiaries, successors and assigns from and against any and all damages, liabilities, costs, expenses, claims, and/or judgments, (collectively, the “Claims”) that any of them may suffer from or incur and that arise or result primarily from (i) any inaccuracy of any representation or warranty made by the City under this Agreement, or (ii) the City’s breach of any of its obligations, agreements, or duties under this Agreement, or (iii) the City, including, but not limited to Claims for bodily injury, death, or property loss, but only in proportion to and to the extent such Claims arise out of or are caused by the intentional acts or omissions of the City and/or the City’s officers, directors, members, managers, employees, agents, contractors, sublicensees, affiliates, subsidiaries, successors, and assigns.
- (B) Of City by Sponsor. Subject to limits applicable under Minnesota law, the Sponsor shall indemnify and hold harmless the City and its officers, directors, members, managers, employees, agents, contractors, sublicensees, affiliates, subsidiaries, successors and assigns from and against any and all damages, liabilities, costs, expenses, claims, and/or judgments, (collectively, the “Claims”) that any of them may

suffer from or incur and that arise or result primarily from (i) any inaccuracy of any representation or warranty made by the Sponsor under this Agreement or (ii) the Sponsor's breach of any of its obligations, agreements, or duties under this Agreement or (iii) the Sponsor, including, but not limited to Claims for bodily injury, death, or property loss, but only in proportion to and to the extent such Claims arise out of or are caused by the negligent or intentional acts or omissions of the Sponsor and/or the Sponsor's officers, directors, members, managers, employees, agents, contractors, sublicensees, affiliates, subsidiaries, successors, and assigns. .

#### **11. INSURANCE.**

Each Party shall maintain, at its own expense, insurance coverage required in the reasonable amounts and types for each party's operations.

#### **12. FORCE MAJUERE**

Either party shall not be liable for any failure of or delay in the performance of this Agreement for the period that such failure or delay is due to causes beyond its reasonable control, including but not limited to acts of God, war, terrorism, strikes or labor disputes, embargoes, government orders or any other force majeure event.

#### **13. CONFIDENTIALITY.**

Other than as required by the Minnesota Government Data Practices Act and other applicable federal or state laws, each party agrees, during the Term, and any renewal term and for a period of 5 years thereafter, to hold in strictest confidence and not to disclose to any person, firm, or corporation without the prior written consent of the other party, any of the terms or conditions of this agreement.

#### **14. NATURE OF RELATIONSHIP.**

The Parties agree that nothing in this Agreement shall be construed as creating a joint venture, partnership, franchise, agency, employer/employee, or similar relationship between the Parties, or as authorizing either Party to act as the agent of the other. Nothing in this Agreement shall create any obligation between either Party and a third party.

#### **15. AMENDMENTS.**

No amendment, change, or modification of this Agreement shall be valid unless in writing and signed by both Parties.

#### **16. ASSIGNMENT.**

Neither Party may, without the prior written consent of the other Party, assign, subcontract, or delegate its obligations under this Agreement, except that the Sponsor may assign this Agreement to a purchaser of all or substantially all of the Sponsor's assets, provided that the Sponsor guarantees the performance of and causes the assignee to assume all obligations of the Sponsor under this Agreement. City may assign the operational and management duties of the Property to a third-party provider, subject to the terms and conditions of this Sponsorship Agreement.

## **17. SUCCESSORS AND ASSIGNS.**

All references in this Agreement to the Parties shall be deemed to include, as applicable, a reference to their respective successors and assigns. The provisions of this Agreement shall be binding on and shall inure to the benefit of the successors and assigns of the Parties.

## **18. NO IMPLIED WAIVER.**

The failure of either Party to insist on strict performance of any covenant or obligation under this Agreement, regardless of the length of time for which such failure continues, shall not be deemed a waiver of such Party's right to demand strict compliance in the future. No consent or waiver, express or implied, to or of any breach or default in the performance of any obligation under this Agreement shall constitute a consent or waiver to or of any other breach or default in the performance of the same or any other obligation.

## **19. NOTICE.**

Any notice or other communication provided for herein or given hereunder to a Party hereto shall be in writing and shall be given in person, by overnight courier, or by mail (registered or certified mail, postage prepaid, return-receipt requested) to the respective Parties as follows:

If to the Sponsor:

Lockwood Motors Inc.  
Attn: Chet Lockwood  
1310 E. College Dr.  
Marshall MN 56258

If to the City:

City of Marshall  
ATTN: Sharon Hanson, City Administrator  
344 W. Main St.  
Marshall, MN 56258

## **20. GOVERNING LAW.**

This Agreement shall be governed by the laws of the State of Minnesota.

## **21. COUNTERPARTS/ELECTRONIC SIGNATURES.**

This Agreement may be executed in one or more counterparts, each of which shall be deemed an original but all of which shall constitute one and the same instrument. For purposes of this Agreement, use of a facsimile, e-mail, or other electronic medium shall have the same force and effect as an original signature.

## **22. SEVERABILITY.**

Whenever possible, each provision of this Agreement will be interpreted in such manner as to be effective and valid under applicable law, but if any provision of this Agreement is held to be invalid, illegal, or unenforceable in any respect under any applicable law or rule in any jurisdiction, such invalidity, illegality, or unenforceability will not affect any other provision or any other jurisdiction, but this Agreement will be reformed, construed, and enforced in such jurisdiction as if such invalid, illegal, or unenforceable provisions had never been contained herein.

### **23. DATA PRACTICES.**

All data collected, created, received, maintained, disseminated, or used for any purposes in the course of this Agreement is governed by Chapter 13 of Minnesota Statutes, or any other applicable state statutes and state rules adopted to implement the Act, as well as state statutes and federal regulations on data privacy.

### **24. AUDIT**

Each party's bonds, records, documents, papers, accounting procedures and practices, and other records relevant to this Agreement are subject to the examination, duplication, transcription and audit by the other party, the Legislative Auditor or State Auditor under Minn. Stat. § 16C.05, subd. 5. Following termination of this Agreement, the parties must keep these records for at least six years or longer if any audit -in -progress needs a longer retention time.

### **25. ANTI-DISCRIMINATION**

The provisions of Minnesota Statutes Section 181.59 and of any applicable ordinance relating to civil rights and discrimination shall be considered part of this Agreement as if fully set further herein and shall be part of any Agreement entered into by the parties with any contractor subcontractor, or material suppliers.

### **26. ENTIRE AGREEMENT.**

This Agreement, together with the Exhibits hereto, constitutes the final, complete, and exclusive statement of the agreement of the Parties with respect to the subject matter hereof, and supersedes any and all other prior and contemporaneous agreements and understandings, both written and oral, between the Parties.

### **27. HEADINGS.**


Headings used in this Agreement are provided for convenience only and shall not be used to construe meaning or intent.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first above written.

**SPONSOR**

LOCKWOOD MOTORS, INC.

By:   
Name: Chester Lockwood  
Title: CEO

**CITY**

CITY OF MARSHALL

By: \_\_\_\_\_  
Name: Robert J. Byrnes  
Title: Mayor

ATTEST:

By: \_\_\_\_\_  
Name: Steven Johnson  
Title: City Clerk

**EXHIBIT A**  
**SPONSORSHIP RIGHTS, FEE, REBATE OF FEE, AND INSURANCE**

**1. SPONSORSHIP RIGHTS.**

In exchange for the Sponsorship Fee, as defined in Section 2 below, the Sponsor will receive the following rights in connection with the Property (collectively, the “Sponsorship Rights”):

(A) Signage and branding. The Sponsor will receive the right to:

- 1) Zamboni. Sponsor will receive exclusive signage rights to Lockwood Rink Zamboni at the Red Baron Arena & Expo
- 2) Videoboard Sponsorship. The 13’ 8” x 25’ videoboard located in the main arena will feature video spots at City controlled events. Ten and thirty-second advertisement will be included for Sponsor.
- 3) Dasher board Signage: Sponsor will receive two dasher boards in each arena. (4) total Dashers.
- 4) South Rink (Rink 2) Name & Logo. Sponsor Shall receive the right to the year-round name entitlement to the South Rink (rink 2) subject to the approval by the City and the right to placement of an Ice Logo in Rink 2. City will cover the cost of the production installation and maintenance of the in ice logo.
- 5) Digital Media. Sponsor logo will be included in all digital/social media controlled by the City and related to the arena (arena website and social media campaigns related to the arena or events at the arena).
- 6) Ballfield Entitlement Signage: Sponsor shall receive one (1) Outfield sign advertising their Brand on each of the four (4) fields at the Schwan’s Regional Sports Complex.
- 7) Existing Signage. If Sponsor alters or creates a new logo, then Sponsor will be responsible for the cost of updates on all existing sponsor signage located within the arena. As a Sponsor, ads will be weighted to run with all other sponsors under the same Sponsorship level. Sponsor is responsible for providing production and traffic instructions for the ads to the City.

(B) Event Rights. The Sponsor will receive the right to:

- 1) Exclusive use of the Red Baron Arena & Expo two times per calendar year for each year of the sponsorship agreement. Since the effective date is July 1, 2023, Sponsor has the right to use to Red Red Baron Arena & Expo once from July 1, 2023 to December 31, 2023, and then two times per calendar year starting in 2024. Operational expenses, food costs,

*Exhibit A to Sponsorship Agreement*

promotional giveaways and any facility remodeling costs associated with the exclusive sponsor use are the responsibility of the Sponsor.

- 2) Exclusive use of the facility club room two times per calendar year. Since the effective date is July 1, 2023, Sponsor has the right to use to Red Red Baron Arena & Expo once from July 1, 2023 to December 31, 2023, and then two times per calendar year starting in 2024. Operational expenses, food costs, promotional giveaways and any facility remodeling costs associated with the exclusive sponsor use are the responsibility of the Sponsor.

(C) Media Rights. The Sponsor will receive the right to:

As Sponsor, Sponsor will receive logo/marks inclusion in all media campaigns associated with events controlled by the City as follows:

**Package Value:**

Rink Naming Entitlement

Zamboni

In-Ice Logo

Championship Field Fence Signage

Dasher Boards – Signage Sponsorship

Facility Use

Club Room Use

Founding Partner Status

Category Exclusivity

- (D) Exclusivity of Automobile Sales Advertising Right. The Sponsor shall have the exclusive right to the Automobile Sales Advertising of the brands specified herein at the property. The sponsor shall have the right advertise Chevrolet, Cadillac, Chrysler, Dodge, and Jeep brand automobiles. The brands or suppliers as identified on Exhibit B shall not be allowed to advertise on the property.

## **2. SPONSORSHIP FEE.**

In exchange for the Sponsorship Rights as defined herein, the Sponsor agrees to pay the City as follows an annual Sponsorship fee (the “Sponsorship Fee”):

- (a) An initial payment of \$10,000 shall be paid within ten (10) days after full execution and approval of this Agreement. The remainder of the Fee will be paid in annual installments of \$10,000 due on or before June 1 of each subsequent year of this Agreement.



## EXHIBIT B COMPETITORS' LIST

Kruse Motors  
El Rancho  
Amdahl Motors  
Country Side  
Auto  
Breyfogle Auto  
Sales  
Cars limited  
Adams Motors  
Bents Motor  
Company  
Doug's Auto &  
Truck  
Monte Motor  
Sales  
Scott Preusse Inc  
Redwood Auto  
Sales  
Schwieters Ford  
Doug Olsen  
Auto  
H&L Motors  
Olivia Chrysler  
Center  
Universal  
Motors  
Kollen Motos  
Kohls-  
Wheelborg Ford  
Billion  
Image Auto  
Sales  
ABC Auto  
Alex Auto &  
Marine  
Certified Auto  
Plaza  
JAX of Benson

Cleveland  
Chevrolet  
CJ's Auto  
Danube Auto  
Sales  
DeBoer  
Chevrolet Co  
Bid 2 Buy  
Wellington Vans  
Inc.  
Unique Specialty  
& Classic Cars  
Park N Sell  
Milello Motors  
Buy Rite Motors  
GBS Auto Sales  
Schultz Motors  
Doug's Sports  
Center  
Jakes Auto Sales  
Furlong Motors  
Harpel Brothers  
Inc.  
Kannegiesser  
Truck  
Guste Blad  
Ralph Larson  
Chevrolet  
Erickson Auto  
Inc.  
Valley Sales of  
Hutchinson  
AM Maus & Son  
Davis Motors  
Brandl Motors  
Rudolph Auto  
Solutions  
Connell Car Care

Papik Motors  
Deans  
Northtown Auto  
Luther Mankato  
Auto  
Snell Motos  
Heintz Toyota  
Fromms Auto  
Fairmont Ford  
Mankato Ford  
Ron's Auto Sales  
Timpfe Auto  
K&K Auto Sales  
Lagers Chrysler  
World  
Mankato-Motor  
Co  
Toppers Plus  
Moorehead Auto  
Center  
Muscatel 1 Super  
Center  
Atlantic Auto  
Sales  
Heartland Motor  
Co  
Palmer Welcome  
Auto  
Jensen Motors  
South Central  
Auto  
Wheels  
Unlimited  
Keith Mages  
Auto  
Dahlstrom  
Motors

## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Presenter:</b>	Steven Anderson
<b>Meeting Date:</b>	Tuesday, August 22, 2023
<b>Category:</b>	CONSENT AGENDA
<b>Type:</b>	ACTION
<b>Subject:</b>	Consider Temporary Extension of Alcohol License Area for Brau Brothers Brewing Company
<b>Background Information:</b>	<p>Attached is an application for the Hop Fest Celebration to be held at Brau Brothers Brewing Company on September 8-9, 2023. The current alcohol license approved by the City and State is for a taproom and identifies the area to include the inside of the brewery and the exterior areas under the overhangs.</p> <p>The State does allow the City to allow for a temporary extension of the designated area if they are contiguous with the other areas of the license holder. The City has complete discretion of any approval or conditions that may be applied as determined necessary.</p>
<b>Fiscal Impact:</b>	
<b>Alternative/ Variations:</b>	Propose any conditions or changes as may be determined necessary to ensure the compliance to public sanitation, safety, or peace.
<b>Recommendations:</b>	To approve the temporary extension of alcohol license area for Brau Brothers Brewing Company, 1010 East Southview Drive for Hop Fest on September 8-9, 2023.

## TEMPORARY EXTENSION OF ALCOHOL LICENSE AREA APPLICATION

City of Marshall ~ 344 West Main Street ~ Marshall MN 56258

Phone (507) 537-6763 ~ Fax (507) 537-6830

### 1. Title, Purpose and Brief Description of Event:

Name and Type of Event:

Hopfest 2023

Location: Brau Brothers Brewing 1010 E. Southview

Date: Sept. 8-9, 2023

Description: Beer & Music festival, Live Bands  
Food, Music

### 2. Applicant Authorization:

Attach a written communication from the organization in whose name the event will be advertised which authorized you, the applicant, to apply for this special event permit on its or their behalf.

Applicants Name and Title:

Brau Brothers Brewing Co, LLC

Address: 1010 E. Southview Dr, Marshall

Affiliation: Brewery CEO

Contact Information: Ph: 507-929-2337 Email: dustin@braubrew.com

### 3. Requested Event Components:

Dates of Event: Sept. 9-10, 2023

Requested Hours of Operation: 6-midnight Friday, 10-midnight Sat.

Anticipated Number of Participants: 3,000

### 4. Insurance

Attached a certificate of insurance

### 5. Sanitation - Plan for Clean-up/Material Preservation.

Number, type and location of trash containers to be provided for the event:

Rest main dumpster & 15 additional garbage

Number, type and location of portable (or permanent) to be used for this event:

3 Portable toilets & brewery bathrooms

Other plans insurance post-event cleanliness and material preservation of premises and parking lot: Festival area cleaned nightly

**6. Location Map:**

Indicate items on attached maps:

- a. Entertainment Locations
- b. Alcoholic beverage concessions areas
- c. Portable toilet facilities (number 3)
- d. Event participant parking areas
- e. Temporary or permanent structures constructed for the event
- f. Site of electrical wiring to be installed for the event
- g. Trash containers (number 15)
- h. Other. \_\_\_\_\_

**7. Availability of Food, Beverage and Entertainment:**

Food and/or non-alcoholic beverages to be served: Yes ☒ No ☐

If yes, you made to have a health permit issued from the State of Minnesota Department of Health.

If music, sound amplification or any other noise impact please describe, included the

intended hours: Live music to midnight on Friday?  
noon - midnight Saturday

**8. Security and Safety Procedures**

Describe proposed procedures for set up, operation, internal security and crowd control.

Festival area roped off. Specific  
Staff designated as Security.

Will the event take place at night? Yes ☒ No ☐

If yes, how will you light the event area in order to increase the safety or participants coming to and leaving the event. Parking lot lights

additional lights in tent area.

Attached a copy of any permits obtained regarding the installation of any electrical wiring on a temporary or permanent basis and/or if you are building any temporary or permanent structures.

Attach a copy of any obtained permits from the Fire Department.

Attach a list of names, address and contact information of the agency or agencies, which will provide first aid staff and equipment.

**9. Vendors or Concessionaires**

List each vendor or concessionaire that will be allowed in conjunction with the event.  
Attach a separate form if necessary.

*None*

**10. Services/Equipment**

List (if any) city services and/or equipment that is being requested for this event.

*stage*

**11. Other Information**

*very similar to previous years*

\* \* \* \* \*

set forth in the permi

by                      revoked

\_\_\_\_\_

Date/Time \_\_\_\_\_

\* \* \* \* \*

tion, please review it and





## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Presenter:</b>	Steven Anderson
<b>Meeting Date:</b>	Tuesday, August 22, 2023
<b>Category:</b>	CONSENT AGENDA
<b>Type:</b>	ACTION
<b>Subject:</b>	Consider Approval for a Temporary On-Sale Liquor License for Marshall Area Chamber of Commerce
<b>Background Information:</b>	The Marshall Area Chamber of Commerce will be hosting a Business After Hours event at SMSU for the SMSU Athletics Department on September 5th.
<b>Fiscal Impact:</b>	
<b>Alternative/ Variations:</b>	None recommended.
<b>Recommendations:</b>	To approve the temporary on-sale liquor license for MACC on September 5, 2023.





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

Name of organization		Date organized		Tax exempt number	
Marshall Area Chamber of Commerce		2/11/1930		41-0395440	
Address		City	State	Zip Code	
317 West Main Street Suite 2		Marshall	MN	56258	
Name of person making application		Business phone		Home phone	
Brad Grubot		(507) 532-4484			
Date(s) of event		Type of organization			
09/05/2023		<input type="checkbox"/> Club <input type="checkbox"/> Charitable <input type="checkbox"/> Religious <input checked="" type="checkbox"/> Other non-profit			
Organization officer's name		City	State	Zip Code	
Michael VanDrehle		Marshall	MN	56258	
Organization officer's name		City	State	Zip Code	
			MN		
Organization officer's name		City	State	Zip Code	
			MN		
Organization officer's name		City	State	Zip Code	
			MN		

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

1501 State Street, Marshall, MN 56258  
The Schwan Regional Event Center

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

No

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

No

**APPROVAL**

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

City or County approving the license	Date Approved
Fee Amount	Permit Date
Date Fee Paid	City or County E-mail Address
	City or County Phone Number

Signature City Clerk or County Official

Approved Director Alcohol and Gambling Enforcement

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

**ONE SUBMISSION PER EMAIL, APPLICATION ONLY.**

**PLEASE PROVIDE A VALID E-MAIL ADDRESS FOR THE CITY/COUNTY AS ALL TEMPORARY PERMIT APPROVALS WILL BE SENT  
A EMAIL. E-MAIL THE APPLICATION SIGNED BY CITY/COUNTY TO [AGE.TEMPORARYAPPLICATION@STATE.MN.US](mailto:AGE.TEMPORARYAPPLICATION@STATE.MN.US)**

## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Presenter:</b>	Jim Marshall
<b>Meeting Date:</b>	Tuesday, August 22, 2023
<b>Category:</b>	CONSENT AGENDA
<b>Type:</b>	ACTION
<b>Subject:</b>	Declare speed trailer as surplus property
<b>Background Information:</b>	In 2020 the Marshall Police Department received a donation of a speed trailer through the TZD program from Eden Prairie. Due to the large size of the trailer it does not work well for city streets. The Marshall Police Department would like to donate the trailer to Lyon County to be used on rural highways.
<b>Fiscal Impact:</b>	\$0
<b>Alternative/ Variations:</b>	None
<b>Recommendations:</b>	Consider authorization to declare the speed trailer as surplus property.

## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Presenter:</b>	Jim Marshall
<b>Meeting Date:</b>	Tuesday, August 22, 2023
<b>Category:</b>	CONSENT AGENDA
<b>Type:</b>	ACTION
<b>Subject:</b>	Revision of the EMERGENCY OPERATIONS PLAN (EOP), City of Marshall
<b>Background Information:</b>	<p>In 2009, the City of Marshall adopted the current edition of the City of Marshall's EMERGENCY OPERATIONS PLAN (EOP). Since the adoption of the EOP in 2009, review of the plan has occurred with the last revision to the official plan being made in 2020.</p> <p>In 2023, city personnel involved in emergency management began the review of the Emergency Operations Plan with the goal to update the EOP to ensure it remains current in language and terminology. Minor changes have been made throughout the EOP. No changes were made to the EOP that would impact or change the responsibilities of positions identified within the original document.</p> <p>The full 288 page document will be made available if requested.</p>
<b>Fiscal Impact:</b>	NA
<b>Alternative/ Variations:</b>	
<b>Recommendations:</b>	Approve the revisions made to the EMERGENCY OPERATIONS PLAN in 2023.

# EMERGENCY OPERATIONS PLAN

2009 EDITION



CITY OF MARSHALL, MN

Date of Plan: November 10, 2009

Revised: ~~January 1~~~~October 1~~August 15, 2023

Formatted: Underline

Formatted: Underline

Formatted: Underline

**FOREWORD**

The basic purpose of this plan is to provide a guide during emergency operations. The plan is intended to assist key "City" officials and emergency response organizations in carrying out their responsibilities for the protection of life and property under a wide range of emergency conditions. The intention of this plan is to be a natural extension of day-to-day operations.

Although an organization may have the foresight to plan for emergency situations, such planning is of little worth if the planning is not committed to written form. Personnel with intimate knowledge of unwritten plans may be unavailable at the very time it becomes necessary to implement them. A written plan will furnish a documentary record that can be referred to by anyone as needed. This documentary record will serve to refresh the knowledge of key individuals and can be used to inform persons who become their replacements.

**TRANSFER OF OFFICE**

**THIS DOCUMENT SHALL REMAIN THE PROPERTY OF:**

City of Marshall, Emergency Management

Upon termination of office by reason of resignation, election, suspension or dismissal, the holder of this document shall transfer it to his/her successor or to the Emergency Management Director.

~~October-August 2415, 2017-20232~~

**Date of Revision**

\_\_\_\_\_  
**Copy Number**

\_\_\_\_\_  
**Assigned To**

## I. REASON FOR PLAN

- A. Tornadoes, floods, blizzards and other natural disasters can affect the City. In addition, major disasters, such as plane crashes, explosions, accidental releases of hazardous materials, enemy attack or terrorism, pose a potential threat to public health and safety in Marshall. An emergency plan is needed to ensure proper planning and appropriate response to these hazards.

Figure 4-5 Lyon County Hazard Identification Worksheet

Hazard	Potential Frequency	Spatial Extent	Potential Severity	Risk Level	Hazard Rank
<b>Natural Hazards</b>					
Ice and Ice Storms	Highly Likely	Local	Major	High	High
Agricultural Disease (Animal & Crop)	Likely	Countywide / Local	Major	Average	Moderate
Blizzards / Winter Storms	Highly Likely	Countywide	Major	Average	Moderate
Drought	Occasional	Local	Minor	Average	Moderate
Extreme Temperatures	Likely	Countywide	Major	High	Moderate
Flooding	Highly Likely	Local	Minor	High	Moderate
Tornado / Straight-line Wind	Highly Likely	Local	Major	Average	Moderate
Wildfire	Likely	Local	Limited	Limited	Moderate
Earthquake	Unlikely	Countywide	Limited	Limited	Low
Land Subsidence	Unlikely	Local	Limited	Limited	Low
Summer Storms, Lightning / Hail	Highly Likely	Local	Minor	Average	Low
<b>Technological Hazards</b>					
Public Health and Infectious Disease	Likely	Countywide	Minor	Average	High
Transportation Infrastructure	Highly Likely	Local	Minor	Average	High
Hazardous Materials	Highly Likely	Local	Minor	High	Moderate
Structure Fires	Highly Likely	Local	Minor	Average	Moderate
Dam Failure	Unlikely	Local	Limited	Limited	Low
Meth Lab	Occasional	Local	Major	Limited	Low
Terrorism and Civil Disturbance	Occasional	Local	Limited	Limited	Low
Hazard	Potential Frequency	Spatial Extent	Potential Severity	Risk Level	Hazard Rank
	Highly Likely Likely Occasional Unlikely	Countywide Local	Substantial Major Minor Limited	Very High High Average Limited	High Moderate Low

For Potential Frequency, *Unlikely* if <1% chance in the next 100 years, *Occasional* = 1% and 10% in next year,

*Likely* = between 10% and 100% in next year, *Highly Likely* = 100% in next year.

For Potential Severity, *Limited* = <10% area affected destroyed, *Minor* = 10% to 25% area affected,

*Major* = 25% to 50% area affected, *Substantial* = >50% area affected.

Risk Level is subjective ranking by Task Force members based on previous categories.

SRDC, adapted from Minnesota Planning

#### IV. LEGAL BASIS AND REFERENCES

- A. Federal Laws/Statutes (Listed in Minnesota Emergency Management Director's Handbook - <https://dps.mn.gov/divisions/hsem/emergency-managers-resources/Pages/directors-handbook.aspx>~~https://dps.mn.gov/divisions/hsem/training/Pages/directors-handbook.aspx~~)
- B. State of Minnesota Laws/Statutes (Chapter 12) (Listed in Minnesota Emergency Management Director's Handbook <https://dps.mn.gov/divisions/hsem/emergency-managers-resources/Pages/directors-handbook.aspx>~~https://dps.mn.gov/divisions/hsem/training/Pages/directors-handbook.aspx~~)
- C. Local Ordinances/Resolutions (<https://marshall-mn.municipalcodeonline.com/book?type=ordinances>)~~(www.municode.com)~~
- Marshall City Ordinance Section 2-96 and 2-97, Public Safety/Emergency Mgt.
  - Marshall City Resolution Adoption of City of Marshall EOP (Resolution 3315)
  - Marshall City Ordinance Section 2-361, 2-362, 2-363 and 2-364, MERIT Center
  - Marshall City Ordinance Section 34-1 and 34-2, Fire Code
  - Marshall City Ordinance Section 30-1, Air Pollution Control
  - Marshall City Ordinance Section 18-1, 18-21, 18-22, 18-23, 18-81 and 18-82, Building Codes
  - Marshall City Ordinance Section 42-89, Loud Noises - Fire Warning Systems
  - Marshall City Ordinance Section 86-71, 86-72, 86-73, 86-1, 86-2, 86-3, 86-4, 86-5, 86-26, 86-27, 86-28, 86-29, 86-30, 86-46, 86-47, 86-48, 86-49, 86-50, 86-51, 86-71, 86-72, 86-73, 86-131, 86-132, 86-133, 86-134, 86-135, 86-136, 86-137, 86-138, 86-139 and 86-140, Zoning
  - Marshall City Ordinance Section 22-191, 22-192, 22-193, 22-194, 22-195, 22-196, 22-197, 22-198 and 22-199, Utilities
  - Marshall City Ordinance Section 62-101, 62-102, 62-103, 62-104, 62-105, 62-106, 62-107, 62-108, 62-109, 62-110, 62-111, 62-112, 62-113, 62-114, and 62-1, Permit
  - Marshall City Ordinance Section 66-99, 66-103, 66-104, 66-105, 66-71, 66-72 and 66-73, Street Name and Address System
  - Marshall City Ordinance Section 86-131, 86-132, 86-133, 86-134, 86-135, 86-136, 86-137, 86-138, 86-139 and 86-140, Planned Unit Development
  - Marshall City Ordinance Section 38-93, Mobile Homes
  - Marshall City Ordinance Section 74-86, 74-87, 74-88, 74-89, 74-90, 74-91 and 74-92, Vehicle Operation
  - Marshall City Ordinance Section 50-23 and 50-1, Collection of Garbage

Formatted: Font: 8 pt

#### V. ORGANIZATION

- A. Existing government is the foundation during emergency situations. That is, government agencies will perform emergency activities related to those activities they perform on a day-to-day basis. City organization and interrelationships are shown on [Attachment 1](#) of this basic plan.

#### VI. DIRECTION AND CONTROL

- A. The direction and control of government operations from a central, protected facility with adequate communications and key personnel is essential to the conduct of emergency operations. The Emergency Manager as assigned by the mayor is responsible for providing overall direction and control of City government resources involved in the response to a disaster.

immediate state and/or federal assistance, state or federal support may be obtained by contacting the Lyon County Emergency Manager at 507-929-6615(direct) or 507-537-7000 (dispatch), who in turn will forward the request to the State Duty Officer at 800-422-0798.

2. For hazardous materials incidents within City limits, assistance may be requested from the Southwest Minnesota Chemical Assessment Team (SW MN CAT) by contacting the Lyon County Sheriff's office at 507-537-7000.
3. State Assistance for Hazardous Materials Incidents (beyond the capability of the SWMN CAT) – Support from the Minnesota National Guard 55<sup>th</sup> Civil Support Team (MNG CST), MN State Hazardous Materials Chemical Assessment and Emergency Response Team(s) can be accessed through the State Duty Officer at 800-422-0798.
  - a. When a natural disaster or other major emergency is beyond the capability or resources of local government, support from the National Guard may be available. Only the Governor, as Commander-in-Chief of the Minnesota National Guard, has the authority to activate the Guard and also to open the Armory in the City of Marshall for utilization. The purpose of the activation is to ensure the preservation of life and property and to support civil law enforcement agencies:
    1. National Guard assistance will ~~complement, and complement~~ and shall not be a substitute for County and/or City participation in emergency operations. National Guard must be requested by the Sheriff via the State Duty Officer.
    2. If made available, National Guard personnel shall remain under military command at all times, but will support and assist County and/or City forces in the accomplishment of a specific task or tasks.

X. PLAN UPDATING AND DISTRIBUTION

- A. For the purpose of this plan, the Emergency Management Director shall serve as the Planning Coordinator. The Director will have overall authority and responsibility for the maintenance of this plan. In the absence of the Emergency Management Director, a member of the Marshall Police Department will be designated as the Emergency Management Coordinator and will assume this responsibility.
- B. This plan will be reviewed and updated as necessary, but at least once annually. The Emergency Management Director will be responsible for ensuring that this updating occurs. In order to carry out this task, the Director will request cooperation from City staff.



## ANNEX A – WARNING AND NOTIFICATION

### STANDARD OPERATING GUIDELINES

This Standard Operating Guideline (SOG) is intended to provide specific guidance for the proper receipt and dissemination of disaster notifications and warnings.

#### I. General

- A. The Minnesota State Patrol and National Weather Service is responsible for disseminating all watches and warnings to Lyon County.
- B. The City of Marshall Warning Officer is the Marshall City Police Department Shift Supervisor.
- C. The Marshall Warning Point is the Lyon County Sheriff's Dispatch Center.
- D. As backup, warning sirens can be activated from Classroom A at the MERIT Center and from the Marshall Fire Department.

#### II. Actions to be taken by the Police Shift Supervisor when there is an immediate threat to life:

##### A. Weather Emergency

##### 1. Warning received from the Lyon County Dispatch Center:

- a. Acknowledge receipt of the notification to Dispatch.
- b. Notify key City staff members by appropriate means.
- c. Notify the City Emergency Management Director.

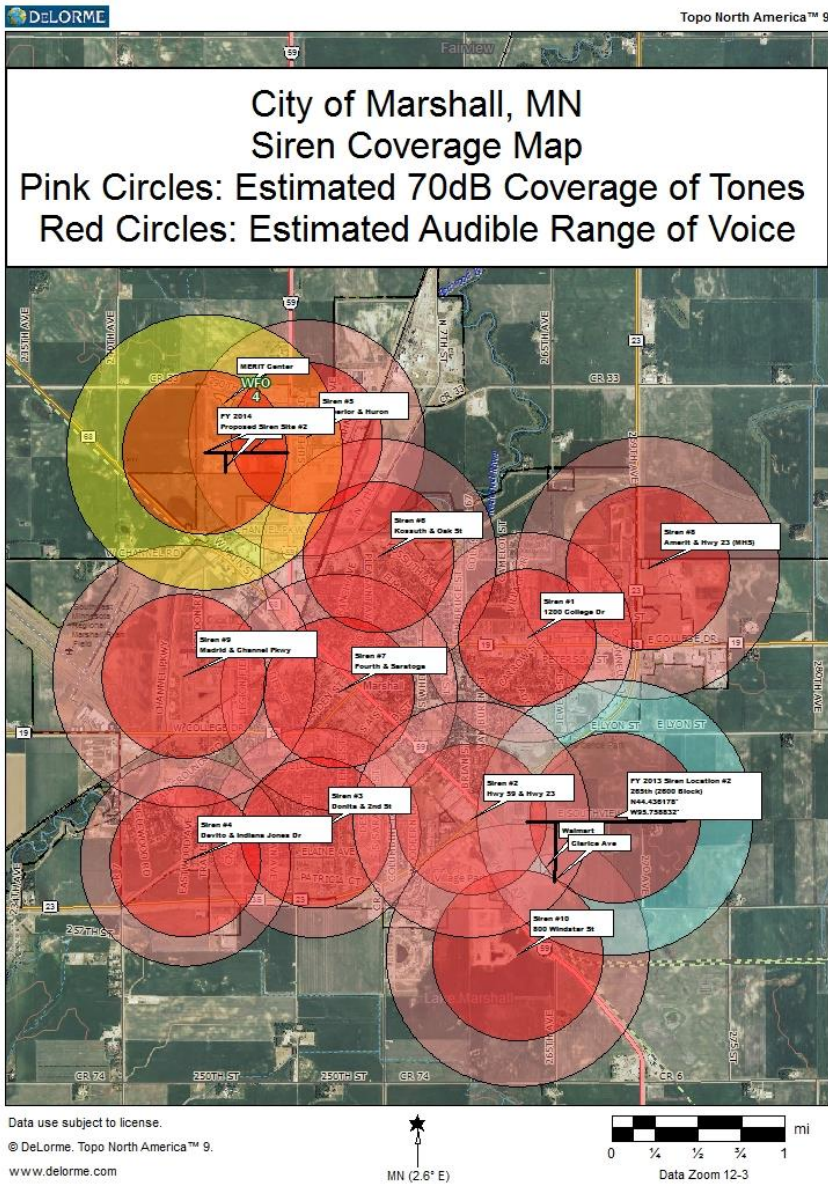
##### B. Hazardous Materials Incident or Nuclear Attack

In the event of a release of hazardous materials, notification to persons designated in the emergency plan and to the public that a release has occurred will be conducted consistently with the emergency notification requirements of SARA Title III, Section 304.

For a hazardous materials accident/incident involving the city the following actions should be taken:

1. Notify the State Duty Officer: 1-800-422-0798
2. Obtain an accurate description of area to be warned/evacuated and if appropriate, evacuation route(s).
3. Report conditions to Lyon County Sheriff's Dispatch Center (Warning Point) and consider activating the outdoor warning system for the affected area, including PA message if practical.
4. See Hazardous Materials Notification list (see [Annex A Attachment 2](#)).
5. Assistance may be requested from the Southwest Minnesota Chemical Assessment Team (SWMN CAT) by contacting the Lyon County Sheriff's office.

**MARSHALL'S SIREN COVERAGE MAP**  
(Siren with yellow slated for install 2015)



[Return to Table of Contents](#)

IV. CITY OF MARSHALL EMERGENCY OPERATION CENTER (EOC)

Direction and control of response to an emergency, disaster, or major incident, may take place in the City Emergency Operations Center (EOC). The primary EOC for the City of Marshall could also be the EOC for Lyon County and is located in the MERIT Center, 1001 West Erie Road, Marshall. The Marshall Fire Station at 201 E. Saratoga Street will serve as the alternate EOC as deemed appropriate. The Director of Public Safety may designate an alternate location for the EOC as the situation dictates. The Director of Public Safety shall be responsible for notifying all appropriate responders in the event of a change in the EOC.

- A. *Criteria for EOC Activation:* The degree of the Marshall EOC activation will be determined by the severity of the emergency, disaster, or major incident. It may be partially or ~~totally~~ fully activated. In the event of a major emergency, disaster or incident, EOC personnel would be expected to automatically report to the EOC. However, the Emergency Management Director or designee is responsible for ensuring that the EOC is activated appropriately.
- B. *Staffing of the EOC:* Each department/agency assigned an emergency function represented in the EOC is responsible for ensuring that its representative responds and is familiar with the duties which they are expected to perform at the EOC. They are also responsible for activation of their support staff and any additional specialty equipment they may require.

The City will establish communications with the on-scene command post. The Incident Commander (IC) will be responsible for coordinating the activities at the scene.

Key Action Checklists for each EOC position are attached.

- C. *Security:* When the decision is made to activate the EOC, the on-duty police supervisor or their designee will immediately assess the need for security and assign personnel as needed.

V. COUNTY/STATE INITIAL RESPONSE

- A. If City resources become exhausted or if special resources are required, request county assistance through the Lyon County Emergency Manager.
- B. If assistance is requested, the Lyon County Emergency Manager assists with assessing the situation and makes recommendations.
- C. The County may do the following (to the extent appropriate):
  - 1. Activate the County EOC.
  - 2. Implement the County EOP.
  - 3. Respond with county resources as requested.

4. Activate mutual aid agreements.
  5. Coordinate County resources with City resources.
  6. Notify the Minnesota Homeland Security and Emergency Management (HSEM) Regional Coordinator.
  7. Assist municipality with prioritizing and allocating resources.
- D. If the City and County resources are exhausted, the Lyon County Emergency Manager can request regional or state assistance through the State Duty Officer.
- E. If state assistance is requested, the Lyon County Emergency Manager will assess the event and recommend which personnel, services and equipment shall be made available for response, mitigation or recovery.

#### VI. VOLUNTEERS

Volunteers must be registered. All volunteers must sign a waiver before working on behalf of the City of Marshall and work under the direction and supervision of the Operations Chief or his or her designee.

Before leaving, volunteers must return equipment given them by their leaders. Volunteers also must check out before leaving the scene and should acknowledge any injuries or potential injuries that occurred during the performance of their volunteer duties. If a volunteer reports an injury or potential injury, they are treated as an employee of the City of Marshall and regular procedures shall be followed regarding injured employees. See [Attachment 22A](#) for details on worker's compensation for volunteers.

#### VII. ATTACHMENTS

1. [ICS Organizational Components](#)
2. [EOC/Command Post Staffing](#)
3. [Key Action Checklist – MAYOR](#)
4. [Key Action Checklist – COMMAND / EMERGENCY MANAGER](#)
5. [Key Action Checklist – LOGISTICS / EMERGENCY MANAGER](#)
6. [Key Action Checklist – DIRECTOR OF ADMINISTRATIVE SERVICES/FINANCE  
DIRECTOR/CITY CLERK](#)
7. [Key Action Checklist – PUBLIC WORKS](#)
8. [Key Action Checklist – LAW ENFORCEMENT](#)
9. [Key Action Checklist – PUBLIC INFORMATION OFFICER](#)
10. [Key Action Checklist – FIRE SERVICES](#)
11. [Key Action Checklist – C.A.T. \(HAZMAT\)](#)
12. [Key Action Checklist – INFORMATION TECHNOLOGY](#)
13. [Key Action Checklist – DAMAGE ASSESSMENT](#)
14. [Key Action Checklist – HUMAN SERVICES](#)
15. [Key Action Checklist – EMERGENCY MEDICAL SERVICES](#)
16. [Key Action Checklist – EMERGENCY NOTIFICATIONS](#)
17. [Radio Fleet Map](#)
18. [Command Positions Checklists](#)

CITY OF MARSHALL  
EMERGENCY OPERATIONS PLAN  
**ANNEX B – DIRECTION AND CONTROL**

For additional federal forms, visit the following website:

<https://training.fema.gov/emiweb/is/icsresource/jobaids/http://training.fema.gov/EMIWeb/is/ICSResource/PositionChecklists.htm>

<https://training.fema.gov/emiweb/is/icsresource/icsforms/http://training.fema.gov/EMIWeb/is/ICSResource/icsforms.htm>

[Return to Table of Contents](#)

**Emergency Operation Center (EOC) Potential Staffing**

<b>Command   EOC Manager</b>	--	<b>Emergency Manager</b>
<b>Logistics</b>	--	<b>Emergency Manager</b>
<b>Finance</b> <b><u>Services/</u> Finance Director</b> <del>/City Clerk</del>	--	<b><u>Director of Administrative</u></b>
<b>Planning</b>	--	<b>Public Works</b>
<b>Operations</b>	--	<b>Law Enforcement/Fire Dept. <u>/MMU</u></b>
<b>Public Information Officer (PIO)</b>	--	<b>City Administrator/Mayor</b>
<b>Liaison Officer</b>	--	<b>Lyon County Emergency Manager</b>
<b>Safety Officer</b>	--	<b>Safety Officer from Fire/CAT</b>
<b>Information Technology Support</b>	--	<del><b>MMU Information Technology Specialist</b></del> <b>The Computer Man, Inc.</b> <b>SWHHS Information Technology</b> <b>Media Communications Specialist</b>
<b>Damage Assessment</b>	--	<b>Assessor's Office/Operations Section</b>
<b>Congregate Care/Sheltering</b>	--	<b>Community Services/Red Cross</b>
<b>Staging</b>	--	<b>Fire/EMS/Public Works</b>

**COMMAND POST (CP) staffing**

Exists at the base or nearby of operations and typically involves one to four subject experts possibly including fire, law enforcement, communications, liaison, damage assessment, etc.

Support personnel - both are dependent on incident and location

Formatted: Left

ANNEX B [ATTACHMENT 4](#)

**Key Action Checklist – COMMAND / EMERGENCY MANAGER**

The following tasks represent a checklist of actions that should be considered in an emergency or disaster situation:

- A. Ensure that the designated person has activated/is activating the Emergency Operations Center (EOC) or Command Post (CP).
- B. Report to the EOC/CP.
- C. Ensure that adequate resources are available or being brought in for the emergency operations personnel to have an appropriate response.
- D. Ensure that the Public Information Officer is available and coordinate with them on communications.
- E. Ensure that the Director of Public Works/City Engineer, or designated person, provides initial road clearance or debris removal, or other assistance as deemed necessary.
- F. Ensure that initial damage assessment be completed if appropriate.
- H. Ensure that what is needed to support the emergency operation personnel is coming in, including water, food, waste management, computers, etc.
- I. In consultation with the Director of Administrative Services/Finance Director/~~City Clerk~~, assure that expedited financial protocols are in place with adequate financial records being kept.

NOTE: Mayor emergency declaration = 72 hours. Council must approve beyond this timeframe.

**Key Action Checklist – ~~DIRECTOR OF ADMINISTRATIVE SERVICES/~~FINANCE  
~~DIRECTOR/CITY CLERK~~**

The ~~Director of Administrative Services/~~Finance Director/~~City Clerk~~ is responsible for assigned activities in the City of Marshall. The following tasks represent a checklist of actions that should be considered in an emergency or disaster situation:

- A. Report to the EOC/CP.
- B. Assure that adequate authority is given to permit acquisition of equipment and supplies needed to respond to a disaster.
- C. Assign Division/Department Heads an account number to which emergency expenditures may be charged or purchases made.
- D. Record all expenditures for City personnel, equipment, supplies, services, etc. and track resources being used.
- E. Contact the City's insurance providers.
- F. Reference Disaster Funding Summary on next page to aid in decisions for funding.
- G. Upon approval of the EOC Manager/Emergency Management Director, set a budget and present this information at each operational period briefing.



### Key Action Checklist – INFORMATION TECHNOLOGY

Information technology activities for the City of Marshal are provided by: The

• ~~Marshall Municipal Utilities Information Technology Specialist – 929-5975~~

- Computer Man Inc. – 532-7562
- Lyon County IT – 532-1333
- State of Minnesota

**Formatted:** Font: (Default) Tahoma, 11 pt

**Formatted:** Normal, Justified, No bullets or numbering

The following tasks represent a checklist of actions that should be considered in an emergency or disaster situation:

- Getting key computers online
- Restore network connectivity for the computers
- Help procure necessary equipment to restore access to key computing resources
- Install software if necessary
- Organize staff to assist others if necessary

Priority list would be:

- Law Enforcement Center
- Fire Department
- Marshall Municipal Utilities
- City Hall
- MERIT Center
- Other

**Key Action Checklist – EMERGENCY MEDICAL SERVICES**

North Memorial Ambulance is the primary EMS for the City of Marshall and the EOC medical liaison. They may also be responsible for transportation of critically injured outside of the City of Marshall. If the situation warrants someone from Avera Marshall Hospital, ~~Affiliated Community Medical Center (ACMC)~~ and/or Lincoln, Lyon, Murray and Pipestone County Health will also be included if their staff is available. The following tasks represent a checklist of actions that may be considered for disaster response within the City of Marshall:

- A. Coordinate emergency medical care for victims (hospital and on-scene) and request mutual aid if necessary.
- B. Establish a triage area for victims.
- C. Coordinate medical transportation of victims.
- D. Establish or respond to designated staging area in the City.
- E. Report number of casualties and critical/minor injuries to the Incident Commander.

ANNEX B [ATTACHMENT 17](#)

## Fleet Map

08/13/2014						
	ZONE	ZONE	ZONE	ZONE	ZONE	
	F1	F2	F3	F4	TR	
	LY FIRE ZONE 1	LY FIRE ZONE 2	LY FIRE ZONE 3	LY FIRE ZONE 4	LY SITE TRUNKING	
POS						POS
1	LY FIRE	LY FIRE	LY FIRE	A-SOA 1	LY ST MAR	1
2	F-SOA 1	LN FIRE	MU-FIRE	A-SOA 2	LY ST RUS	2
3	F-SOA 2	LN-OPS 2	MU-3	P-SOA 1	LY ST TRA	3
4	LY 4	LN-OPS 3	MU-4	P-SOA 2	LY ST MINN	4
5	LY 5		MU-5	F-SOA 1	MN SITE TR	5
6	LY 6		MU-6	F-SOA 2		6
7	LY 7		MU-ST TK			7
8	LY 8	YM-FIRE	RW-FIRE			8
9	RW-FIRE	YM- OPS 2	RW- 2			9
10	YM-FIRE	YM- OPS 3	RW- 3			10
11	LN-FIRE	YM- OPS 4	RW- 4			11
12	MU-F/E	YM- OPS 5	RW- 5			12
13	PS-F/E	YM CNTY W	RW- 6			13
14	SW CALL 1	F-SOA 1	F-SOA 1			14
15	LY ROAM	F-SOA 2	F-SOA 2			15
16	LY 911-16	LY 911-16	LY 911-16			16

	ZONE	ZONE	ZONE	ZONE	ZONE	
	E1	L1	CH	IN	SW	
	LY EMS Zone 1	LY LAW Zone 1	LY County HWY	LY INTEROP ZONE	SW REGION ZONE	
POS						POS
1	LY FIRE	LY LAW 1	LY HWY 1	LY ST MAR	SW CALL1	1
2	EMH-MAR	LY LAW 2	LY HWY 2	LY ST RUS	SW 2	2
3	EMH-TRA	LY LAW3E	LY LDF	LY ST TRA	SW 3	3
4	LY 4	LY 4	A-SOA 1	LY ST MINN	SW 4	4
5	LY 5	LY 5	A-SOA 2	MN SITE T	SW 5	5
6	LY 6	LY 6		LY SCHOOL	SW 6	6
7	LY 7	LY 7			SW 7	7
8	LY 8	LY 8		LY PAGE	SW 8	8
9	EMH GRAN	LY FIRE		LY EVENT	SW 9	9
10	EMH-MONTE	MSP 2300		DYN RGP	SW 10	10
11	EMH-MCMC	MSP C/C	MN DOT MAR MNT	LY EM BTN	SW 11	11
12	EMH-CANBY	MSP CALL	LY PV 1		SW 12	12
13	SMRCC	LY LAW ADM	LY PV 2		SW 13	13
14	MRCXP1	SW-CALL1	SW CALL-1	STAC 13E LAW OR	SW HOSP 14	14
15	LY ROAM	LY ROAM	LY ROAM	STAC 14E LAW OR	SWRESTAC15	15
16	LY 911-16	LY 911-16	LY 911-16	LY 911-16	SW CALL16	16

	ZONE	ZONE	ZONE	ZONE	ZONE	
	LX	L2	L3	IC	NA	
	LY BLR Zone	LY LAW Zone 2	LY LAW Zone 3	MN State INCIDENT CMD	National Comm Channel	
POS						POS
1	SW BLR E1	LY LAW 1	LY LAW 1	S-TAC 1	8CALL90	1
2	SW BLR E2	LY LAW 2	LY LAW 2	S-TAC 2	8CALL90D	2
3	LE TAC 1	LY LAW 3E	LY LAW 3E	S-TAC 3	8TAC91	3
4	LE TAC 2	LY 4	CP LAW	S-TAC 4	8TAC91D	4
5	LE TAC 3	LY 5	CT LAW	L-TAC 1	8TAC92	5
6	LE TAC 4	LY LAW AD	LP LAW	L-TAC 2	8TAC92D	6
7	SW ENC 1	MSP 2300	LN LAW	L-TAC 3	8TAC93	7
8	SW ENC 2	MSP C/C	MU LAW	L-TAC 4	8TAC93D	8
9	SW ENC 3	MSP CALL	NB LAW	F-TAC 1	8TAC94	9
10	SW ENC 4	MU LAW	PS LAW	F-TAC 2	8TAC94D	10
11	BROWN LAW	YM LAW	RW LAW	F-TAC 3	A-SOA 1	11
12	LY LAW 3E	LN LAW	RY LAW	F-TAC 4	A-SOA-2	12
13	RW LAW	RW LAW	RK LAW	E-TAC 1	P-SOA 1	13
14	RY OPS2E	LY SCHOOL	YM LAW	E-TAC 2	P-SOA 2	14
15	LY ROAM	LY ROAM	YM LAW EN	E-TAC 3	F-SOA 1	15
16	LY EM BTN	LY 911	MSP 2300	E-TAC 4	F-SOA 2	16

Emergency Broadcast System  
Outdoor warning sirens/public address systems  
Social media including Code Red<sup>4</sup>  
City Website  
Flyers/Brochures  
Marshall Community Access TV Channels

- D. Mutual aid public information resources are available through Lyon County Emergency Management. These resources could assist coordination with the media, coordination with other cities' public information staff in the event of a multiple jurisdiction incident, the preparation of news releases, rumor control and in the event of a protracted incident, relief personnel for the official spokesperson/s

V. STANDARD OPERATING GUIDELINES

- A. The purpose of this Standard Operating Guideline (SOG) is to assure dissemination of information and instructions to the public on a timely basis and to coordinate all releases during pre-emergency, emergency and post-emergency conditions.
1. All releases to the media will be through the Public Information Officer (PIO) or designee.
  2. The PIO will edit and consolidate all releases for all media formats.
  3. All public statements are to be cleared with the PIO before they are issued.
  4. During emergency situations the PIO will:
    - a. Contact key staff members to collect pertinent information.
    - b. Establish liaison with City Divisions and their departments, which may require information output.
    - c. Inform the media of public information capabilities and plans.
    - d. Establish Public Information Service for the media and public inquiries.
    - e. Release prepared messages to the media and to all City emergency services.

II. ATTACHMENTS:

1. [Background Information of a PIO](#)
2. [Sample News Release Form](#)

[Return to Table of Contents](#)

CITY OF MARSHALL  
EMERGENCY OPERATIONS PLAN

**ANNEX F – EVACUATION, TRAFFIC CONTROL AND SECURITY**

I. PURPOSE

To outline how evacuation, traffic control and security would be carried out if they are required, due to a major incident in Marshall.

II. RESPONSIBILITY

- A. In Marshall, the following officials will be responsible for decisions to evacuate or to shelter in place:

<u>Official</u>	<u>Type(s) of Incident(s)</u>
Fire Chief or designee	Fire/Radiological/HAZMAT
Director of Public Safety or designee	Law Enforcement
Incident Commander	All other types

- B. Within the City of Marshall, the Police Department would be responsible for coordinating any large-scale evacuation that might be required. Back-up assistance for evacuation would be available from Lyon County Sheriff and City of Marshall Public Works Department. Relocation/Security for critical resources would be the responsibility of that City-related department.
- C. The Marshall Police Department will coordinate all transportation resources used in an evacuation.
- D. Pet evacuation will be coordinated via Marshall Police Department. City of Marshall Animal Kennel has capacity for limited intake of pets from residents of Marshall affected by the critical event.

III. PROCEDURES

- A. Residents to be evacuated would be notified of the need to evacuate by IPAWS messaging, outdoor warning sirens, radio, TV, door-to-door, and public address systems. Evacuation routes, assembly points and assistance instructions will be announced.
- B. Law enforcement personnel would establish traffic control points (if needed).
- C. Mobility-impaired individuals unable to evacuate themselves would receive assistance from the Police Department, Fire Departments and local transit services.

IV. ATTACHMENTS

1. [Evacuation routes](#)
2. [Evacuation map](#)
3. [What Shelter-In-Place Means](#)

[Return to Table of Contents](#)

ANNEX F [ATTACHMENT 2](#)

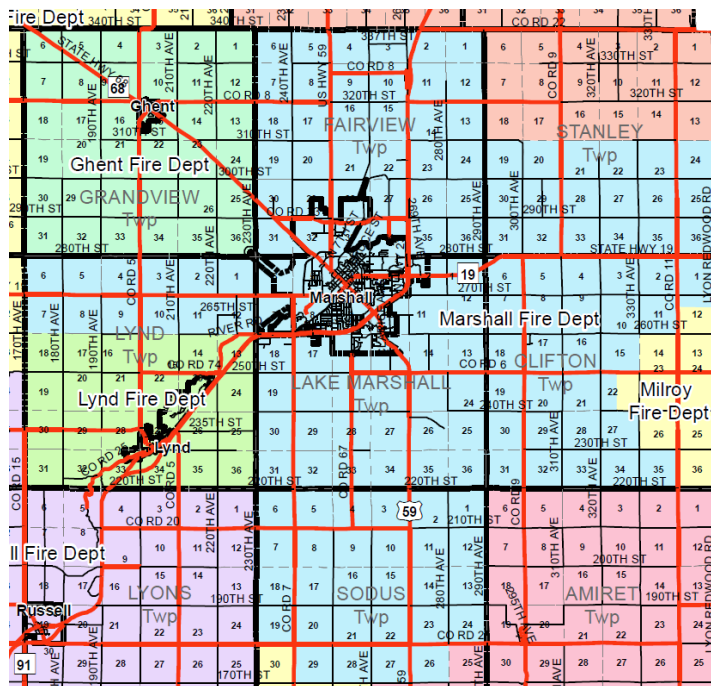


would be consistent with the training level of the responders within the city. All responses to hazardous materials incidents would be coordinated and managed by the incident command system. Hazardous Material incident response is also addressed in Annex M of this plan.

Marshall Fire Department also stores and maintains a cache of spill response equipment and has a haz-mat trailer to transport these materials to any requested response.

VI. SUPPORTING DOCUMENTS

- A. Standard Operating Guidelines utilized by the Marshall Fire Department to fulfill its responsibilities under the City Emergency Operations Plan are maintained in the Fire Department Training Officer's office at 201 Saratoga Street.
- B. A map of Marshall Fire Department Fire District is located in the Law Enforcement Communication Center at 611 W. Main Street. Lyon County GIS Manager in Public Works also has a map and may be contacted at 507-532-8212.



[Return to Table of Contents](#)

I. PURPOSE

To provide an overview of how damage assessment would be accomplished following a disaster in the City.

II. RESPONSIBILITIES also reference [Annex B Attachment 13](#) and [ICS form 209 Block 30](#)

A. The City Assessor is responsible for:

1. Developing and maintaining a damage assessment "team" composed of municipal and/or private sector agency representatives.
2. Maintaining an up-to-date listing of damage assessment team personnel.
3. Maintaining the procedures to be followed for damage assessment.
4. Coordinating the damage assessment process (following the occurrence of a disaster).

B. City government officials who, depending upon the nature of the disaster, would participate in a damage assessment effort:

1. City Assessor
2. Director of Public Works/City Engineer
3. ~~Director of Administrative Services/~~Finance Director/~~City Clerk~~

C. County government officials who (potentially) would participate in a damage assessment effort:

1. Lyon County Emergency Manager
2. Lyon County Public Works Director
3. Lyon County Assessor
4. Other assessment staff/jurisdictions

D. Private Sector Agencies:

Private sector agencies that might be available and that might be appropriate participants in a damage assessment effort:

1. American Red Cross
2. Insurance companies and Realtors
3. Other Assessments - MAAO

III. POLICIES AND PROCEDURES

- A. One of the first critical tasks in providing timely, efficient relief services is to assess the size and scope of a disaster and estimate the number of homes and families affected. This damage assessment is essential in determining monetary damages and monetary value for disaster declarations.



3. Household hazardous waste
4. Construction/demolition materials
5. Regular garbage

The MPCA ER Team leader should be consulted as debris management efforts are defined. The MPCA is the lead State Agency for debris management in a disaster or terror response. The MPCA has the ability to define waste streams in a recovery in order to simplify and expedite the recovery.

- D. Within the City of Marshall, the City and/or County Public Works Department would be responsible for debris clearance.
- E. Determination of emergency routes will depend on the nature and location of the debris-generating events, and will be identified by the Incident Commander.
- F. The Minnesota Pollution Control Agency (MPCA) will work with the City's incident management team to plan for how the household hazardous waste will be removed from the homes. ~~How~~ it will be sorted and collected. ~~And,~~ then work with the City and the County on final processing and disposal. This MAY also include assistance with funding, on a ~~disaster-by-disaster~~ disaster-by-disaster basis.
- G. The Board of Animal Health and the Minnesota Department of Agriculture have the lead authority over animal carcasses. The MPCA has some regulatory authority over how the carcasses can be disposed of or destroyed. Therefore, the three of us would be working together to come to a decision regarding that. Also, depending on the method of disposal or destruction that is chosen, the MPCA may actually direct/ facilitate that operation.
- H. Contracting procedures will be determined by the Director of Administrative Services/Finance Director. ~~City Clerk.~~
- I. Temporary storage locations will be chosen according to the disaster. Taking into consideration FEMA guidelines, final disposition of debris will be decided by the Director of Public Works/City Engineer and the Lyon County Public Works Director.

#### IV. DEBRIS MANAGEMENT

- A. Removal of debris on public property will be the responsibility of the City of Marshall. Beyond the scope of the Public Works Department and the Community Services Parks Department, additional assistance may be obtained from MMU, Lyon County Public Works or contracted services.
- A. To be eligible for FEMA reimbursement, documentation for Time and Materials are extremely important.

I. PURPOSE

To provide an overview of how utility services would be restored following a disruption of service. Marshall Public Works Department is responsible for coordinating and prioritizing these activities with the appropriate service providers; however, Marshall Municipal Utilities/-Emergency Preparedness and Oversight Team (EPOT) is responsible for coordinating and prioritizing the restoration of electric and water services, but will generally follow the order of restoration established by the EOC.

II. RESPONSIBILITIES

A. The following government agencies/private sector organizations are responsible for providing utility services for the City of Marshall. In the event of a utility outage due to a disaster, these agencies/organizations should be called in order to restore service:

- |    |                      |  |
|----|----------------------|--|
| 1. | Electrical service – | Marshall Municipal Utilities, 507-537-7005                   |
| 2. | Gas service –        | Great Plains Natural Gas, 1-877-267-4764                     |
| 3. | Telephone service –  | Centurylink, 1-877-348-9007                                  |
|    |                      | <del>BluepeakVast</del> , 507-337-7800                       |
|    |                      | Charter/ <del>Spectrum—Communications</del> , 1-855-260-0628 |
| 4. | Cable service –      | Charter/ <del>Spectrum</del> , 800-936-1479                  |
|    |                      | <del>BluepeakVast</del> , 507-337-7800                       |
|    |                      | <del>MVTV wireless 320-564-4807</del>                        |
| 5. | Wastewater –         | Marshall Public Works, 507-537-6776                          |
| 6. | Potable Water –      | Marshall Municipal Utilities, 507-537-7005                   |

III. SERVICE RESTORATION

A. At the time of the disaster, the EOC staff will determine which facilities will be considered essential for priority of utility restoration. Priorities for utility restoration will depend on the nature and location of the incident. Vulnerable populations and facilities which are essential for public safety are listed below and will be considered first.

1. Emergency Operations Center - has generator hookup capability
2. Law Enforcement Center/Dispatch – has generator
3. Nursing Homes
4. Hospitals – has generator
5. Marshall Fire Departments
6. Marshall Ambulance Services
7. Individuals with functional access needs

IV. SUPPORT DOCUMENTS

A. MMU Utility Restoration - Standard Operating Guidelines (electric/water/PNWAN)

## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Presenter:</b>	Karla Drown
<b>Meeting Date:</b>	Tuesday, August 22, 2023
<b>Category:</b>	CONSENT AGENDA
<b>Type:</b>	ACTION
<b>Subject:</b>	Consider approval of the bills/project payments
<b>Background Information:</b>	Staff encourage the City Council Members to contact staff in advance of the meeting regarding these items if there are questions. Construction contract questions are encouraged to be directed to Director of Public Works, Jason Anderson at 537-6051 or Finance Director, Karla Drown at 537-6764
<b>Fiscal Impact:</b>	
<b>Alternative/ Variations:</b>	
<b>Recommendations:</b>	The following bills and project payments be authorized for payment.



Marshall, MN

# Council Check Report

By Vendor Name

Date Range: 08/11/2023 - 08/22/2023

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP-REG AP						
4549	A & B BUSINESS, INC	08/16/2023	EFT	0.00	467.61	13910
4549	A & B BUSINESS, INC	08/18/2023	EFT	0.00	2,421.15	13924
6128	ACTION COMPANY LLC	08/11/2023	EFT	0.00	1,728.00	13840
6604	ADOLPH KIEFER & ASSOCIATES LLC	08/11/2023	Regular	0.00	310.23	123184
6604	ADOLPH KIEFER & ASSOCIATES LLC	08/11/2023	Regular	0.00	134.50	123185
6412	AG PLUS COOPERATIVE	08/18/2023	EFT	0.00	12.65	13925
5119	ALL FLAGS, LLC	08/16/2023	EFT	0.00	136.39	13911
7326	ALLIANCE CONTRACTING, INC.	08/11/2023	Regular	0.00	5,475.00	123186
0574	ALPHA VIDEO AND AUDIO, INC	08/18/2023	Regular	0.00	922.68	123222
0578	AMAZON CAPITAL SERVICES	08/11/2023	EFT	0.00	316.59	13841
0578	AMAZON CAPITAL SERVICES	08/18/2023	EFT	0.00	104.63	13926
6694	ARAMARK UNIFORM & CAREER APPAREL GROU	08/11/2023	EFT	0.00	124.96	13842
0630	ARCTIC GLACIER	08/11/2023	Regular	0.00	426.98	123187
0630	ARCTIC GLACIER	08/18/2023	Regular	0.00	673.35	123223
0629	ARNOLD MOTOR SUPPLY	08/11/2023	EFT	0.26	12.73	13843
6883	AT&T MOBILITY II LLC	08/18/2023	Regular	0.00	38.23	123224
0656	AVERA MARSHALL	08/18/2023	Regular	0.00	148.00	123225
1126	BDG INC.	08/11/2023	EFT	0.00	123.35	13844
0688	BELLBOY CORPORATION	08/18/2023	EFT	0.00	4,020.86	13927
0689	BEND RITE CUSTOM FABRICATION, INC.	08/18/2023	Regular	0.00	109.46	123226
0699	BEVERAGE WHOLESALERS, INC.	08/11/2023	Regular	0.00	45,633.84	123188
0699	BEVERAGE WHOLESALERS, INC.	08/18/2023	Regular	0.00	33,866.72	123227
0724	BOLTON & MENK INC	08/11/2023	EFT	0.00	3,563.00	13845
0726	BORCH'S SPORTING GOODS, INC.	08/18/2023	EFT	0.00	180.00	13928
0018	BORDER STATES INDUSTRIES, INC.	08/18/2023	EFT	0.00	175.76	13929
3829	BRAU BROTHERS	08/11/2023	EFT	0.00	436.00	13846
3829	BRAU BROTHERS	08/18/2023	EFT	0.00	67.50	13930
4457	BREAKTHRU BEVERAGE MINNESOTA WINE & SF	08/11/2023	Regular	0.00	4,681.30	123190
4457	BREAKTHRU BEVERAGE MINNESOTA WINE & SF	08/18/2023	Regular	0.00	4,213.51	123229
6539	BREMER BANK CC	08/15/2023	Regular	0.00	488.67	123217
6539	BREMER BANK CC	08/16/2023	Bank Draft	0.00	9,420.64	DFT0003205
0763	BSN SPORTS LLC	08/18/2023	Regular	0.00	103.98	123231
0728	BUFFALO RIDGE CONCRETE, INC	08/11/2023	EFT	0.00	222.00	13847
6200	C & H SPORT SURFACES, INC	08/11/2023	Regular	0.00	23,395.00	123191
6791	CAPITAL ONE	08/11/2023	Regular	0.00	550.63	123192
6791	CAPITAL ONE	08/15/2023	Regular	0.00	194.93	123218
6791	CAPITAL ONE	08/18/2023	Regular	0.00	72.98	123232
0815	CATTOOR OIL COMPANY, INC	08/11/2023	EFT	0.00	1,141.00	13848
0818	CAUWELS, ROGER	08/11/2023	EFT	0.00	442.77	13849
5351	CENGAGE LEARNING	08/16/2023	EFT	0.00	47.98	13912
5860	CENTRAL STATES GROUP	08/11/2023	Regular	0.00	194.86	123194
6823	CHARTER COMMUNICATIONS HOLDINGS, LLC	08/11/2023	Regular	0.00	50.00	123195
0836	CHARTER COMMUNICATIONS, LLC	08/18/2023	EFT	0.00	106.81	13931
0836	CHARTER COMMUNICATIONS, LLC	08/18/2023	EFT	0.00	11.99	13932
5733	CLARITY TELECOM, LLC	08/16/2023	EFT	0.00	808.04	13913
5733	CLARITY TELECOM, LLC	08/18/2023	EFT	0.00	347.74	13933
4054	COMPUTER INFORMATION SYSTEMS, INC.	08/11/2023	EFT	0.00	6,148.00	13850
7323	CREDIT SERVICE INTERNATIONAL CORP	08/11/2023	Regular	0.00	28.38	123196
0934	D & G EXCAVATING INC	08/18/2023	EFT	0.00	256.00	13934
3819	DACOTAH PAPER CO	08/11/2023	EFT	2.06	203.99	13851
3819	DACOTAH PAPER CO	08/16/2023	EFT	0.00	379.78	13914
3819	DACOTAH PAPER CO	08/18/2023	EFT	2.53	268.15	13935
7102	DAHLHEIMER BEVERAGE	08/11/2023	EFT	0.00	3,039.75	13852
4573	DEMCO	08/16/2023	EFT	0.00	254.21	13915

## Council Check Report

Date Range: 08/11/2023 - 08/22/2023

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
0990	DIAMOND VOGEL, INC	08/11/2023	EFT	0.00	1,600.00	13853
7304	DINGES PARTNERS GROUP LLC	08/18/2023	Regular	0.00	975.34	123233
5731	DOLL DISTRIBUTING LLC	08/11/2023	EFT	0.00	20,734.32	13854
5731	DOLL DISTRIBUTING LLC	08/18/2023	EFT	0.00	10,393.95	13936
1020	DUIINCK, INC.	08/11/2023	EFT	0.00	1,625.36	13855
1020	DUIINCK, INC.	08/18/2023	EFT	0.00	1,750.32	13937
1037	ECOWATER SYSTEMS	08/18/2023	EFT	0.00	145.75	13938
7321	ENVIRONMENTAL DYNAMICS INTERNATIONAL,	08/11/2023	Regular	0.00	520.00	123197
6542	EVANS FAMILY PET CARE	08/18/2023	Regular	0.00	185.52	123234
6478	GOPHER STATE ONE CALL	08/11/2023	EFT	0.00	178.20	13856
1199	GRAHAM TIRE AND AUTOMOTIVE SERVICES	08/18/2023	EFT	0.00	788.68	13939
1199	GRAHAM TIRE AND AUTOMOTIVE SERVICES	08/11/2023	Regular	0.00	14.00	123198
1201	GRAINGER INC	08/11/2023	EFT	0.00	160.44	13857
1201	GRAINGER INC	08/18/2023	EFT	0.00	659.38	13940
4719	GRANITE FALLS-CLARKFIELD ADVOCATE TRIBUN	08/15/2023	Regular	0.00	69.00	123219
1215	GREENWOOD NURSERY	08/11/2023	EFT	0.00	190.00	13858
1215	GREENWOOD NURSERY	08/18/2023	EFT	0.00	3,120.00	13941
7330	GRODE BROTHERS LLC	08/18/2023	Regular	0.00	500.00	123235
7327	HAAS, JERRY & CHERYL	08/11/2023	Regular	0.00	500.00	123199
6269	HANSON, SHARON	08/11/2023	EFT	0.00	49.95	13859
1256	HAWKINS INC	08/11/2023	EFT	0.00	13,869.97	13860
1267	HEIMAN INC.	08/11/2023	EFT	0.00	61.91	13861
1268	HELENA CHEMICAL COMPANY	08/11/2023	Regular	0.00	7,367.24	123200
1271	HENLE PRINTING COMPANY	08/11/2023	EFT	0.00	36.77	13862
1271	HENLE PRINTING COMPANY	08/18/2023	EFT	0.00	50.10	13942
7328	HOFFMAN, JAMES	08/11/2023	Regular	0.00	500.00	123201
4885	HORIZON COMMERCIAL POOL SUPPLY	08/11/2023	EFT	0.00	4,856.60	13863
1325	ICMA RETIREMENT TRUST #300877	08/18/2023	EFT	0.00	50.00	13943
4552	INGRAM LIBRARY SERVICES	08/16/2023	EFT	0.00	2,545.97	13916
1399	JOHNSON BROTHERS LIQUOR COMPANY	08/11/2023	EFT	0.00	12,976.41	13866
1399	JOHNSON BROTHERS LIQUOR COMPANY	08/18/2023	EFT	0.00	8,275.86	13944
2036	JOHNSON BROTHERS LIQUOR COMPANY	08/11/2023	EFT	0.00	8,541.20	13865
2036	JOHNSON BROTHERS LIQUOR COMPANY	08/18/2023	EFT	0.00	5,822.25	13947
2605	JOHNSON BROTHERS LIQUOR COMPANY	08/18/2023	EFT	0.00	1,193.38	13945
5447	JOHNSON BROTHERS LIQUOR COMPANY	08/11/2023	EFT	0.00	1,108.00	13864
5447	JOHNSON BROTHERS LIQUOR COMPANY	08/18/2023	EFT	0.00	819.65	13946
7332	JOHNSON HEATING	08/18/2023	Regular	0.00	50.00	123236
1417	KENNEDY & GRAVEN, CHARTERED	08/11/2023	EFT	0.00	74.00	13867
1417	KENNEDY & GRAVEN, CHARTERED	08/18/2023	EFT	0.00	700.00	13948
5095	KIBBLE EQUIPMENT LLC	08/11/2023	EFT	0.00	4,823.51	13868
5095	KIBBLE EQUIPMENT LLC	08/18/2023	EFT	0.00	380.56	13949
4140	KRUSE FORD-LINCOLN-MERCURY, INC	08/11/2023	EFT	0.00	87.19	13869
4140	KRUSE FORD-LINCOLN-MERCURY, INC	08/18/2023	EFT	0.00	2,280.70	13950
3653	LANGUAGE LINE SERVICES	08/18/2023	EFT	0.00	985.18	13951
1483	LEAGUE OF MINNESOTA CITIES INS TRUST	08/11/2023	Regular	0.00	4,623.70	123202
1483	LEAGUE OF MINNESOTA CITIES INS TRUST	08/18/2023	Regular	0.00	131.00	123237
1508	LOCKWOOD MOTORS INC	08/18/2023	EFT	0.00	643.26	13952
6323	LUTHER, ERIC	08/11/2023	EFT	0.00	10.00	13870
6323	LUTHER, ERIC	08/18/2023	EFT	0.00	37.42	13953
4685	LYON COUNTY 4-H FEDERATION	08/11/2023	Regular	0.00	367.50	123203
1531	LYON COUNTY AUDITOR-TREASURER	08/18/2023	EFT	0.00	26,436.31	13954
1545	LYON COUNTY HIGHWAY DEPARTMENT	08/11/2023	EFT	0.00	12,095.23	13871
1548	LYON COUNTY LANDFILL	08/11/2023	EFT	0.00	286.96	13872
1552	LYON COUNTY RECORDER	08/11/2023	EFT	0.00	62.10	13873
1555	LYON LINCOLN ELECTRIC COOPERATIVE INC	08/11/2023	Regular	0.00	38.14	123204
1565	MACQUEEN EQUIPMENT INC.	08/11/2023	EFT	0.00	238.59	13874
1575	MAILBOXES & PARCEL DEPOT	08/11/2023	EFT	0.00	1.71	13875
7329	MANNISTO, MICHELE	08/11/2023	Regular	0.00	30.00	123205
1604	MARSHALL AREA CHAMBER OF COMMERCE	08/16/2023	EFT	0.00	25.00	13917
6768	MARSHALL AREA YOUTH WRESTLING	08/18/2023	Regular	0.00	50.00	123238
6961	MARSHALL GYMNASTICS BOOSTERS	08/18/2023	Regular	0.00	2,000.00	123239

## Council Check Report

Date Range: 08/11/2023 - 08/22/2023

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
1623	MARSHALL INDEPENDENT, INC	08/18/2023	Regular	0.00	3,144.69	123240
5813	MARSHALL LUMBER CO	08/11/2023	EFT	0.00	298.50	13876
5813	MARSHALL LUMBER CO	08/18/2023	EFT	0.00	124.89	13955
1633	MARSHALL MUNICIPAL UTILITIES	08/11/2023	EFT	0.00	116,290.52	13877
1633	MARSHALL MUNICIPAL UTILITIES	08/16/2023	EFT	0.00	2,382.10	13918
1633	MARSHALL MUNICIPAL UTILITIES	08/18/2023	EFT	0.00	7,519.67	13956
1635	MARSHALL NORTHWEST PIPE FITTINGS INC	08/11/2023	EFT	3.77	184.70	13880
1637	MARSHALL PUBLIC SCHOOLS	08/18/2023	EFT	0.00	1,190.39	13957
3545	MARSHALL RADIO	08/11/2023	EFT	0.00	2,000.00	13881
3545	MARSHALL RADIO	08/18/2023	EFT	0.00	650.00	13958
1652	MARSHALL VOLUNTEER FIRE RELIEF ASSOCIATI	08/11/2023	Regular	0.00	5,000.00	123206
6586	MCDYER TOOLS	08/11/2023	Regular	0.00	102.00	123207
4980	MENARDS INC	08/11/2023	EFT	0.00	129.38	13882
4980	MENARDS INC	08/18/2023	EFT	0.00	471.21	13959
4456	MINNCOR INDUSTRIES	08/15/2023	Regular	0.00	6,230.00	123220
1818	MINNESOTA DEPARTMENT OF REVENUE	08/17/2023	Bank Draft	0.00	69,294.00	DFT0003204
3555	MINNESOTA DEPARTMENT OF TRANSPORTATIC	08/11/2023	Regular	0.00	329.40	123208
7035	MN PUBLIC FACILITIES AUTHORITY	08/11/2023	EFT	0.00	760,009.13	13883
1690	MOBILE HEALTH SERVICES LLC	08/18/2023	EFT	0.00	405.00	13960
1864	MONTES ELECTRIC INC	08/11/2023	Regular	0.00	4,916.92	123209
1864	MONTES ELECTRIC INC	08/18/2023	Regular	0.00	377.75	123242
1945	NORM'S GTC	08/11/2023	Regular	0.00	184.29	123211
1945	NORM'S GTC	08/18/2023	Regular	0.00	345.00	123243
1946	NORTH CENTRAL LABS	08/11/2023	EFT	0.00	482.24	13884
1946	NORTH CENTRAL LABS	08/18/2023	EFT	0.00	414.34	13961
7325	NUTRITION EXCELLENCE LLC	08/11/2023	Regular	0.00	778.00	123212
6463	OFFICE OF MNIT SERVICES	08/18/2023	Regular	0.00	709.62	123244
5891	ONE OFFICE SOLUTION	08/11/2023	EFT	0.00	63.01	13885
5891	ONE OFFICE SOLUTION	08/18/2023	EFT	0.00	158.15	13962
3809	O'REILLY AUTOMOTIVE STORES, INC	08/18/2023	EFT	0.00	9.18	13963
1243	PATZERS INC	08/11/2023	EFT	0.00	9.96	13886
1243	PATZERS INC	08/18/2023	EFT	0.00	1.90	13964
2019	PAUSTIS WINE COMPANY	08/18/2023	EFT	0.00	2,284.08	13965
5707	PAYPAL INC	08/14/2023	Bank Draft	0.00	29.99	DFT0003181
2026	PEPSI COLA BOTTLING OF PIPESTONE MN INC	08/11/2023	EFT	0.00	54.00	13887
4007	PETE'S ELECTRIC MOTOR REPAIR	08/11/2023	EFT	0.00	386.97	13888
2049	PLUNKETTS PEST CONTROL INC	08/16/2023	EFT	0.00	107.00	13919
2049	PLUNKETTS PEST CONTROL INC	08/18/2023	EFT	0.00	41.82	13966
3557	POMP'S TIRE SERVICE, INC.	08/11/2023	EFT	0.00	1,993.60	13889
3557	POMP'S TIRE SERVICE, INC.	08/18/2023	EFT	0.00	284.08	13967
2064	POWERPLAN	08/11/2023	Regular	0.00	625.92	123213
7049	POWERS, BEN	08/18/2023	EFT	0.00	149.00	13968
6166	PULVER MOTOR SVC, LLC	08/11/2023	EFT	0.00	80.00	13890
6166	PULVER MOTOR SVC, LLC	08/18/2023	EFT	0.00	80.00	13969
7322	QUADIANT FINANCE USA, INC	08/18/2023	Regular	0.00	100.00	123245
4939	RECREATION SUPPLY CO, INC.	08/11/2023	EFT	0.00	436.60	13891
2136	REDWOOD GAZETTE	08/15/2023	Regular	0.00	69.00	123221
6887	RISE STRUCTURAL ASSOCIATES, INC	08/18/2023	Regular	0.00	800.00	123246
0707	ROADSIDE DEVELOPERS INC	08/18/2023	Regular	0.00	201.55	123247
2190	ROTARY CLUB OF MARSHALL	08/18/2023	EFT	0.00	50.00	13970
2201	RUNNING SUPPLY, INC	08/11/2023	EFT	0.00	324.52	13892
2201	RUNNING SUPPLY, INC	08/16/2023	EFT	0.00	92.97	13920
2201	RUNNING SUPPLY, INC	08/18/2023	EFT	0.00	158.37	13971
2244	SCHWANS SALES ENTERPRISES	08/18/2023	Regular	0.00	1,062.42	123248
5995	SHADES OF THE PAST OF MARSHALL INC	08/18/2023	Regular	0.00	400.00	123249
7331	SKEWES, JAMES & PATRICIA	08/18/2023	Regular	0.00	119.71	123250
3495	SMSU	08/18/2023	EFT	0.00	1,680.00	13972
4855	SOUTHERN GLAZER'S	08/11/2023	EFT	0.00	9,346.32	13893
4855	SOUTHERN GLAZER'S	08/18/2023	EFT	0.00	13,411.81	13973
2309	SOUTHWEST COACHES INC	08/18/2023	EFT	0.00	1,525.00	13974
2311	SOUTHWEST GLASS CENTER, INC	08/11/2023	EFT	0.00	281.50	13894

Council Check Report

Date Range: 08/11/2023 - 08/22/2023

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
2311	SOUTHWEST GLASS CENTER, INC	08/16/2023	EFT	0.00	130.00	13921
2318	SOUTHWEST SANITATION INC.	08/11/2023	EFT	0.00	4,173.32	13895
2318	SOUTHWEST SANITATION INC.	08/16/2023	EFT	0.00	127.68	13922
5922	SRF CONSULTING GROUP, INC.	08/18/2023	EFT	0.00	3,771.89	13975
0491	ST AUBIN, GREGORY	08/18/2023	EFT	0.00	150.00	13976
4522	ST LOUIS MRO INC.	08/11/2023	EFT	0.00	27.50	13896
5823	STAN MORGAN & ASSOCIATES, INC	08/18/2023	Regular	0.00	2,751.35	123251
6800	STOCKWELL ENGINEERS	08/11/2023	EFT	0.00	22,300.00	13897
4385	STUART C IRBY CO.	08/18/2023	EFT	0.00	102.73	13977
6535	SW DUST TREATMENT, INC	08/18/2023	Regular	0.00	2,247.50	123252
6942	SWENSON, JAMES R. AND TEAH	08/18/2023	Regular	0.00	113.93	123253
6277	TALKING WATERS BREWING CO, LLC	08/11/2023	EFT	0.00	880.00	13898
6137	TEIGS LAWN CARE & LANDSCAPING, LLC	08/18/2023	Regular	0.00	80.00	123254
4734	TESSMAN COMPANY	08/18/2023	EFT	0.00	283.25	13978
0875	THE COMPUTER MAN INC	08/11/2023	EFT	0.00	1,955.00	13899
6709	THERMO KING OF SIOUX FALLS INC	08/11/2023	EFT	0.00	472.03	13900
2143	THOOFT ENTERPRISES LLC	08/11/2023	EFT	0.00	127.50	13901
3342	TRUEDSON, SCOTT	08/11/2023	EFT	0.00	93.00	13902
0853	ULTIMATE SAFETY CONCEPTS, INC.	08/11/2023	EFT	0.00	254.66	13903
0853	ULTIMATE SAFETY CONCEPTS, INC.	08/18/2023	EFT	0.00	4,125.53	13979
2499	US BANK	08/11/2023	EFT	0.00	500.00	13904
7333	VELASQUEZ, JUAN RAFAEL	08/18/2023	Regular	0.00	50.00	123255
4489	VERIZON WIRELESS	08/11/2023	EFT	0.00	35.01	13905
4489	VERIZON WIRELESS	08/16/2023	EFT	0.00	41.17	13923
6113	VERSA-VEND VENDING INC	08/11/2023	EFT	0.00	107.00	13906
6113	VERSA-VEND VENDING INC	08/18/2023	EFT	0.00	154.00	13980
7154	VESTA LLC	08/18/2023	Regular	0.00	51.95	123256
2538	VIKING COCA COLA BOTTLING CO.	08/11/2023	EFT	0.00	381.30	13907
2538	VIKING COCA COLA BOTTLING CO.	08/18/2023	EFT	0.00	276.35	13981
2545	VOLUNTEER FIREFIGHTERS BENEFIT ASSOC	08/11/2023	Regular	0.00	14.00	123214
2557	WARNING LITES OF MN INC	08/11/2023	Regular	0.00	2,568.00	123215
5961	WAYNE'S TRACTOR REPAIR	08/18/2023	Regular	0.00	73.06	123257
2624	YMCA	08/11/2023	Regular	0.00	120.00	123216
2631	ZEP MANUFACTURING COMPANY	08/11/2023	EFT	0.00	443.10	13908
2632	ZIEGLER INC	08/11/2023	EFT	0.00	266.93	13909

Bank Code AP Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	125	68	0.00	173,200.73
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	3	3	0.00	78,744.63
EFT's	249	140	8.62	1,145,082.39
	<b>377</b>	<b>211</b>	<b>8.62</b>	<b>1,397,027.75</b>

## All Bank Codes Check Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	125	68	0.00	173,200.73
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	3	3	0.00	78,744.63
EFT's	249	140	8.62	1,145,082.39
	<b>377</b>	<b>211</b>	<b>8.62</b>	<b>1,397,027.75</b>

## Fund Summary

Fund	Name	Period	Amount
999	POOLED CASH FUND	8/2023	1,397,027.75
			<b>1,397,027.75</b>



**CITY OF MARSHALL, MINNESOTA**  
**PRIOR AND CURRENT YEARS CONSTRUCTION CONTRACTS**  
**8/22/2023**

PROJECT #:	Coding	DATE	CONTRACTOR:	ORIGINAL CONTRACT AMOUNT:	CHANGE ORDERS	CURRENT CONTRACT AMOUNT	2020 Prior Payments	2021 Prior Payments	2022 Prior Payments	2023 Prior Payments	PYMTS THIS MEETING:	RETAINAGE	BALANCE:	PERCENT COMPLETE
CH1	494-43300-55120	11/12/2019	City Hall Renovation	Brennan Companies	5,030,200.00	749,360.00	5,779,560.00	3,039,722.04	2,661,221.96	66,794.00		11,822.00	-	100.00%
ST-004	480-43300-55170	2/22/2022	Halbur Road Reconstruction	Duininck, Inc	1,142,009.72	27,473.66	1,169,483.38			1,068,756.45	42,723.29	11,227.07	46,776.57	96.00%
ST-006 (Z79)	495-43300-55130	5/10/2022	School Pedestrian Crossing Improvements	Duininck, Inc	480,250.35	15,028.32	495,278.67			376,682.76	118,595.91	-	-	100.00%
ST-002	495-43300-55170	3/14/2023	Bituminous Overlay on Various City Streets	Duininck, Inc	887,990.20		887,990.20				23,472.60	1,235.40	863,282.20	2.78%
ST-008	401-43300-55170	3/14/2023	Channel Parkway Pavement Replacement	Duininck, Inc	1,374,151.96		1,374,151.96						1,374,151.96	0.00%
ST-009	481-43300-55170	3/14/2023	W. Lyon Street/N. 3rd Street Reconstruction	R & G Construction Co.	3,845,497.31	10,979.95	3,856,477.26			1,301,235.06		68,486.06	2,486,756.14	35.52%
SWM-002	630-49600-55170	3/14/2023	Legion Field Road Stormwater Study: Phase 2	Towne & Country Excavating LLC	703,749.60		703,749.60						703,749.60	0.00%
PK-092	481-45200-55120	4/11/2023	Amateur Sports Center Shelter & Storage-Ball Field	Doom & Cuyper's Construction, Inc.	171,642.00		171,642.00						171,642.00	0.00%
AP-007	480-43400-55170	2022	Crack Filling w/Sealcoat	City Staff - Street/Airport	75,000.00		75,000.00			51,540.63			23,459.37	68.72%
ST-032	481-43300-53425	7/11/2023	L2,BLK1, Schwans Corp I Addition Prkng Lot Improv	D & G Excavating, Inc.	221,243.20		221,243.20						221,243.20	0.00%
				13,931,734.34	802,841.93	14,734,576.27	3,039,722.04	2,661,221.96	1,563,773.84	0.00	92,770.53	5,891,061.04		

## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Presenter:</b>	Marty Seifert
<b>Meeting Date:</b>	Tuesday, August 22, 2023
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	INFO
<b>Subject:</b>	Coalition of Greater MN Cities Legislative Update
<b>Background Information:</b>	Coalition of Greater MN Cities (CGMC) Legislative Lobbyist Marty Seifert will be present to provide an update on the 2023 Legislative Session.
<b>Fiscal Impact:</b>	
<b>Alternative/ Variations:</b>	
<b>Recommendations:</b>	N/A

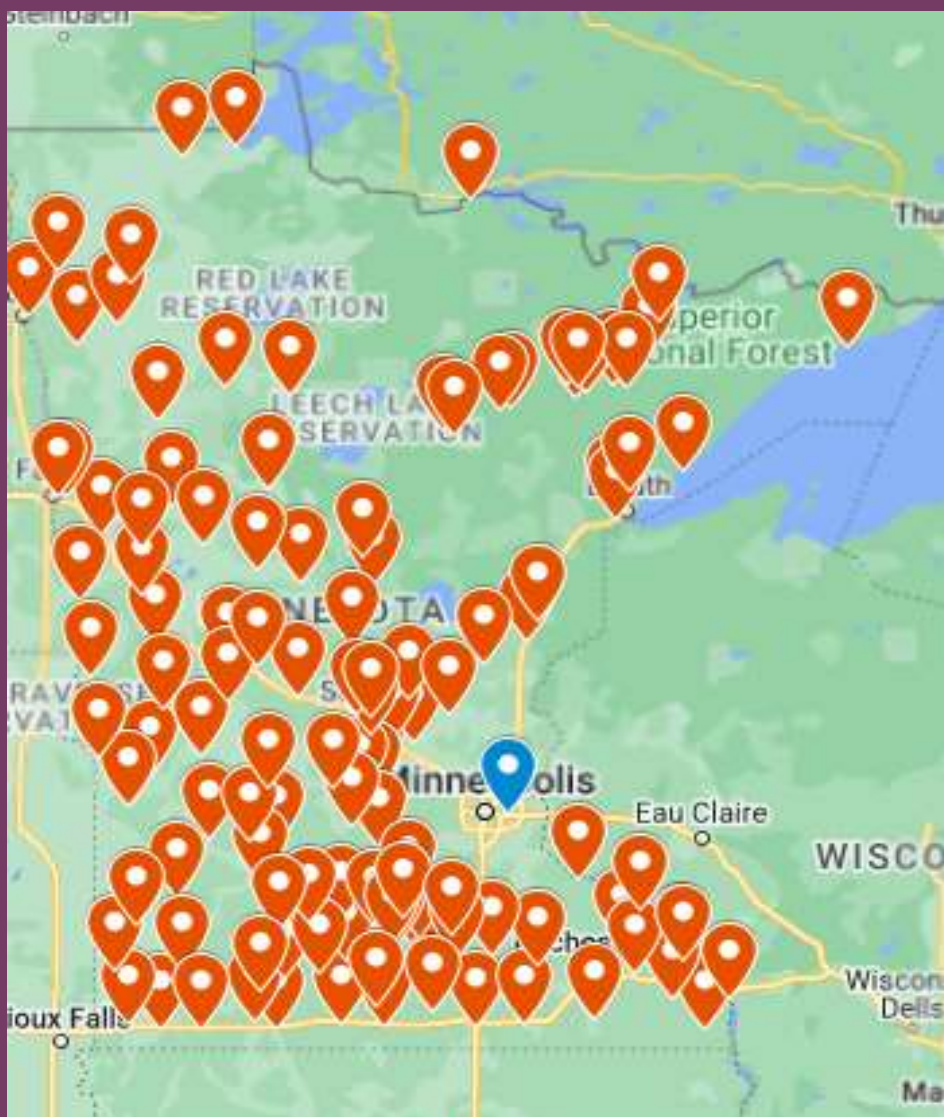


DEDICATED TO A STRONG GREATER MINNESOTA

# 2023 City Visit

CITY

LOBBYIST



# CGMC – Over 100 cities across the state working together

- Local Government Aid/Property Taxes
- Environment and Energy
- Economic Development
- Transportation
- Annexation and Land Use
- Labor and Employment

# CGMC 2023 top legislative priorities

- \$150 million LGA increase, formula update, and inflation/population adjustment
- Bonding bill
  - Public Facilities Authority funds
  - Greater Minnesota Child Care Facilities grants
  - Business Development Public Infrastructure grants
  - Infrastructure projects across Greater MN
- Lead line inventory and replacement
- Permanent and ongoing funding for city streets of all sizes
- Corridors of Commerce reforms and funding
- Child Care Economic Development grants & community support programs
- Greater MN Workforce Housing Development Fund

# 2023 LEGISLATIVE SESSION: THE BIG PICTURE

CGMC  
priorities

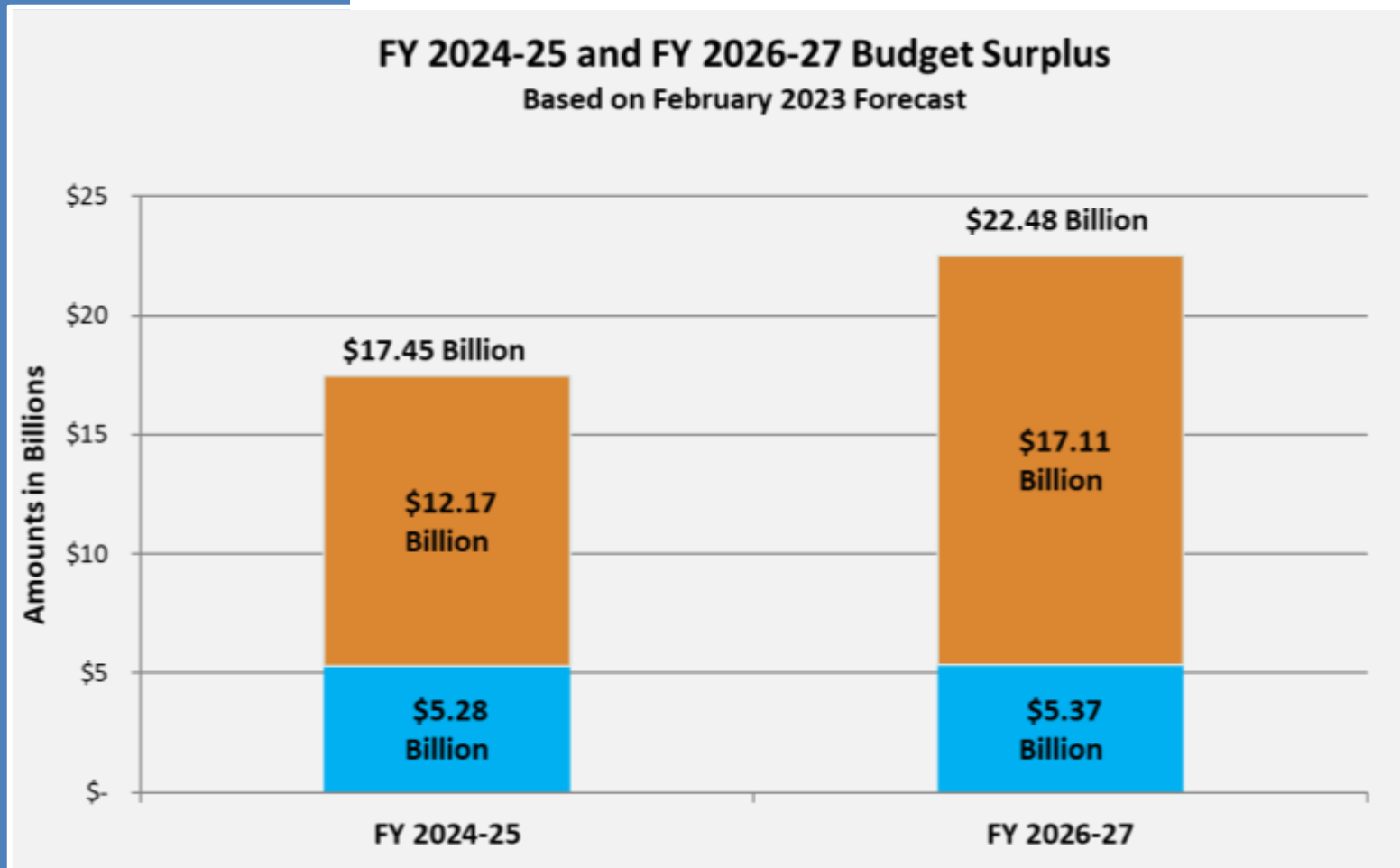
DFL  
priorities

Other interest  
group priorities



Pretty good  
outcomes!

# Budget forecasts show historic surplus



## ... but DFL trifecta poses some unique challenges

Volume and speed of legislation

DFL majorities dominated by metro-area members

No backstop for potentially harmful proposals





# Local Government Aid

# Refresh: CGMC's LGA ask

Increase appropriation by at least \$150 million

Update LGA formula to ensure maximum impact for  
Greater Minnesota cites

Add inflation and population growth adjustment

# LGA faced stiff competition with DFL priorities in tax proposals



- Joint \$3 billion tax target was small for DFL agenda
- LGA boost contended with:
  - Child & dependent tax credits
  - Walz checks
  - Public safety aid
  - Housing aid



# Governor Walz's LGA proposal

- Governor Walz proposed \$30 million LGA appropriation increase in initial budget
  - Proposal includes formula updates
- CGMC responds; releases statement decrying Walz's proposal as "disappointing" and "inadequate"
- Governor increases proposal to \$40 million in supplemental budget



# Advocacy in action

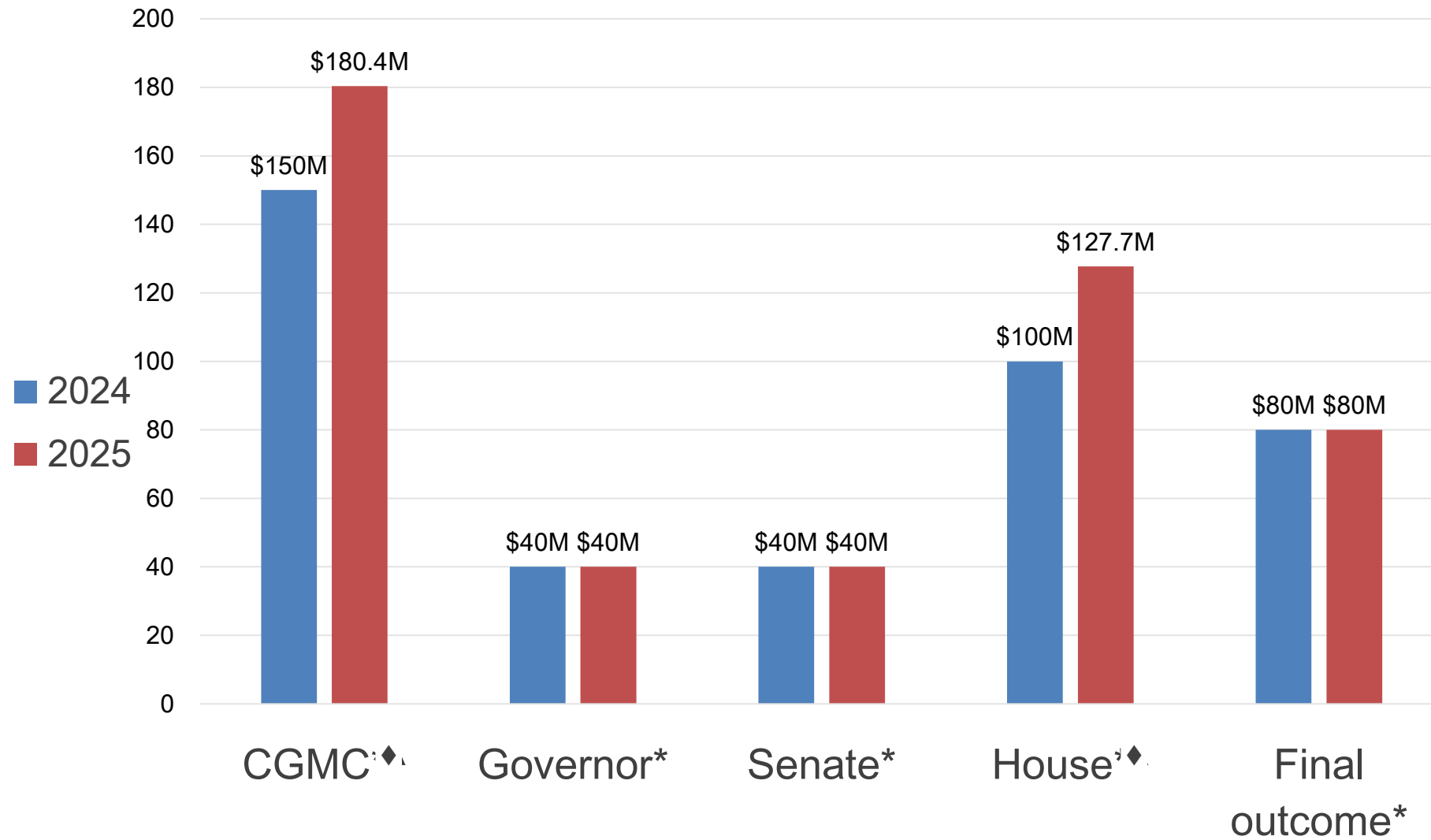


**Virginia Mayor Larry Cuffe Jr. testifies alongside HF 1377 bill author Rep. Dave Lislegard in the House Property Tax Division**



**St. Joseph Mayor Rick Schultz testifies alongside SF 1828 bill author State Senator Matt Klein in the Senate Tax Committee**

# Proposed LGA increases (millions)



\* Includes updated formula  
 ♦ includes inflation/population adjustment





# Bonding



# Bonding bill takes winding road



- No 2022 bonding bill
- Bonding bills require a 60% majority vote in each chamber
  - Passed House with GOP support
  - Failed in Senate 34-33
- GOP doubled down on strategy refusing to vote for bonding bill without “meaningful” tax relief, aid for nursing homes
- Mid-session negotiations failed to reach an agreement
- DFL threatened to pass \$1.3 billion all-cash infrastructure bill without GOP support

Item 10. Executive Director Bradley Peterson speaks at a March 16<sup>th</sup> press conference with bill author Sen. Pappas (DFL-St. Paul) and LiUNA representatives

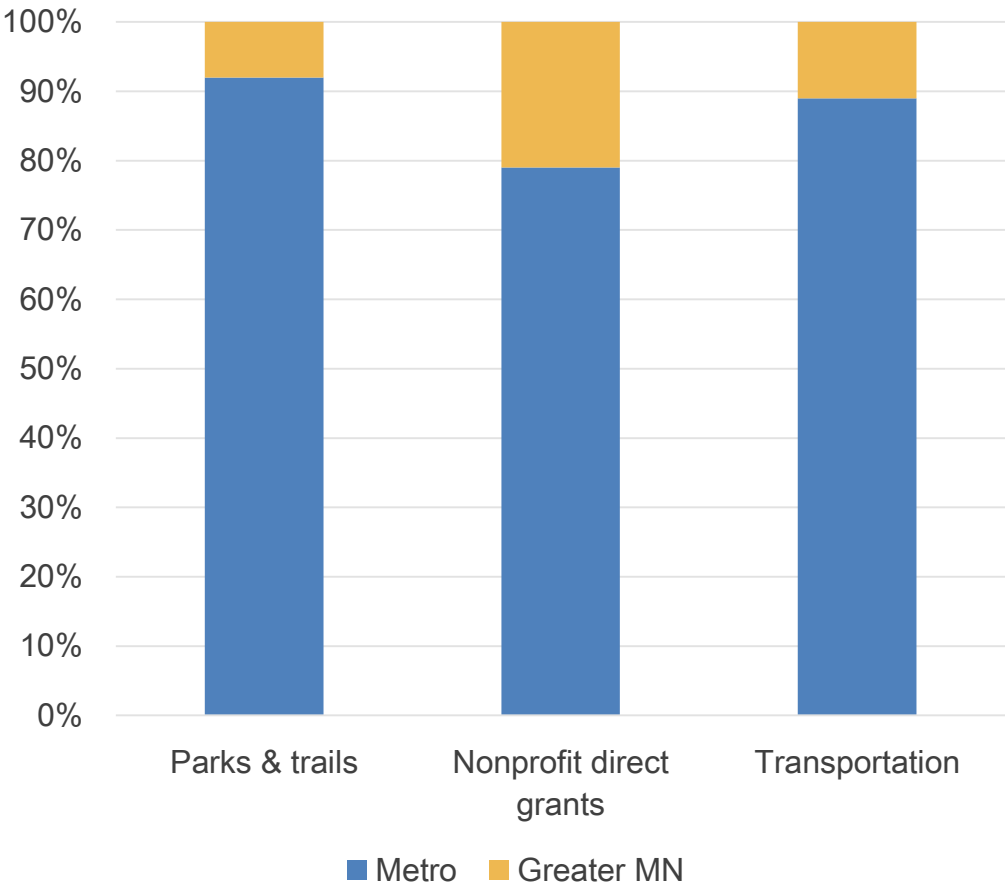


# CGMC priorities took a hit in proposed all-cash infrastructure package

	BONDING	CASH
PFA	\$208.2 million	\$86 million
BDPI	\$10 million	\$4.95 million
Greater MN Housing Infrastructure	\$3 million	\$0
Greater MN Child Care Facilities	\$900 thousand	\$0
Local roads & bridges	\$152 million	\$45 million

Total difference: \$238.15 million

Regional funding distribution in cash bill (percent)



# CGMC cities press Senate GOP to work with majority, pass traditional G.O. bonding bill



DEDICATED TO A STRONGER GREATER MINNESOTA

March 17, 2023

Dear Senate Members and members of the Senate GOP Caucus:

Thank you for being part of our membership of more than 100 cities in the state's majority caucus. It is our goal to move forward with the best possible progress on a traditional bonding bill. It is clear that the Senate GOP caucus is in a position to pass a bill, and the outcome depends on your position. The Senate GOP caucus has a choice to make: to pass a bill that meets the long-standing needs of your constituents in Greater Minnesota, or to pass a bill that does not.

We understand that in March and April, you have a lot of work to do. You might have some time to work with your colleagues on the bill. However, it is important to note that the bill is not a simple matter. It is a complex issue that requires a lot of work. We understand that you have a lot of work to do, but we also understand that you have a choice to make. We are asking you to choose wisely.

The bill is a complex issue that requires a lot of work. We understand that you have a lot of work to do, but we also understand that you have a choice to make. We are asking you to choose wisely.

We are asking you to choose wisely. We are asking you to choose wisely. We are asking you to choose wisely.

Legislating is a set of choices. You can either choose to continue wandering down a seemingly futile path of trying to extract concessions from the Majority... or you can choose to provide your constituents with the benefits they deserve... It is undeniable that the outcome of a bonding bill, good or bad, is in your hands. Please choose wisely.

Thank you for your work on behalf of Greater Minnesota.

Sincerely,

Brian Johnson, Mayor of Thief River Falls  
President, Coalition of Greater Minnesota Cities

“Legislating is a set of choices. You can either choose to continue wandering down a seemingly futile path of trying to extract concessions from the Majority... or you can choose to provide your constituents with the benefits they deserve... It is undeniable that the outcome of a bonding bill, good or bad, is in your hands. Please choose wisely.”



CGMC lobbyist Erik Simonson speaks with Senate Minority Leader Mark Johnson (R-East Grand Forks) hours before bonding bill agreement announced

# Session ends with largest infrastructure package in Minnesota history

- DFL agreed to \$300 million in nursing home aid
- GOP agreed to traditional bonding bill and cash infrastructure bill
  - \$1.5 billion bonding bill
  - \$1.1 billion cash bill
- These three bills are passed in the final hours of session

	FINAL OUTCOME
PFA	\$208.2 million
BDPI	\$10 million
Greater MN Housing Infrastructure	\$3 million
Greater MN Child Care Facilities	\$900 thousand
Local roads and bridges	\$152 million

# Why did the bonding bill finally come together?

Public pressure from the CGMC and other stakeholders

Local pressure from city officials and constituents

Time since last bonding bill in 2020

Credible threat of bad alternative (cash bill)

Legislators willing to compromise





# Environment



# Bipartisan support pushes \$240 million for lead pipes across finish line



CGMC Executive Director Bradley Peterson speaks at a press conference with Governor Walz, Lt. Governor Flanagan, House bill author Sydney Jordan (DFL- Minneapolis), St. Paul Regional Water Services, LiUNA!, and others in support of funding to inventory & replace lead service lines across the state

Item 10.

- No safe amount of lead in drinking water
- All cities must map lead pipes by October 2024
- \$240 million serves as a “down payment” to help cities begin the process of lead line inventory and replacement
  - All cities will be eligible
  - Homeowner side will be covered
  - MDH will administer mapping, PFA to administer replacement

# Historic investments in water infrastructure and programs



Item 10.

- Last-minute bonding agreement:
  - \$80M for Point Source Implementation Grants
  - \$87M for Water Infrastructure Fund
  - \$41M for federal fund matching
  - \$262M for local Greater MN projects
- Clean Water Legacy
  - \$16.2 million for Point Source Implementation Grants
  - \$1.3 million for chloride reduction
- MPCA water quality programs funding for this biennium, but nothing ongoing

# CGMC played defense, protected Greater MN from harmful environmental proposals

- CGMC blocked numerous attempts to change Public Facilities Authority funding to benefit metro area
- CGMC worked to narrow scope of permit changes that would have hampered growth and economic development
- Little consideration as to how new changes could affect Greater MN



## LOOKING AHEAD:

With DFL control of House & Senate, we anticipate continued and expansive environmental legislation





# Looking Ahead

# 2024 Legislative Session



- Traditional year for a bonding bill
- Constitutional amendments?
- Surplus spending?
- Fix-it items from 2023 session
- Policy, policy, policy!
- Fun starts – February 12, 2024
- Election
  - President
  - US House
  - Klobuchar Senate seat
  - MN House

# CGMC Upcoming Events



## CGMC Summer Conference – July 26-28, Thief River Falls

- Register now!

## CGMC Fall Conference – November 15-17, Willmar

Reach out to Emma Nelson at [ennelson@flaherty-hood.com](mailto:ennelson@flaherty-hood.com) with any questions about CGMC events!

# Questions?

---



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Presenter:</b>	Ilya Gutman
<b>Meeting Date:</b>	Tuesday, August 22, 2023
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	ACTION
<b>Subject:</b>	Consider the request of Tadd and Teresa Ihnen for a Variance Adjustment Permit and a Conditional Use Permit for an advertising sign at 511 State Highway 23 South.
<b>Background Information:</b>	<p>Tadd and Teresa Ihnen applied for a Conditional Use Permit for an advertising sign at 511 State Highway 23 South. This sign will be a traditional panel sign, not a digital sign.</p> <p>The new sign will consist of four panels total, 30 feet wide each, with two panels stacked above each other and those pairs installed at about 20-degree angle to each other to face traffic on Highway 23 in both directions. The overall height of the sign is requested to be 30 feet. Each panel size is less than the maximum allowed length of 55 feet. There is another billboard already built farther north along Highway 23, but the distance between the two signs will be more than 100 feet as required by the Ordinance. However, the new sign is proposed to be installed less than 100 feet from the nearest residence district, which is also required by the Ordinance. Consequently, in order to proceed with a Conditional use permit, a variance permit must be obtained first.</p> <p>Granting of a variance may be permitted only if the request meets the “practical difficulties” test, which requires that proposed use is reasonable (it is); the problem is caused by the conditions unique to this property and not created by the landowner (the sign cannot be moved farther away from the adjacent residential property due to the existing building and an odd shape of the lot); and that granting the variance will not change the character of the area (there is another billboard not far away, so another one will not alter the “character” of the area). It seems that these conditions are met, so a variance request is reasonable. A condition to plant trees is added to mitigate the negative effect on the neighboring residential area.</p> <p>The variance regulations and procedures are found in Section 86-29. Advertising sign definition may be found in Section 86-1 under Sign, Advertising, and sign regulations for this zoning district are in Section 86-185 (3). The Conditional Use Permit regulations are found in Section 86-46 and the Standards for Hearing are found in Section 86-49. An area site diagram and sign drawings are all attached.</p>
<b>Fiscal Impact:</b>	None known.
<b>Alternative/ Variations:</b>	None recommended.

<p><b>Recommendations:</b></p>	<p><u>Recommendation No. 1</u> Staff recommends a <u>motion</u> to approve the request of the Tadd and Teresa Ihnen for a Variance Adjustment Permit for an advertising sign at 511 State Highway 23 South to be located less than 100 feet from the adjoining residential district, subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. That the regulations, standards, and requirements as set forth in the City Code and as pertains to the class of district in which such premises are located shall be conformed with.</li> <li>2. That the City reserves the right to revoke the Variance Adjustment Permit in the event that any person has breached the conditions contained in this permit provided first, that the City serve the person with written notice specifying items of any default and allow the applicant a reasonable time in which to cure any such default.</li> <li>3. That trees are planted between the sign and the adjoining residential district to fully block the view of the sign from residential area; such trees shall be 2-inch minimum caliper when planted and at least 30 feet tall when fully grown. Any tree that dies or is damaged must be replaced within a year.</li> </ol> <p><u>Recommendation No. 2</u> Staff recommends a <u>motion</u> to approve the request of the Tadd and Teresa Ihnen for a Conditional Use Permit for an advertising sign at 511 State Highway 23 South, subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. The sign must be installed as shown on attached sketch. A survey showing exact sign location by the registered land surveyor shall be filed with the City of Marshall prior to sign installation. The sign or any part thereof shall not encroach into any public right-of-way or adjacent property.</li> <li>2. This permit is for the sign structure described as follows: <ol style="list-style-type: none"> <li>a. Two double panels (not-digital) installed at an angle to each other (four sign panels total).</li> <li>b. Each sign panel shall be no greater than 10 feet by 30 feet.</li> <li>c. The overall height of the sign shall be no more than 30 feet. Prior to sign installation, a sign permit application must be applied and paid for. Structural drawings showing sign footing and foundations shall be signed by a registered professional engineer and submitted along the sign permit application.</li> </ol> </li> <li>3. A state permit shall be obtained.</li> <li>4. The sign structure shall be maintained in a safe condition and all surfaces maintained without blemish or defects. The current land and sign owner and all future sign and landowners are fully responsible for maintenance, together or separately.</li> </ol>
--------------------------------	---

**CONDITIONAL USE PERMIT**  
**City of Marshall, Minnesota**

**WHEREAS**, the Planning Commission of the City of Marshall has held a Public Hearing for a Conditional Use Permit for an advertising sign under the zoning code, Article 86-VI, Section 86-185, in the City of Marshall for the following location:

**See Exhibit A**  
**City of Marshall, County of Lyon, State of Minnesota**  
**(511 Hwy 23 S)**

and; in accordance with and pursuant to the provisions of Chapter 86 of the City Code of Ordinances related to zoning; and has written findings that the establishment, maintenance or conducting of the use for which the permit is sought will not under the circumstances be detrimental to the health, safety, morals, comfort, convenience or welfare of the persons residing or working in the area adjacent to the use, or to the public welfare, or injurious to property or improvements in the area adjacent to such use; and,

**WHEREAS**, the Planning Commission has designated certain conditions in the granting of such use permit,

**NOW THEREFORE**, be it resolved by the Common Council of the City of Marshall, Minnesota, that a Conditional Use Permit be granted to Tadd Ihnen & Teresa Ihnen, a married couple, for an advertising sign at 511 State Hwy 23 S subject to the following conditions:

1. If within one (1) year after approving the Conditional Use Permit, the use as allowed by the permit shall not have been initiated, the CUP shall become null and void unless a petition for an extension of time in which to complete the use has been granted by the City Council. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
2. Pursuant to Marshall Code Article 86-II, Division 86-II-2, Section 86-49, no application for a condition modification shall be considered by the planning commission or council for at least one-year from the date of a conditional use permit approval or from when circumstance sufficiently change to justify a review.
3. The owner shall maintain the property to conform with the Zoning Ordinance, Building Code, and not cause or create negative impacts to existing or future properties adjacent thereto.
4. The owner shall obtain all relevant and required permits, including City's sign permit and State permit, prior to beginning any work.
5. The installed sign shall be as follows:
  - i. The sign must be installed as shown on attached sketch. A survey showing exact sign location by the registered land surveyor shall be filed with the City of Marshall prior to sign installation. The sign or any part thereof shall not encroach into any public right-of-way or adjacent property.
  - ii. This permit is for the sign structure described as follows:
    - a. Two double panels (not-digital) installed at an angle to each other (four sign panels total).
    - b. Each sign panel shall be no greater than 10 feet by 30 feet.
    - c. The overall height of the sign shall be no more than 30 feet.Structural drawings showing sign footing and foundations shall be signed by a registered professional engineer and submitted along the sign permit application.
  - iii. The sign structure shall be maintained in a safe condition and all surfaces maintained without blemish or defects. The current land and sign owner and all future sign and landowners are fully responsible for maintenance, together or separately.

6. The City reserves the right to revoke the Conditional Use Permit if the applicant or if ownership of the property has transferred, then the current owner, has breached the conditions contained in this permit provided first, however, that the City serve the applicant with written notice specifying items of any such default and thereafter allow the applicant a reasonable time in which to cure any such default.

**ADOPTED August 22, 2023**

ATTEST:

\_\_\_\_\_  
Mayor

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

This Instrument Drafted By:  
Jason R. Anderson, P.E.  
City Engineer/Zoning Administrator  
344 West Main Street  
Marshall MN 56258

(SEAL)

File No. 1165



**VARIANCE ADJUSTMENT PERMIT**  
City of Marshall, Minnesota

**WHEREAS,** The Planning Commission of the City of Marshall has held a Public Hearing for a Variance Adjustment Permit to allow for reduced distance from an advertising sign to the adjacent residence district on the premises described as:

**See Exhibit A**  
**City of Marshall, County of Lyon, State of Minnesota**  
**(511 Hwy 23 S)**

and; in accordance with and pursuant to the provisions Chapter 86 of City Code of Ordinances related to zoning; and has written findings that the establishment, maintenance or conducting of the use for which the permit is sought will not under the circumstances be detrimental to the health, safety, morals, comfort, convenience or welfare of the persons residing or working in the area adjacent to the use, or to the public welfare, or injurious to property or improvements in the area adjacent to such use, and;

**WHEREAS,** The Planning Commission has designated certain conditions in the granting of such permit.

**NOW THEREFORE,** be it resolved by the Common Council of the City of Marshall, Minnesota, that a variance adjustment permit be granted to Tadd Ihnen & Teresa Ihnen, a married couple, for an advertising sign to be located 85 feet from adjacent residence district with all of the following conditions:

1. Pursuant to Marshall Code Article 86-II, Division 86-II-1, Section 86-29, no application for a condition modification shall be considered by the planning commission or council for at least one-year from the date of a variance adjustment permit approval or from when circumstance sufficiently change to justify a review.
2. The owner shall maintain the property to conform with the Zoning Ordinance, Building Code, and not cause or create negative impacts to existing or future properties adjacent thereto.
3. The trees are planted between the sign and the adjoining residential district to fully block the view of the sign from residential area; such trees shall be 2 inch minimum caliper when planted and at least 30 feet tall when fully grown. Any tree that dies or is damaged must be replaced within a year.
4. The City reserves the right to revoke the variance if the applicant, or if the ownership of the property has changed, then the current owner, has breached the conditions contained in this permit provided first, however, that the City serve the applicant with written notice specifying items of any such default and thereafter allow the applicant a reasonable time in which to cure any such default.

**ADOPTED August 22, 2023**

ATTEST:

\_\_\_\_\_  
Mayor

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

This Instrument Drafted By:  
Jason R. Anderson, P.E.  
City Engineer/Zoning Administrator  
344 West Main Street  
Marshall MN 56258

(SEAL)

File No. 1165

**FINDING OF FACTS  
VARIANCE AND CONDITIONAL USE PERMITS  
FOR 511 HIGHWAY 23 SOUTH  
WITHIN THE CITY OF MARSHALL, MINNESOTA**

**WHEREAS**, an application has been submitted by Tadd and Teresa Inhen, (“Applicant”) to the City Council requesting approval of a conditional use permits for an advertising sign under the Zoning Code, Article 86-VI, Section 86-185, in the City of Marshall for the following location:

**LOCATION:** 511 Highway 23 South.

**LEGAL DESCRIPTION:** See Exhibit A

**WHEREAS, THE APPLICANT SEEKS THE FOLLOWING:** A Conditional Use Permit to install an advertising sign on the property located at 511 Highway 23 South and legally described above, and

**WHEREAS**, notice required pursuant to Minnesota Statutes Section 462.357 including the time, place and purpose of the hearing was published in the official newspaper at least ten days prior to the day of the hearing; and

**WHEREAS**, notice required pursuant to Minnesota Statutes Section 462.357 was mailed at least ten days before the day of the hearing to each owner of affected property and property situated wholly or partly within 350 feet of the property to which the request relates; and

**WHEREAS**, the Planning Commission held a public hearing as required by the city Zoning Code on August 9, 2023, and

**WHEREAS**, Zoning Ordinance Section 86-185 (c) requires that all advertising signs be permitted only by conditional use permit and be placed at least 100 feet from other advertising signs and from any residence district, and

**WHEREAS**, the proposed advertising sign is located less than 100 feet from the adjacent R-M Manufactured home park district, making this request non-compliant with the ordinance without a variance, and

**WHEREAS**, Zoning Ordinance provides for considerations for granting a variance as follows: the applicant shall prove that the literal enforcement of the provisions of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration and the granting of the variances will be in keeping with the spirit and intent of this chapter. The term "practical difficulties," as used in connection with the granting of a variance means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality, and

**WHEREAS**, staff believe this proposal meets the practical difficulties test for the following reasons:

- The proposal to install an advertising sign is reasonable;
- The problem is caused by the conditions unique to this property and not created by the

landowner because the sign cannot be moved farther away from the adjacent residential district due to the existing building and an odd shape of the lot;

- Granting the variance will not change the character of the area because there is another billboard not far away, so another one will not alter the “character” of the area; and

**WHEREAS**, staff suggested adding a condition to a variance to plant and maintain trees between the sign and adjacent residence district to mitigate the negative effect on the neighboring residential area, and

**WHEREAS**, staff assert that if a variance is approved, application for conditional use permit for advertising sign will meet the ordinance provisions for approval, and

**WHEREAS**, the Planning Commission has discussed the above findings and, after discussion, held a vote on the request, and

**WHEREAS**, the Planning Commission, based on the above findings, has recommended to the City Council to approve a request for a variance adjustment permit to allow for reduced distance from advertising sign to the residence with a certain condition, arising out of the motion offered by Muchlinski and seconded by Pieper, and declared carried on the following vote Ayes: 5 Nays: 0, and

**WHEREAS**, the Planning Commission, based on the above findings, has recommended to the City Council to approve a request for a conditional use permit for an advertising sign with certain conditions, arising out of the motion offered by Muchlinski and seconded by Deutz, and declared carried on the following vote Ayes: 5 Nays: 0, and

**WHEREAS**, the City Council reviewed the Minutes of the Planning Commission and heard from staff, and

**WHEREAS**, Staff reiterated its findings to the Council at the August 22, 2023, Council meeting,

**NOW THEREFORE, THE COUNCIL HAS RESOLVED**, that the City Council accepts and adopts the following findings:

1. Because of the nature of the proposed use and its location, the variance request meets the practical difficulties test:
  - a. Property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.
  - b. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
  - c. The variance, if granted, will not alter the essential character of the locality.
2. Because of the nature of the proposed use and its location, the requested conditional use will not:
  - a. Be inconsistent with adjacent properties.
  - b. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this Code.

**FURTHER, THE COUNCIL HAS RESOLVED**, that the City Council of the City of Marshall

hereby approves the request for a variance adjustment permit to allow for reduced distance from an advertising sign to the adjacent residence district, subject to on-going compliance with all of the following conditions:

1. Pursuant to Marshall Code Article 86-II, Division 86-II-1, Section 86-29, no application for a condition modification shall be considered by the planning commission or council for at least one-year from the date of a variance adjustment permit approval or from when circumstance sufficiently change to justify a review.
2. The owner shall maintain the property to conform with the Zoning Ordinance, Building Code, and not cause or create negative impacts to existing or future properties adjacent thereto.
3. The trees are planted between the sign and the adjoining residential district to fully block the view of the sign from residential area; such trees shall be 2 inch minimum caliper when planted and at least 30 feet tall when fully grown. Any tree that dies or is damaged must be replaced within a year.
4. The City reserves the right to revoke the variance if the applicant, or if the ownership of the property has changed, then the current owner, has breached the conditions contained in this permit provided first, however, that the City serve the applicant with written notice specifying items of any such default and thereafter allow the applicant a reasonable time in which to cure any such default.

**FURTHER, THE COUNCIL HAS RESOLVED,** that the City Council of the City of Marshall hereby approves the requested conditional use permit for an advertising sign, subject to on-going compliance with all of the following conditions:

1. If within one (1) year after approving the Conditional Use Permit, the use as allowed by the permit shall not have been initiated, the CUP shall become null and void unless a petition for an extension of time in which to complete the use has been granted by the City Council. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
2. Pursuant to Marshall Code Article 86-II, Division 86-II-2, Section 86-49, no application for a condition modification shall be considered by the planning commission or council for at least one-year from the date of a conditional use permit approval or from when circumstance sufficiently change to justify a review.
3. The owner shall maintain the property to conform with the Zoning Ordinance, Building Code, and not cause or create negative impacts to existing or future properties adjacent thereto.
4. The owner shall obtain all relevant and required permits, including City's sign permit and State permit, prior to beginning any work.

5. The installed sign shall be as follows:
  - i. The sign must be installed as shown on attached sketch. A survey showing exact sign location by the registered land surveyor shall be filed with the City of Marshall prior to sign installation. The sign or any part thereof shall not encroach into any public right-of-way or adjacent property.
  - ii. This permit is for the sign structure described as follows:
    - a. Two double panels (not-digital) installed at an angle to each other (four sign panels total).
    - b. Each sign panel shall be no greater than 10 feet by 30 feet.
    - c. The overall height of the sign shall be no more than 30 feet.
 Structural drawings showing sign footing and foundations shall be signed by a registered professional engineer and submitted along the sign permit application.
  - iii. The sign structure shall be maintained in a safe condition and all surfaces maintained without blemish or defects. The current land and sign owner and all future sign and landowners are fully responsible for maintenance, together or separately.
6. The City reserves the right to revoke the Conditional Use Permit if the applicant or if ownership of the property has transferred, then the current owner, has breached the conditions contained in this permit provided first, however, that the City serve the applicant with written notice specifying items of any such default and thereafter allow the applicant a reasonable time in which to cure any such default.

Approval is contingent upon execution and return of this document to the City Planning Office.  
I have read and agree to the conditions of this resolution as outlined above.

\_\_\_\_\_  
Property Owner / Applicant

\_\_\_\_\_  
Date

## EXHIBIT A

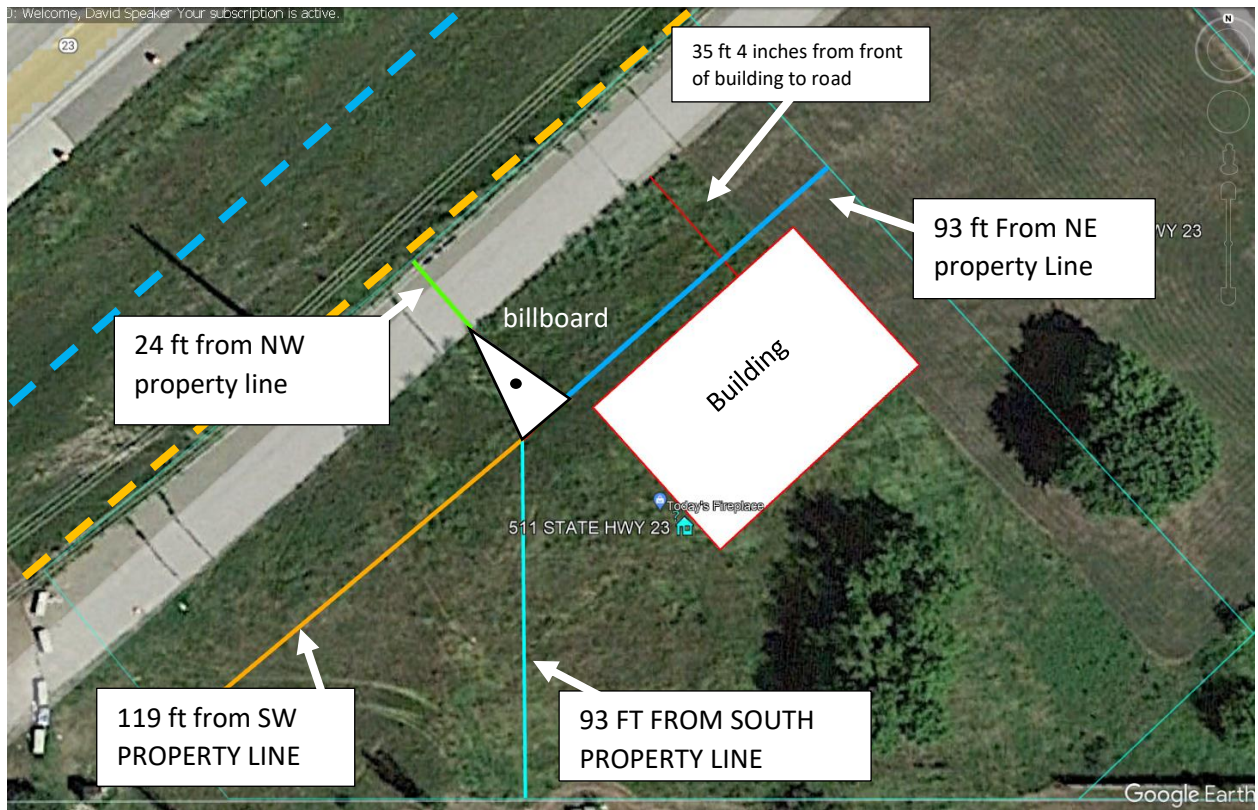
### Legal description:

: All that part of Lot 2, Block 2 of Wilke-Miller-Buesing First Addition in the City of Marshall, as filed and recorded in the office of the County Recorder in and for Lyon County, Minnesota, lying southwesterly of the following described line. Commencing at the northerly most corner of said Lot 2; thence South 48 degrees 43 minutes 41 seconds West, assumed bearing along the northwesterly line of said Lot 2, a distance of 255.82 feet; thence southwesterly along said northwesterly line, along a tangential curve, concave to the northwest, having a central angle of 00 degrees 11 minutes 39 seconds, a radius of 5830.00 feet, and are length of 19.74 feet and a chord that bears South 48 degrees 49 minutes 29 seconds West, to the point of beginning of said line to be described; thence South 41 degrees 16 minutes 20 seconds East, not tangent to said curve a distance of 276.72 feet, to a point on the south line of said Lot 2, said line there terminating. EXCEPTING THEREFROM the following described tract: All that parts of Lots 1, 2 and 3, Block 2 of Wilke-Miller-Buesing First Addition in the City of Marshall, as filed and recorded in the office of the County Recorder in and for Lyon County, Minnesota, being more particularly described as follows: Commencing at the northerly more corner of said Lot 3; thence South 48 degrees 43 minutes 41 seconds West, assumed bearing, along the northwesterly line of said Lot 3, a distance of 242.87 feet to the point of beginning; thence South 41 degrees 16 minutes 19 seconds East, a distance of 114.35 feet; thence North 89 degrees 06 minutes 44 seconds East a distance of 47.00 feet to a point on the westerly line of Holabird Circle as shown on said plat of Wilke-Miller-Buesing First Addition; thence southerly, along said westerly line, along a nontangential curve, concave in an easterly direction having a central angle of 12 degrees 03 minutes 48 seconds, a radius of 60.00 feet, and arc length of 12.63 feet and a chord that bears South 06 degrees 55 minutes 08 seconds East; thence South 77 degrees 02 minutes 56 seconds East, not tangent to said curve, a distance of 51.04 feet; thence South 48 degrees 43 minutes 41 seconds West a distance of 90.00 feet; thence South 38 degrees 43 minutes 43 seconds West a distance of 149.89 feet to a point on the south line of said Block 2; thence North 89 degrees 20 minutes 35 seconds West along said south line a distance of 235.00 feet; thence North 48 degrees 43 minutes 41 seconds East a distance of 428.69 feet to the point of beginning.



**Site Plan** Tadd & Teresa Inhen **Address** 511 STATE HWY 23 S, Marshall City, MN 56258

**Coordinates (Pole)** 44.432477, -95.779485



ROW Line ————

Power Line ————







## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Presenter:</b>	Steven Anderson
<b>Meeting Date:</b>	Tuesday, August 22, 2023
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	ACTION
<b>Subject:</b>	Resolution Establishing an Absentee Ballot Board
<b>Background Information:</b>	<p>Absentee voting for the Aquatic Center Special Election will begin on September 22 and end on November 6. Absentee voting for this election will take place at City Hall, 344 West Main Street, on the second floor at the City Clerks Office. As part of the absentee process any municipality administering absentee ballots must establish a ballot board by ordinance or resolution under Minn Stat. 203B.121, Subd. 1.</p> <p>An absentee ballot board is a special board of election judges or election administrators that process and count returned absentee ballots. Per statute OACAVA, Uniform and Overseas Citizens Absentee Voting Act, ballots must be administered by the county auditor, who must also establish their own ballot board specific to the OACAVA process.</p>
<b>Fiscal Impact:</b>	
<b>Alternative/ Variations:</b>	
<b>Recommendations:</b>	To approve the resolution establishing a ballot board for the City of Marshall to administer absentee voting.

**RESOLUTION 23-063**  
**ESTABLISHING AN ABSENTEE BALLOT BOARD**

WHEREAS, The City of Marshall is required by Minnesota Statutes 203B.121, Subd. 1 to establish an Absentee Ballot Board effective August 22, 2023; and

WHEREAS, a special election to vote on the extension of a sales tax for the construction of a municipal aquatic center shall be held on November 7, 2023; and

WHEREAS, this board will bring uniformity in the processing of accepting or rejecting returned absentee ballots in the City of Marshall; and

WHEREAS, the Absentee Ballot Board would consist of a sufficient number of election judges as provided in sections 204B.19 to 204B.22 or deputy city clerks trained in the processing and counting of absentee ballots;

THEREFORE, BE IT RESOLVED THAT, the Common Council of the City of Marshall hereby establishes an Absentee Ballot Board that would consist of a sufficient number of election judges as provided in sections 204B.19 to 204B.22 or deputy city clerks to perform the task.

Attest:

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

\_\_\_\_\_  
Mayor

## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Presenter:</b>	Ilya Gutman
<b>Meeting Date:</b>	Tuesday, August 22, 2023
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	ACTION
<b>Subject:</b>	Discuss and Consider City Ordinance 86-248 Outside Storage
<b>Background Information:</b>	<p>The purpose of this Council agenda item is to discuss City Ordinance 86-248 Outside Storage, specifically as it relates to the regulations regarding the use of “shipping containers” for permanent storage in residential and business districts in the City of Marshall. There has been significant discussions surrounding the use of shipping containers, most specifically in business districts, over the past 2-3 years. City staff would like confirmation of City Council support for the City Ordinance as it is currently written and confirmation of City Council support for City staff’s function regarding Code enforcement. A brief history regarding City Ordinance treatment of shipping containers is included in the memo (below) and the current ordinance is included in the Council packet for reference.</p> <p>City Ordinance provisions prohibiting shipping containers were added to the City Ordinance in 2013 as a part of multiple revisions to the “Performance Standards” portion of the Zoning Ordinance. The Ordinance prohibited using shipping containers as accessory buildings or permanent storages in Business and Residential zoning districts but permitted them in Industrial districts. The inclusion of shipping container prohibitions were triggered in part by a complaint received about a shipping container installation in a residential neighborhood. It was determined that shipping containers do not meet building codes and do not fit into the typical city environment, which may lead to a reduction in surrounding property values. Provisions prohibiting shipping containers were not controversial at that time and there was limited discussion at the public meetings of the Planning Commission and City Council.</p> <p>Early in 2021, the City received an application for a variance to install a shipping container for the use as a permanent storage. State Statutes and City Ordinance require the presence of “practical difficulties” for a variance to be granted. At the meetings, the City Council determined that practical difficulties were absent in this case and the Council denied the request. However, it asked staff to review the Ordinance and explore ways to allow some storage containers under certain conditions.</p> <p>In the spring of 2021, after thorough review by the Planning Commission and Legislative and Ordinance Committee, Council adopted an ordinance revision that allowed installing a single shipping container in a B-3 General Business district with a conditional use permit (CUP). Such containers were still prohibited in residential districts and other business districts but remained permitted in industrial districts. Proposed standard conditions limited the placement location within a site, specified screening requirements from neighboring properties and public right of way, and regulated the exterior look of the containers.</p> <p>As was mentioned at the time of adoption, the new Ordinance amendment left some existing containers in the city not in compliance with the City Ordinance. In December of 2021, the L&amp;O Committee revisited the issue and directed staff to investigate and identify existing containers</p>

	<p>not in compliance with the ordinance and notify owners of the need to comply. The letters of non-compliance were sent in the beginning of 2022 to about half a dozen violators.</p> <p>In the next year, several changes were made to the original ordinance – all changes were intended to relax the rules. Changes to the ordinance include: increasing the number of permitted containers from one to three (based on square footage), allowing other storage units besides shipping containers (e.g.; semi-trailers), and exempting shipping containers used during construction as temporary storage. Additionally, a requirement for a CUP was replaced with an Interim use permit (IUP). The IUP was more recently introduced and was not an available option during the previous discussions regarding shipping containers.</p> <p>Among those who received a letter of violation from the city, several chose to remove containers or move them to areas where they are permitted. By now, several others have applied for an Interim Use Permit and were granted permission to keep containers with certain conditions. To date, those issued IUPs have not yet complied with the conditions of their permit. The conditions to be met are most typically fence installation to screen the shipping containers.</p> <p>City staff discussed the shipping container ordinance and staff's direction regarding the ordinance with the Legislative and Ordinance Committee on August 8, 2023. The L&amp;O Committee recommended to Council to offer support for the City's Ordinance regarding shipping containers and to recommend City staff to follow through with prior actions regarding shipping containers.</p>
<b>Fiscal Impact:</b>	No fiscal impact to the City
<b>Alternative/ Variations:</b>	As presented by City Council
<b>Recommendations:</b>	Staff is looking for a motion of Council support for the City's Ordinance 86-248 Outside Storage and Council support for prior City Council direction to city staff to enforce the Ordinance as applicable



## **Section 86-248 Outside Storage**

- (a) In all classes of residential districts, open storage and accumulation of materials and equipment shall be prohibited. In all other zoning districts, open storage of materials and equipment shall be prohibited in the required front, side, and rear yards, except storage shall be allowed in the required rear yard in industrial districts. Unless prohibited elsewhere in the ordinance, any other outside storage, including outdoor storage tanks, shall be located or screened so as not to be visible from public right-of-way, public parks or any lot within 500 feet in any of the classes of business or residence districts, except in industrial and agricultural zoning districts screening from public right-of-way is not required. The screening may be achieved by fencing or landscaping means compliant with section 86-247. In all classes of business districts, the storage area shall be paved or graveled to control erosion and shall be properly maintained. Temporary storage of building materials intended for construction use on premises shall be allowed during ongoing construction and up to two weeks prior to construction and is exempt from the above requirements provided a valid building permit is obtained.
- (b) Outdoor display of retail merchandise intended for sale or rent and open to public shall be allowed in all classes of business and industrial districts. In all classes of business districts, the display area, except live plants sales area, shall be paved to control dust and erosion and facilitate access to, and moving of, displayed products. Except licensed automobile, motorcycle, off-road vehicle, and boat sales lots, and small motorized farm and lawn care equipment sales, the display area shall not be located in the required front and side yards. Outdoor display areas adjacent to any of the classes of residence districts shall be screened by fencing or landscaping means compliant with section 86-247. Outdoor display area shall be adequately lighted.
- (c) In all classes of residential districts and residential properties within other zoning districts, outdoor display and sale shall be allowed during garage and yard sales only. The display and sales area shall be located entirely within the pertinent residential property.
- (1) Any related signage shall be limited to premises and to other private properties provided permission from the property owners is obtained; all signage shall be erected not earlier than one-day before sale and shall be removed at the termination of the sale. Such signs shall be limited to three square feet each.
  - (2) There shall be no more than four garage sales conducted during any period of 12 calendar months; there shall be no more than two garage sales conducted during any period of 30 calendar days; there shall be no garage sales conducted for more than four consecutive days; and there shall be no garage sales conducted before 7:00 a.m. or after 8:00 p.m.
- (d) Building enlargement and expansions over 50 percent of existing building footprint area, construction of additional buildings on site, or changes of use resulting in new exterior storage or display area shall cause an exterior storage/display area review by city staff for ordinance compliance.
- (e) Trash, garbage, refuse, recycling materials or any other items intended for disposal shall be stored in designated containers or dumpsters which, with the exception of R-1 and R-2 residence districts, shall be located within areas set for collection of garbage as prescribed by section 50-23. In R-1 and R-2 residence districts trash cans shall not be stored in the required front yard except on the day of garbage collection. In R-1 and R-2 residence districts furniture and other bulky items may be left at the curb for pick up by the licensed garbage hauler or anywhere in the front yard for anyone to take for no more than 48 hours. In all classes of business and industrial districts, similar items intended for disposal may be piled together for



temporary storage no longer than six months within garbage collection areas in a single stack not higher than five feet and with area no more than 100 square feet.

- (1) In all classes of multiple-family and business districts, garbage collection areas shall be paved and fully enclosed with secured access and shall not be located in the required front yard. The enclosure shall be between five and six feet high and fully opaque. If it is located next to the building, it shall be finished with materials matching the exterior of the building. Enclosure requirement does not apply in the Downtown district.
  - (2) Temporary construction dumpsters intended for demolition and other construction debris may be located outside of such enclosures during ongoing construction and up to one week before and after construction provided a valid building permit is obtained. No temporary construction dumpster shall be set on public right-of-way or public parking lot unless a city permit is secured.
- (f) Storage units are not allowed as permanent storage in all classes of residential or business districts. Storage units include motor vehicle trailers, including semi-trailers, designed to carry cargo; cargo or shipping containers constructed out of prefabricated metal and designed for overseas shipping or mounting on rail cars or truck trailers; or steel framed, weatherproof moving containers, commonly known as PODS. Utilization of a single unit is allowed for temporary storage for no more than 30 days in a calendar year; the 30 days limit may be extended up to 180 days by an interim use permit. The above listed units used for temporary construction related storage shall be allowed during an ongoing construction project and up to a month prior to construction, provided a valid building permit is obtained. As an exception, storage units totaling less than 1,000 square feet or ten percent of the main building area, whichever is less, may be permitted by an interim use permit in a B-3 general business district, with the following conditions:
- (1) The containers shall not be placed in any front or required side or rear yard.
  - (2) The containers shall be located so as not to be visible from the public right-of-way, public parks, or any lot in any of the classes of business or residence districts within 500 feet of the containers. It may be screened by fencing or landscaping means compliant with section 86-247. If a fence taller than otherwise permitted by the Ordinance is required for screening by an interim use permit condition, a variance for such fence construction shall not be required.
  - (3) The containers shall be new or freshly painted with neutral colors with no painted signage, lettering, or advertising and shall be properly maintained.
  - (4) The interim use permit shall expire when the property changes ownership or earlier as approved by the council.
- (g) In all classes of residential districts, a licensed boat, open or closed trailer, camper, motor-home, recreational vehicle or other motorized vehicle, but no more than three units, may be stored outside on the property as regulated in section 74-131. One snowmobile, ATV, golf cart, riding mower, trailer, boat, or camper can be displayed for sale in the front yard, provided it has not been purchased or consigned for resale and is not displayed for longer than seven consecutive days or longer than 30 days in a calendar year. No storage or accumulation of any materials in trailers is permitted.

(Code 1976, § 11.19(3)(A)(2); Ord. No. 687, § 1, 6-10-2014; Ord. No. 749 2nd series, § 1, 6-23-2020; Ord. No. 21-002, § 1, 4-27-2021)



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Presenter:</b>	Mayor Byrnes
<b>Meeting Date:</b>	Tuesday, August 22, 2023
<b>Category:</b>	COUNCIL REPORTS
<b>Type:</b>	INFO
<b>Subject:</b>	Commission/Board Liaison Reports
<b>Background Information:</b>	<p><b>Byrnes</b> - Fire Relief Association and Regional Development Commission</p> <p><b>Schafer</b> – Airport Commission, Joint LEC Management Committee, MERIT Center Commission, SW Amateur Sports Commission</p> <p><b>Meister</b> – Adult Community Center, Cable Commission, Economic Development Authority</p> <p><b>Schroeder</b> – Economic Development Authority, Planning Commission, Public Housing Commission</p> <p><b>Alcorn</b> – Community Services Advisory Board, MMU Commission</p> <p><b>Moua-Leske</b> – Convention &amp; Visitors Bureau; Diversity, Equity &amp; Inclusion Commission; Library Board</p> <p><b>Lozinski</b> – Marshall Area Transit Committee, Joint LEC Management Committee, Police Advisory Board</p>
<b>Fiscal Impact:</b>	
<b>Alternative/ Variations:</b>	
<b>Recommendations:</b>	

**MINUTES OF THE  
MARSHALL PLANNING COMMISSION MEETING  
JULY 12, 2023**

**MEMBERS PRESENT:** Pieper, Doom, Lee, Deutz, Stoneberg, Muchlinski, Adboola

**MEMBERS ABSENT:**

**OTHERS PRESENT:** Jason Anderson, Amanda Schroeder

1. The meeting was called to order by Chairperson Lee. She asked for the approval of the minutes of the June 14, 2023 regular meeting of the Marshall Planning Commission. DOOM MADE A MOTION, SECOND BY STONEBERG, to approve the minutes as written. ALL VOTED IN FAVOR OF THE MOTION.
2. Anderson explained this is the request of Bradin Wyffels to construct a new detached garage in the rear corner of their property with a 5-FT rear setback and a 2-FT side yard setback. There is an existing detached in this location today. The property owner desires to demolish the existing 22'x22' structure and replace it with a larger structure, likely 24' wide by 36' deep. Granting of a variance may be permitted only if the request meets the "practical difficulties" test, which requires that proposed use in reasonable, that the problem is caused by conditions that are unique to this property, and that granting the variance will not change the character of the area. Upon review, the staff believes that the argument could be made that this proposal generally meets the practical difficulties test for a rear yard variance. As for the side yard request, staff questions the reasonableness of placing a larger structure so close to the lot line. The existing building is smaller than the proposed building, and the proposed detached garage will be quite close to the neighboring structure. It would appear that the property owner could construct the new detached garage in a manner that meets the required 5-FT side yard setback.

Anderson presented the item. Existing structure infringes on the required rear yard of 12' and sits at approximately 5' and infringes on the required side yard of 5' and sits at approximately 2'. Mr. Wyffels wants to construct a larger garage. Anderson displayed a drawing showing a 24' x 36' proposal. Wyffels is requesting to maintain the existing infringement on the rear yard at 5' and maintain same infringement on side yard with 5' in the back and angle to 2' infringement on side yard. Upon review, City staff looks to ensure that it meets the practical difficulties test. Essentially meaning property must be used in a reasonable manner not otherwise permitted by the Ordinance, the plight of the landowner is due to circumstances unique to the property that are not created by the landowner, the decision will not affect the character of the locality. Staff recommendation is to allow the property to maintain the infringement on the rear yard at 5' and to require a 5' side yard setback. It is City staff belief that the lot is unique in that the rear yard operates as a side yard due to the orientation of the lots in the neighborhood and will not affect the character to be infringing on the yard because there are plenty of structures in the area infringing on the setbacks. Staff feels it is a reasonable request to maintain only a 5' rear yard setback. Mr. Wyffels is asking to infringe on the side yard. City staff is recommending to maintain the side yard of 5'. It is City staff's belief that there is not a unique circumstance that requires an infringement on the side yard.

Bradin Wyffels 710 S Bend Avenue – Indicated requesting variance mainly for the side yard to decrease setback in order to make the garage more accessible to pull into for both stalls and being that the house is about 13' away from the property line. In order to follow the City setback of 5' and plus an additional 2' bumpout of garage and door, it would make it pretty difficult to pull into garage as well as second stall following that setback. Muchlinski asked if Wyffels was ok with other setback conditions. Wyffels indicated he was acceptable to rear yard of 5' feet but not the side yard due to unique layout of

the lot. Deutz asked if Wyffels spoke to neighbors. Wyffels said he had talked to neighbor to south and north and they do not have a problem. He has been unable to contact the neighbor to the back of the house. Pieper indicated not really changing much and making the new structure 12 ft longer. Wyffels addressed the concern of getting closer to neighbors house but proposed new garage would still be 10' from neighbor's house. Wyffels would be demolishing structure completely and new concrete as well and removal of old tar driveway. Muchlinski indicated that changes would be complementary to the area. Lee asked if there is further discussion.

MUCHLINSKI MADE A MOTION, SECOND BY PIEPER to close the public hearing. ALL VOTED IN FAVOR OF THE MOTION. PIEPER MADE A MOTION, SECOND BY DOOM, to recommend to the City Council the approval of variance adjustment permit for reduced setbacks for accessory building at 710 South Bend Avenue and directing City staff to prepare the Findings of Facts document that outlines the basis for the decision. Anderson asked for clarification of the motion whether for 5' rear and 2' side yard or 5' rear and 5' side yard . Lee indicated the motion is for 5' rear and 2' side yard. ALL VOTED IN FAVOR OF THE MOTION.

3. Since there was no old business, STONEBERG MADE A MOTION, SECOND BY ADBOOLA to adjourn the meeting. ALL VOTED IN FAVOR. Chairman Lee declared the meeting adjourned.

Respectfully submitted,  
Lona Rae Konold, Recording Secretary

**23-07PUBLIC HOUSING COMMISSION**

**202 N. FIRST STREET**

MARSHALL, MN 56258

August 14th, 2023

3:30 P.M Board Meeting

- 1 Call to Order:
2. Roll Call:
3. Approval of Previous Meeting Minutes: July 17<sup>th</sup>, 2023
4. Reports:
  - A. **Nine** Month report for Operating Statement for FY 2023
  - B Accounts Receivable/Payable.
  - C. Occupancy/ Maintenance Report
5. CFP. 2022 – Architects waiting for Drawings from Lozinski on Patio Doors for Approval.  
2023 – Working on Drawing, Specs and Ad for the Bidding and Dates for The paper.
6. New Business:
  - A. Washer / Dryer Update. Payment.
  - B. Update on Fire Unit at Winchester. Window installed, waiting for Installation of door and trim work.
  - C. Review Billing and Invoice from Fire Restoration.
  - D. Notice to All Residents.
  - E. Approve Resolution # 23-10, FYE Budget ending 09/3024.
7. Executive Director Items:
  - A. Surgery August 15<sup>th</sup>,2023
8. Commissioner Items:
  - A.
9. Date and Time for Next Regular Meeting, September 11th , 2023. 3:30 p.m.
10. ADJOURN TIME

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

Minutes of the Meeting of  
June 12th, 2023

Meeting called to Order: 3:33 P.M. by Chair Reilly.  
Members Present: Farrell, Rickgarn, Knoblen, Knutson  
Absent: Juarez, Schroeder, both called In.

MOTION by Knutson, seconded by Knoblen, to approve the minutes of the May 8th, 2023 meeting. All voted in favor, Motion passed.

**REPORTS: Six and Seven-Month Operating Statement** for FYE 23 was reviewed by the Board. A line item of concern was discussed at the meeting Motion by Knutson, second by Rickgarn to approve the six-month report. Motion by Knutson, second by Rickgarn to approve the seven-month report. All voted in Favor, Motion passed to approve both reports.

**Account Receivable/Payable: A One-month** report was reviewed; several items were pointed out and discussed to the Board by the Director, including checks from # 021316 to # 021362 in the amount of \$ 79,430.93 Motion by Rickgarn, second by Knutson, to approve one set of reports.

**Occupancy Report:** Currently working with several applicants for Parkview, and Family Units. Detailed Maintenance report included. CFP- 2022, Architects waiting for forms from Lozinski Const.

**New Business:**

- A. Washer /Dryer Update-payment.
- B. Window ordered at the Fire unit with no seal, reordered it.
- C. Motion by Knutson, second by Reilly, to approve and continue with the Hiring of Service Master for the Fire Restoration. All voted in favor, Motion passed.
- D. Motion by Knutson, second by Rickgarn, to Approve Resolution # 23-09, Certification of Compliance, all voted in Favor, Motion passed.
- E. Motion by Knutson, second by Reilly, to award the Awning Contract to G&J Awning, (Low Bid), as long as there is at least a Ten Warranty on the fabric. All voted in Favor, Motion passed.
- F. Motion by Knutson, second by Reilly, to table the election of Officers till next meeting, more members at meeting. All voted in favor, Motion passed.

Next Meeting: July 17th, 2023 3:30 p.m. Community Room.

Chairperson Reilly Declared the meeting adjourned at 4:52 p.m.

  
Mark Farrell, Executive Director

  
Board Member

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

Minutes of the Meeting of  
May 8th, 2023

Meeting called to Order: 3:55 P.M. by Chair Reilly.

Members Present: Farrell, Rickgarn, Schroeder, Knoben, Knutson  
Juarez.

MOTION by Knutson, seconded by Reilly, to approve the minutes of the April 10th, 2022 meeting. All voted in favor, Motion passed.

**REPORTS: Five-Month Operating Statement** for FYE 23 was reviewed by the Board. Motion by Knutson, second by Rickgarn to approve the monthly report. All voted in Favor, Motion passed to approve the report.

**Account Receivable/Payable: A One-month** report was reviewed; several items were pointed out and discussed to the Board by the Director, including checks from # 021272 to # 021302 in the amount of \$ 45,399.39 Motion by Rickgarn, second by Knutson, to approve one set of reports.

**Occupancy Report:** Currently working with several applicants for Parkview, and Family Units. Detailed Maintenance report included. CFP-2021. Final Documents received; Final payment requested.

2022. Review Bid Tabulation Sheet.

Motion by Reilly, second by Rickgarn to approve Resolution # 23-07, Form of Agreement with Lozinski Const. for Parkview patio Door replacement. All voted in Favor, Motion passed.

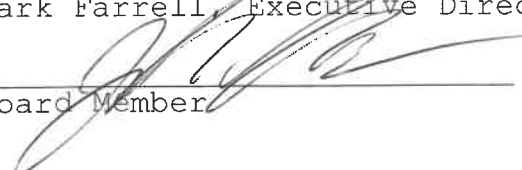
**New Business:**

- A. Washer /Dryer Update-payment.
- B. Motion by Knutson, second by Reilly, to approve Resolution # 23-06, Payment In Lieu of Taxes, all voted in Favor, Motion passed.
- C. Motion by Reilly, second by Knutson, to Approve Resolution # 23-08, Civil Rights Certification, all voted in Favor, Motion passed.
- D. Motion by Knutson, second by Rickgarn, to Approve Resolution # 23-09, Certification of Compliance, all voted in Favor, Motion passed.
- E. Motion by Knutson, second by Reilly, to Approve Resolution # 23-10, CFP 23 Budget with Line Items, all voted in Favor, Motion passed.
- F. Update of Fire Unit.
- G. Motion by Knutson, second by Reilly to table Bids on Awnings, due to cost. Director will call on other Companies. All voted in Favor, Motion passed.
- H. Discussed Annual Open Meeting.

Next Meeting: June 12th, 2023 3:30 p.m. Community Room.

Chairperson Reilly Declared the meeting adjourned at 4:52 p.m.

  
Mark Farrell, Executive Director

  
Board Member

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

Minutes of the Meeting of  
April 10th, 2023

Meeting called to Order: 3:30 P.M. by Vice-Chair Rickgarn.

Members Present: Farrell, Rickgarn, Schroeder, Knoben, Knutson  
Juarez.

Absent: Reilly, Called In.

MOTION by Knutson, seconded by Knoben, to approve the minutes of the March 13th, 2022 meeting. All voted in favor, Motion passed.

**REPORTS: Four-Month Operating Statement** for FYE 23 was reviewed by the Board. Motion by Knoben, second by Knutson to approve the One-month report. All voted in Favor, Motion passed to approve the report.

**Account Receivable/Payable: A One-month** report was reviewed; several items were pointed out and discussed to the Board by the Director, including checks from # 021213 to # 021255 in the amount of \$ 55,573.41 Motion by Knutson, second by Knoben, to approve one set of reports.

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

CFP-2021. Waiting for Final paper work.

2022. CFP 22, Bid Advertisement in the Paper on April 6<sup>th</sup>.

See E-mail on Pre-Bid and Bid Opening Dates and Times.


**New Business:**

- A. Washer /Dryer Update-payment.
- B. Board Contact Information Sheet.
- C. Information on Main Drain at Parkview, Liner or Replacement.
- D. Letter from Lawyers Office on recovering fees.
- E. Notice of Intent to Vacate, Fees Added to this Form.
- F. Motion by Knutson, second by Rickgarn to approve Resolution # 23-05, PHC Lease. All voted in Favor, Motion passed.
- G. Motion by Knutson, second by Rickgarn to approve Resolution # 23-06, Audited Financial Statement. All voted in Favor, Motion passed.
- H. Real Estate Assessment Center Letter.
- I. Information from Fee Accountant on Audit Report.
- J. CFP Annual Meeting @ 3:30p.m. May 8<sup>th</sup>, 23.
- K.

Next Meeting: May 8th, 2023 3:30 p.m. Community Room.

Chairperson Reilly Declared the meeting adjourned at 4:06 p.m.

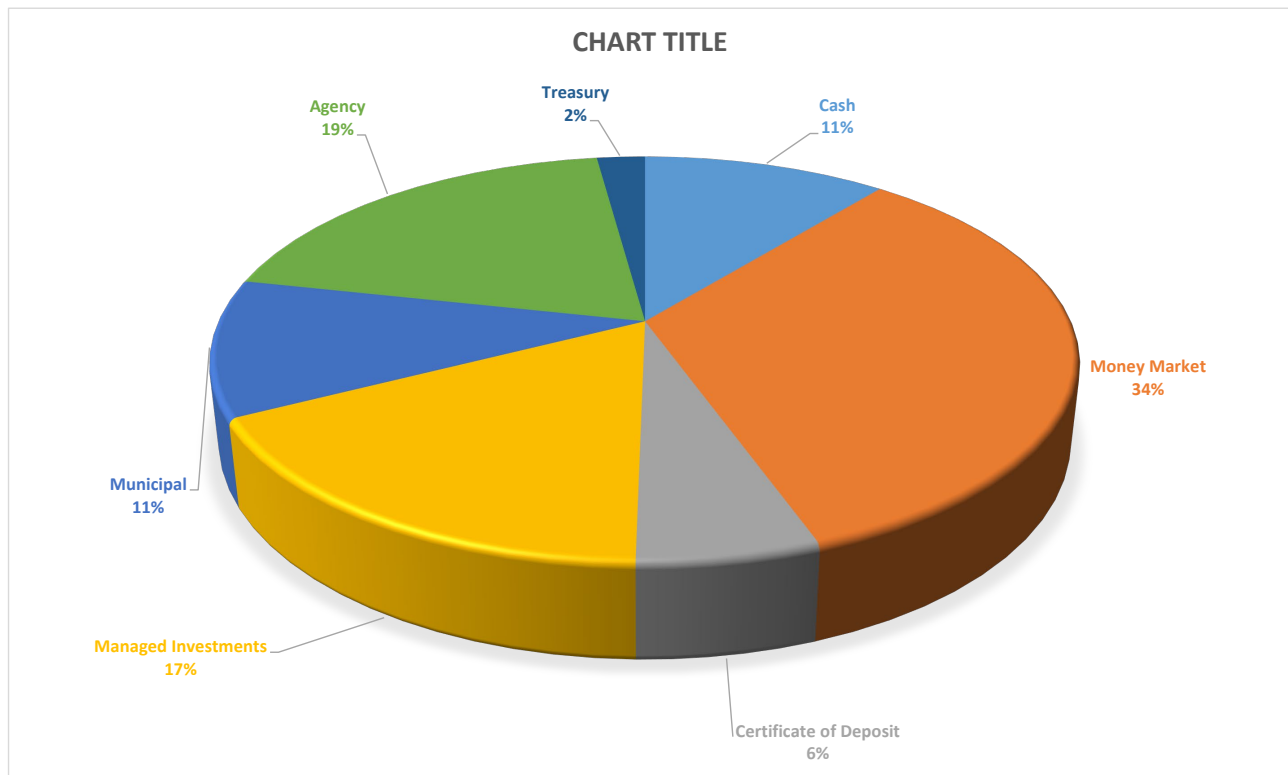
  
Mark Farrell, Executive Director

 5-8-23  
Board Member



**City of Marshall, Minnesota**  
**Cash & Investments**  
7/31/2023

CASH & INVESTMENTS:	Par	Rate
Checking - Bremer	5,068,517.29	0.00%
Money Market - US Bank	5,983,702.55	0.00%
Money Market - Wells Fargo	81,693.14	0.00%
Money Market - 4M	9,614,640.75	0.00%
Agency - 4M	3,355,000.00	0.00%
Certificate of Deposit - Wells Fargo	1,470,000.00	3.11% Average
Investment Portfolio - General Fund	2,612,712.49	
Investment Portfolio - WW/SW Capital Reserve	3,483,817.30	
Investment Portfolio - Endowment Fund	1,907,935.04	
Municipal - US Bank	5,105,000.00	2.50% Average
Certificate of Deposit - US Bank	1,225,000.00	2.22% Average
Agency - US Bank	5,710,000.00	1.04% Average
Treasury - US Bank	1,000,000.00	2.35%
<b>TOTAL CASH &amp; INVESTMENTS</b>	<b>46,618,018.56</b>	





June 22, 2023

Sharon Hanson  
City Administrator  
City of Marshall  
344 West Main Street  
Marshall, MN 56258

RE: City of Marshall, Independence Park

Dear Sharon Hanson:

I am pleased to inform you that your application for the FY24 Outdoor Recreation Grant Program has been selected for funding. We anticipate being able to offer you a grant in the amount of \$210,274 contingent upon the final processing of your application. Our program staff will contact you soon with more information on how to proceed with your project.

We are looking forward to working with you on this project. If you have any questions, call Jennifer Bubke at 651-259-5638, [jennifer.bubke@state.mn.us](mailto:jennifer.bubke@state.mn.us).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ann Pierce', written over a faint, larger signature.

Ann Pierce, Director  
Division of Parks and Trails

Minnesota Department of Natural Resources • Division of Parks and Trails  
500 Lafayette Road, St. Paul, MN 55155-4039

## Project Narrative and Budget Detail

**Recipient:** City of Marshall

**Park Name:** Independence Park

**Project Number:** LW27-01474

**LWCF Amount:** \$210,274

**Local Match:** \$210,274

**Total Project Cost:** \$420,548

**Project Scope:**

The City of Marshall will redevelop a picnic shelter and restroom facilities.

Located in Lyon County, Marshall is a growing regional center and employment, healthcare, education, and commercial hub of SW Minnesota. Independence Park, built in 1988, is the most visited park in the city. This project is part of a phased, nearly 1-million-dollar redevelopment effort. In 2022, the city invested \$600,000 in ADA park trails, lighting, and an inclusive playground. The city received a \$28,622 Outdoor Recreation Grant for the inclusive playground. This next phase is estimated at \$420,547 and will replace an aging picnic shelter and restrooms. The buildings are 35 years old, and their wood supports exhibit severe splitting, making them structurally unsound. The new facilities are designed for minimal annual maintenance, meet all ADA requirements, and include energy-saving features. Reinvestment in these often-used facilities will ensure safe, high-quality experiences for current and future users.

<b><u>Project Components</u></b>	<b><u>Estimated Total Cost</u></b>
Picnic Shelter Materials-48' Hexagonal SteelworX Shelter:8' EX Eave Height w/4:12 Roof Pitch, Polyester Power Coated Frame, w/ 24 ga MultiRib steel roofing	\$100,866
Picnic Shelter 48'- assembly, concrete footings & foundations, electrical work, demo	\$73,312
Restroom 20'x26'- prep/mobilization, concrete slab, masonry, materials/finishes/lighting, thermal/moisture protection, mechanical fixtures & equipment, electrical, sitework, demo	\$246,370
<hr/>	
Total Cost	\$420,548



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

Applicant Name	Location	Description of Work	Valuation	Approved Date
BABCOCK CONSTRUCTION	428 5TH ST N	Windows	700.00	08/07/2023
BABCOCK CONSTRUCTION	402 ELAINE AVE	Windows	2800.00	08/08/2023
BABCOCK CONSTRUCTION	703 4TH ST S	Re-Roofing	11600.00	08/07/2023
CHRISTENSEN/SHARRON L	616 KENDALL ST, 616 KENDALL ST	Concrete Patio, Deck	5700.00	08/03/2023
CONNORS/JENNIFER/	1401 ALAN AVE, 1401 ALAN AVE	Accessory Building (Garages, Sheds, Gazebos, etc), Fence	10000.00	08/08/2023
GESKE HOME IMPROVEMENT CO	1212 WESTWOOD DR	Windows	700.00	08/15/2023
GESKE HOME IMPROVEMENT CO	1119 FAIRVIEW ST E	Windows	1400.00	08/15/2023
GESKE HOME IMPROVEMENT CO	603 KENNEDY ST	Re-Siding	1715.00	08/15/2023
GESKE HOME IMPROVEMENT CO	801 1ST ST S	Windows	2100.00	08/15/2023
GESKE HOME IMPROVEMENT CO	215 HIGH ST N	Windows	4200.00	08/15/2023
GESKE HOME IMPROVEMENT CO	106 GRAY PL W, 106 GRAY PL W, 106 GRAY PL W	Doors, Re-Siding, Windows	18500.00	08/15/2023
Jeremy Swenson	1004 COLUMBINE DR	HVAC - Air Conditioning, Furnace	7500.00	08/07/2023
KESTELOOT/ANGELA M & BRADLEY J	207 JAMES AVE E	Re-Roofing	9000.00	08/15/2023
kevin hart	118 3RD ST N	HVAC - Air Conditioning, [mini split same weight]	3000.00	08/09/2023
kevin hart	1216 WESTWOOD DR	HVAC - Air Conditioning, Furnace	9800.00	08/08/2023
MIKE BUYSSE CONSTRUCTION INC	1654 THUNDERBIRD RD	Re-Siding	9500.00	08/15/2023
Nikki Schumaker	1001 COLLEGE DR E	HVAC - Air Conditioning, Furnace, [Gas Piping, Ventilation]	170000.00	08/09/2023
Scott Williams	104 JAMES AVE W	Plumbing - Water heater	944.00	08/16/2023
Scott Williams	502 JEWETT ST	Plumbing - Water heater	1000.00	08/07/2023
STRAND HOME SERVICES LLC	602 ARBOR CT	Deck	8640.00	08/16/2023
SULLIVAN/MURRAY PATRICK	200 COLLEGE DR W	Doors	1500.00	08/16/2023
Tamara Haas	1001 COLLEGE DR E	Plumbing - New building	139140.00	08/03/2023
VANLEEUEWE CONSTRUCTION LLC	407 3RD ST N	Re-Roofing	11200.00	08/16/2023
WHITE/DENNIS E & CAROL A/JT	404 6TH ST N	Re-Roofing	3900.00	08/07/2023
WOLF RIVER ELECTRIC	609 1ST ST S	Accessory Structure & Equipment (solar panels, antennas, etc)	48716.00	08/07/2023

# 2023 Regular Council Meeting Dates

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

5:30 P.M.

City Hall, 344 West Main Street

---

## January

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

## February

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

## March

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

## April

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

## May

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

## June

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

## July

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

## August

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

## September

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

## October

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

## November

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

## December

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

---

## 2023 Uniform Election Dates

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

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

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



## Upcoming Meetings

### August

- 8/29 Work Session, 5:30 PM, City Hall

### September

- 09/12 Rental Code Ordinance Committee, 12:00 PM, City Hall
- 09/12 Regular Meeting, 5:30 PM, City Hall
- 09/26 Regular Meeting, 5:30 PM, City Hall

---

### October

- 10/10 Work Session, 4:00 PM, City Hall
- 10/10 Regular Meeting, 5:30 PM, City Hall
- 10/24 Regular Meeting, 5:30 PM, City Hall