



**CITY OF MARSHALL**

**City Council Meeting**

**A g e n d a**

**Monday, November 07, 2022 at 5:30 PM**  
**City Hall, 344 West Main Street**

**OPENING ITEMS**

**APPROVAL OF AGENDA**

**APPROVAL OF MINUTES**

1. Consider Approval of the Minutes from the Regular Meeting Held on October 25, 2022

**PUBLIC HEARING**

2. Conduct Public Hearing of Ordinance Amendment to Chapter 86, Article VI-1, Section 86-165 Structures in Residential Districts

**AWARD OF BIDS**

3. Project ST-008 / SAP No. 139-121-004: Channel Parkway Pavement Replacement Project - Consider Rejection of Bids Received and Authorize Redesign of the Project

**CONSENT AGENDA**

4. Consider Approval of a Temporary On-Sale Liquor License for the Convention and Visitors Bureau
5. Consider Approval of a Temporary On-Sale Intoxicating Liquor License for Friends of the Orchestra LTD
6. Consider Approval of a Permit for Alcoholic Beverages at City-Owned Facilities
7. Wastewater Treatment Facilities Improvement Project - Consider Payment of Invoice 0298785 (Final) to Bolton & Menk, Inc
8. 4M Resolution Authorizing Membership in the 4M Fund
9. Consider Approval of the Bills/Project Payments

**APPROVAL OF ITEMS PULLED FROM CONSENT**

**OLD BUSINESS**

**TABLED ITEM**

**NEW BUSINESS**

10. City of Marshall & Marshall Municipal Utilities Partnership Agreement
11. Resolution Appointing Pamela Whitmore and the law firm of Kennedy and Graven as City Attorney; Matthew B. Gross as Prosecuting Attorney; and Dennis H. Simpson as Special Counsel
12. Consider Charter Commission Revisions
13. Project PK-001: Independence Park Trail Replacement Project – Consider Change Order No. 3 (Final) and Acknowledgement of Final Pay Request No. 6
14. Project ST-023: W. Lyon Street (College to 1<sup>st</sup>) Reconstruction Project - Consider Change Order No. 2 (Final) and Acknowledgement of Final Pay Request (No. 4).
15. Project ST-024: Baldwin Parking Lot Reconstruction Lot Project - Consider Change Order No. 2 (Final) and Acknowledgement of Final Pay Request (No. 1)

**COUNCIL REPORTS**

16. Commission/Board Liaison Reports
17. Councilmember Individual Items

**STAFF REPORTS**

18. City Administrator
19. Director of Public Works/City Engineer
20. City Attorney

**ADMINISTRATIVE REPORTS**

21. Administrative Brief

**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.**

**INFORMATION ONLY**

- [22.](#) Lyon County Transit Advisory Committee October Minutes
- [23.](#) Planning Commission September Minutes
- [24.](#) PCGQR Submission Letters
- [25.](#) Building Permits

**ADJOURN TO CLOSED SESSION**

**MEETINGS**

- [26.](#) Upcoming Meetings

**ADJOURN**

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## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Presenter:</b>	Mayor Byrnes
<b>Meeting Date:</b>	Monday, November 7, 2022
<b>Category:</b>	APPROVAL OF MINUTES
<b>Type:</b>	ACTION
<b>Subject:</b>	Consider Approval of the Minutes from the Regular Meeting Held on October 25, 2022
<b>Background Information:</b>	Enclosed are the minutes from the regular meeting held on October 25, 2022.
<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 regular meeting held on October 25, 2022, be approved as filed with each member and that the reading of the same be waived.

**CITY OF MARSHALL  
CITY COUNCIL MEETING  
M I N U T E S  
Tuesday, October 25, 2022**

The regular meeting of the Common Council of the City of Marshall was held October 25, 2022, at City Hall, 344 West Main Street. The meeting was called to order at 5:30 P.M. by Mayor Robert Byrnes. In addition to Byrnes the following members were in attendance: Craig Schafer, Amanda Schroeder, Steve Meister, John DeCramer, Russ Labat and James Lozinski. Absent: None. Staff present included: Sharon Hanson, City Administrator; Dennis Simpson, City Attorney; Jason Anderson, Director of Public Works/City Engineer; E.J. Moberg, Director of Administrative Services; Sheila Dubs, Human Resource Manager; Jim Marshall, Director of Public Safety; Lauren Deutz, EDA Director; Laura Wing, Payroll/Benefits Specialist; Quentin Brunsvold, Fire Chief; the Fire Department Aerial Apparatus Committee and Steven Anderson, City Clerk.

The Pledge of Allegiance was recited at this time.

**Consider Approval of the Minutes from the Regular Meeting and Work Session Held on October 11, 2022**

Motion made by Councilmember Meister, Seconded by Councilmember Schroeder to approve both sets of minutes from October 11, 2022. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 7-0.**

**Property Tax Abatement for Daisy and Tulip Holdings LLC 1) Public Hearing on Assessment; 2) Consider Resolution Granting Abatement**

Economic Development Director, Lauren Deutz, gave background on the request for tax abatement from Daisy and Tulip Holdings LLC. Deutz informed the public that Daisy and Tulip is a subsidiary of D&G Excavating and had originally rented space throughout the City of Marshall to store equipment. Over time ownership changed and space was no longer available to rent. Daisy & Tulip LLC will be using the newly acquired property space to store equipment. Deutz did note that on the calculation page the total of \$34,462 was over a 10-year period and was not adjusted correctly. That amount should be \$9,628. Councilmember Labat asked for clarification on the wording for home tax abatement vs commercial tax abatement.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to close the public hearing. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder

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

**Approval of the Consent Agenda**

Councilmember DeCramer asked that agenda item number 7) Contract with State of Minnesota and the City of Marshall for HAZMAT Services to Southwest Minnesota be pulled from consent.

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

- Introduction of Ordinance Amendment to Chapter 86, Article VI-1, Section 86-165 Structures in Residential Districts and Call for Public Hearing
- Consider Authorization to Declare Vehicles as Surplus Property for the Marshall Police Department.
- Consider Request of Prairie Home Hospice & Community Care for the Light Up the Night Parade on Friday, November 25, 2022.

- MPCA Memorandum of Understanding (MOU) for PFAS Monitoring Plan (Per- and Polyfluoroalkyl Substances).
- Consider Approval of the Bills/Project Payments

### **Contract with State of Minnesota and the City of Marshall for HAZMAT Services to Southwest Minnesota**

Councilmember DeCramer wanted the public to be aware of that up to \$100,000 of services will be paid for by the State with no matching funds for training and equipment. Jim Marshall, Director of Public Safety, stated that the Chemical Assessment Team has been serving the Marshall area for 20 years, and that the 5-year contract with the State had ended in September. Fire Chief Brunsvold and Director Marshall put together a competitive bid and the CAT team will continue to serve our area under the Fire Department.

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

### **Marshall Fire Department Aerial Apparatus Replacement**

Quentin Brunsvold presented the two bid recommendations to the city council. Both bid proposals provide discounts for prepayment, ranging from 3.68% (MacQueen) to 4.16% (General Safety). After meetings with city administration on funding, it was determined that prepayment is not a viable option. Proposed bonding would take place in 2025 when the apparatus is scheduled to be completed. Councilmember Lozinski brought forth concerns with financing related to the purchase of the truck. All councilmembers supported the purchase but required further dialog. Councilmembers and E.J. Moberg, Director of Administrative Services, discussed various options for financing. Hanson reminded everyone that the truck was originally slated for 2025 according to the Capital Improvement Plan. The truck vendor did indicate that there would be a price increase beginning in November. One of the grant requests options that is being looked at requires that no pre-payments be made. The Fire Department estimates the current truck could sell for \$50,000. The Fire Department still plans to approach Lyon County for ARPA money to go towards the truck.

Motion made by Councilmember Schafer, Seconded by Councilmember Schroeder to approve the aerial apparatus replacement. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Schroeder. Voting Nay: Councilmember Labat, Councilmember Lozinski. The motion **Carried. 5-2.**

### **2023 FEMA Assistance to Fire Fighters Grant**

The Marshall Fire Department requested approval to apply for two FEMA AFGs (Assistance to Fire Fighters Grants). One to replace the fire department's portable and mobile radio systems. The other to purchase an Aerial Apparatus. The cost of the radio systems could be up to \$250,000. The cost of the Aerial Apparatus is \$1,470,838. A question was asked regarding how much the grants were written for. Brunsvold stated the grant is for the full amount asked and there is a 10% match by the requesting municipality which will be paid for with the general fund levy. The radios currently being used by the Fire Department were from 2012 and will be losing support by the end of 2022. Brunsvold believes the radios are still usable even if the grant is not approved. The current grant is asking for a radio for every seat in a truck, whereas right now it is about one radio for every other seat.

Motion made by Councilmember Meister, Seconded by Councilmember Lozinski to approve the Marshall Fire Department to apply for the two FEMA AFGs. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 7-0.**

### **Consider Health and Dental Insurance renewals for 2023**

Sheila Dubs, Human Resource Director, provided a brief overview of the insurance renewals and introduced Bill Chukuske the cities broker for health and dental insurance. Chukuske reiterated that a large amount of the information

was provided during the work session on October 11, 2022. Clarification from Dubs that employee dental is split 80/20 by the city.

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer to approve the 2023 health and dental renewals at cost-share Option A. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 7-0.**

**Project ST-015 / SP 4204-40): 2025 MnDOT College Drive Improvement Project - Consider Resolution for Municipal Consent and Layout Approval**

Jesse Vlaminc, MNDoT Project Manager, presented the projects final layout. MnDOT is proceeding with plans to complete State Project 4204-40, Reconstruction of Hwy 19 from 4th Street to Bruce Street. In accordance with Minnesota Statute 161.164, MnDOT is submitting for City approval the project’s Final Layout Flap, identified as Layout Flap No. 1A, S.P. 4204-40. Layout Flap No. 1A is the result of the City’s request to include Bruce Street in the project plans. By including Bruce Street, the city can make necessary improvements to our water, sewer, and storm sewer systems. The City’s approval (municipal consent) is required for this project because it alters access (many accesses will be closed and / or altered to right in right out), requires acquisition of permanent rights of way (permanent right of way will be obtained to bring city alleys to city access standards). There will be alterations to pedestrian curb ramps and signal light improvements. Municipal consent of MnDOT projects is described in Minnesota Statutes 161.162 through 161.167. The estimated total cost for the city would be \$5,179,680.

Councilmembers had questions regarding alley closures and the eastbound turn lane from College Drive to Bruce Street. MnDOT District 8 was not awarded the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant but hopes to reapply for the funding.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to give municipal consent and approve the final layout from MnDOT. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 7-0.**

**Commission/Board Liaison Reports**

Byrnes	No report.
Schafer	No report.
Meister	EDA met on October 19 and received a presentation from Marshall Public Schools on their referendum. The Market Street Mall was discussed, and Broadmoor Valley is asking for additional funds.
Schroeder	No report.
DeCramer	MMU received the 2023 draft report on cost of service. The three-year study is indicating no increase for electrical rate, and 5% on water. MMU also received a wage study report and are looking at implementation. Public Housing completed and passed an extensive inspection, a few items were noted in the report that will be followed up on.
Labat	CVB received presentation from Parks Superintendent Preston Stensrud on “Cultivating Play” and it was well received by the board. Prairie Jam was a success and plans are in motion to hold the event again next year. CVB asked to look at a possible ordinance change to include an additional hotel board member. Marshall Area Transit unfortunately lost drivers and now must suspend additional routes.

Lozinski No report.

**Consider Appointments to Various Boards, Commissions, Bureaus, and Authorities**

Mayor Byrnes requested to add an agenda item for appointments to various boards, commissions, bureaus, and authorities. Mayor Byrnes recommended that Dr. Quentin Fixes be appointed to the Airport Commission and Gabriel Pieper to the Planning Commission with a term date expiring 5/31/2025.

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

**Councilmember Individual Items**

Councilmember Lozinski wanted additional information on the informational signs that are posted outside various cities along Highway 23. Lozinski noted that information signs for the MERIT center or the Red Baron Arena would be beneficial to the city. Administrator Hanson pointed out that the blue/white informational signs are paid by individual businesses. Council asked for follow up on the various types of sign possibilities for Marshall. October 31<sup>st</sup> is Halloween and Lozinski wanted to remind citizens to be careful and thoughtful of trick or treaters.

Councilmember Labat thanked the community services/parks departments. A request was made to the cable commission regarding Spectrum and a lack of service in parts of Marshall. Labat requested an update on the used car lot off Highway 23 near the AmericInn.

Councilmember DeCramer wanted to let the community know that the DEI commission has videos out on the city website and through Studio 1's channel for the general election on November 8<sup>th</sup>.

**City Administrator**

The recreation department has been looking into venues for pickleball activities. Meetings were held on personnel, staffing and benefits.

**Director of Public Works/City Engineer**

Updates were given on the chloride grant through MPCA. Approximately \$10,000 of expenditures were used on water softener replacements and updates. The program is loosening some of the requirements and will be open to other or older types of units. Project updates were given for: Baldwin Parking Lot, Halber Rd., First St., Greeley St., and Williams St. are awaiting final paperwork to close out the projects. The Rectangular Rapid Flashing Beacon (RRFB) signs should be in soon and installed. Some information and communication will be going out on how to use an RRFB. Bids were opened for the Channel Parkway Resurface project and came in higher than anticipated. Public Works and Finance staff are evaluating options.

**City Attorney**

No changes for the Helena property and the Attorney Generals Office mediation with Broadmoor Valley resulted in nothing of substance and will be heading back to courts.

**Informational Only**

Councilmember DeCramer commented that three members of MMU went to Florida to assist with the damage and landed themselves in Kissimmee. The Kissimmee Utility Authority wrote a thank you letter, and it was good to see. There were no questions on the Informational Only items.

**Upcoming Meetings**

There were no questions on Upcoming Meetings.

**Adjourn**

At 6:47 PM Motion made by Councilmember Schroeder, Seconded by Councilmember Lozinski to adjourn the meeting. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 7-0.**

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Mayor

Attest:

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City Clerk

**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Presenter:</b>	Ilya Gutman
<b>Meeting Date:</b>	Monday, November 7, 2022
<b>Category:</b>	PUBLIC HEARING
<b>Type:</b>	INFO/ACTION
<b>Subject:</b>	Conduct Public Hearing of Ordinance Amendment to Chapter 86, Article VI-1, Section 86-165 Structures in Residential Districts
<b>Background Information:</b>	<p>The current ordinance prohibits exterior finishes with exposed fasteners on non-accessory structures in all residential districts to avoid industrial looking buildings and protect the values of the properties. However, it appears that those fasteners on low slope roofs (with less than 4 in 12 pitch) are practically not visible. Considering that metal roofs with exposed fasteners may be a practical alternative to shingles in this situation, it would be reasonable to allow it.</p> <p>At the September 14, 2022, regular Planning Commission meeting, Deutz made a motion, second by Muchlinski to recommend to city council an approval as recommend by staff. All voted in favor of the motion.</p> <p>At the meeting on October 11, 2022, Legislative and Ordinance Committee voted to revise staff recommendation and to allow exposed fasteners on all roofs and then recommend to City Council introducing the amendments to Chapter 86, Article VI-1, Section 86-165 Structures in Residential Districts.</p> <p>The Ordinance Amendment to Chapter 86, Article VI-1, Section 86-165 Structures in Residential Districts was introduced and called for Public Hearing at the October 25, 2022, City Council meeting.</p>
<b>Fiscal Impact:</b>	None.
<b>Alternative/ Variations:</b>	Consider recommendation by staff to permit exposed fasteners on low slope roofs only.
<b>Recommendations:</b>	<p>that the Council close the public hearing on the Ordinance Amendment to Chapter 86, Article VI-1, Section 86-165 Structures in Residential Districts.</p> <p>that the Council adopt Ordinance No. 22-011, which is the Ordinance Amendment to Chapter 86, Article VI-1, Section 86-165 Structures in Residential Districts..</p>

## Section 86-165 Structures In Residential Districts

For all permitted non-accessory structures in the R-1, R-2, R-3 and R-4 Districts, the following shall apply:

- (a) Such structures shall comply with all applicable zoning regulations for the zone in which they are located and with all applicable state statutes and codes.
- (b) A building permit and any other required permits shall be obtained for such structures.
- (c) No such structures shall have a footprint of less than 800 square feet, not including an attached garage, unless such garage has habitable space above.
- (d) No such structures shall have a dimension of less than 24 feet at its narrowest point, as measured from faces of exterior walls, in any direction, except entries, porches, and similar attachments.
- (e) Any such structure shall be placed on permanent building code compliant foundation that is continuous around the entire perimeter of the building except for decks, porches, or similar attached structures or rooms constituting less than 25 percent of the building footprint area.
- (f) Any such structure shall have exterior wall finish materials extend down to foundation or within 12 inches above grade, whichever is less. Wainscoting, if used, shall be minimum of 36 inches high.
- (g) Any such structure shall have a sloped roof with at least 3/12 pitch over at least half of the building; a flat roof is permitted over entire buildings larger than 1,200 square feet in footprint or taller than two stories.
- (h) No such structure shall use materials with exposed fasteners as an exterior finish, except sloped roofs.
- (i) In R-1 one family residence district, direct and independent connection to city utilities shall be required for each such structure and no exterior fuel tanks shall be allowed, except one tank, 50 gallons or less, properly located and screened, may be permitted.
- (j) In R-1 one-family residence district, not more than one such structure may be built on a single lot.
- (k) Nothing in this article shall prevent the regulation of uses of property by means of restrictive covenants.

(Code 1976, § 11.19(5); Ord. No. 732 2nd Series, § 1, 1-8-2019)

**State law reference(s)**—Manufactured home park to be conditional use in any district allowing buildings used or intended to be used by two or more families, Minn. Stat. § 462.357, subd. 1b.

**ORDINANCE NO. 22-011**

**AN ORDINANCE AMENDING  
MARSHALL CITY CODE OF ORDINANCES – CHAPTER 86  
RELATING TO ZONING**

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

Section 1: City Code of Ordinances Chapter 86, Article VI-1, Section 86-165 Structures in Residential Districts, (h) is hereby amended as follows:

**CHAPTER 86 ZONING  
ARTICLE 86-VI SUPPLEMENTAL REGULATIONS  
DIVISION 86-VI-1 GENERALLY**

**Section 86-165 Structures In Residential Districts**

(h) No such structure shall use materials with exposed fasteners as an exterior finish, except sloped roofs.

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

Passed and adopted by the Common Council this 7<sup>th</sup> day of November 7, 2022.

THE COMMON COUNCIL

ATTEST:

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

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

Introduced on: October 25, 2022

Final Passage on: November 7, 2022

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

**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Presenter:</b>	Jason Anderson
<b>Meeting Date:</b>	Monday, November 7, 2022
<b>Category:</b>	AWARD OF BIDS
<b>Type:</b>	ACTION
<b>Subject:</b>	Project ST-008 / SAP No. 139-121-004: Channel Parkway Pavement Replacement Project - Consider Rejection of Bids Received and Authorize Redesign of the Project.
<b>Background Information:</b>	<p>This project consists of: replacement of existing bituminous pavement with concrete pavement, replacement of curb and gutter, and ADA pedestrian ramps along Channel Parkway.</p> <p>On October 20, 2022, bids were received for the above-referenced project. Four bids were received as shown on the attached Bid Tabulation. The apparent low bid was from Hulstein Excavating Inc. of Edgerton, Minnesota, in the amount of \$3,790,693.55. The engineer’s estimate was approximately \$3,123,900.</p> <p>City staff is proposing to utilize a \$1.25M Local Road Improvement Program (LRIP) grant, in addition to Municipal State Aid System (MSAS) funds to pay for this project.</p> <p>Due to prices coming in over City budget, staff is recommending to reject all bids received on this project and to re-evaluate the type of surface for this project. The City’s current MSAS fund balance is (\$2,226,410.24). Paying for this project with MSAS funds would require long-term debt to be issued with payments coming from the MSAS account. With rising costs MSAS funding is not keeping up with system needs.</p> <p>City staff would propose a significant mill and overlay of Channel Parkway in lieu of the concrete surfacing to reduce costs while still meeting the intent of the LRIP grant that we have for this project. Staff has had conversations with our MnDOT State Aid Engineer and with the MnDOT State Programs Engineer to review our Local Road Improvement Grant (LRIP) to ensure that a mill and overlay project would be grant eligible. We have received confirmation that we could proceed in this manner, provided the project has a minimum 10-year lifespan. Staff believes the mill and overlay will provide a 15-20 year lifespan.</p>
<b>Fiscal Impact:</b>	<p>The project is included in the 2023 capital improvement plan (CIP). The City has been awarded a maximum Local Road Improvement Program (LRIP) grant award in the amount of \$1,250,000 towards construction of the project.</p> <p>At their meeting on 02/23/2021, the City Council adopted a “Resolution of Support for Channel Parkway LRIP Application, authorizing City staff to submit an LRIP grant application for the concrete resurfacing of Channel Parkway.” Per the attached letter from MnDOT dated 09/07/2022, the City is authorized to advance the status of this project, and the project LRIP funding is capped at \$1,250,000. The LRIP project</p>

	funding requires the execution of a MNDOT grant agreement before the LRIP funds can be authorized.
<b>Alternative/ Variations:</b>	No alternative actions recommended.
<b>Recommendations:</b>	that the City Council reject all bids received and authorize City staff to proceed with redesigning the project to a mill and overlay project.



September 7, 2022

Jason Anderson  
 Marshall City Engineer  
 344 West Main Street  
 Marshall, MN 56258-1313

In reference to:  
 Local Road Improvement Program (LRIP) Grant  
 State Aid Accounting System Account No. 331  
 MnDOT Grant Agreement No. 1051694  
 SAP 139-121-004

Dear Mr. Anderson,

You are now authorized to advance the status of this project. Your total LRIP funding is capped at \$1,250,000.00 for the project. This project is eligible for costs associated with rehabilitation of Channel Parkway connecting TH 19, TH 68, and US 59 in the City of Marshall.

This project funding requires the execution of a MnDOT grant agreement before the LRIP funds can be authorized. After the bid opening, please submit the bid abstract and an excel format low bid that identifies participating and non-participating items electronically to Mohamed Farah ([mohamed.m.farah@state.mn.us](mailto:mohamed.m.farah@state.mn.us)) with copies to me ([rashmi.brewer@state.mn.us](mailto:rashmi.brewer@state.mn.us)) and Marc Briese ([marc.briese@state.mn.us](mailto:marc.briese@state.mn.us)). The final funding determination for the grant agreement will be based on the low bid award and will be provided to the city by letter from Mohamed Farah with State Aid Finance. The city should use the numbers from the encumbrance letter in assembling the LRIP grant agreement.

The MnDOT grant agreement must be fully executed before the grant can be authorized, and **the grant agreement should be fully executed before work begins on the project.** Please contact me if this will be an issue.

The MnDOT agreement number is 1051694 and should be included in the upper right corner of the LRIP grant agreement. Please submit a draft agreement to Olga Kruglova ([olga.kruglova@state.mn.us](mailto:olga.kruglova@state.mn.us)) from my office for review prior to obtaining local agency signatures. Then submit a pdf of the grant agreement with local agency signatures to Ms. Kruglova for approval and final execution. The template for the 2020 LRIP Bond grant agreement and resolution can be found on the state aid website. During construction, you will need to work with the District State Aid Engineer on submitting and approving documentation and state aid pay requests for this work.

Project Estimate

<b>2020 LRIP Funds (SAAS Acct 331) – CONSTRUCT</b>	\$	1,250,000.00
MSAS Funds	\$	1,873,898.75
Total	\$	3,123,898.75

Sincerely,

**Rashmi  
Brewer**

Digitally signed by  
Rashmi Brewer  
Date: 2022.09.07  
10:57:34 -05'00'

Rashmi Brewer  
State Aid State Programs Engineer

copy:     Jessie Dehn, Assistant City Engineer of Marshall  
          Todd Broadwell, District 8 State Aid Engineer  
          Bill Knofczynski, District 8 State Aid Assistant  
          Marc Briese, State Aid Programs Manager  
          Mohamed Farah, State Aid Finance  
          Olga Kruglova, State Aid Programs



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Presenter:</b>	Steven Anderson
<b>Meeting Date:</b>	Monday, November 7, 2022
<b>Category:</b>	CONSENT AGENDA
<b>Type:</b>	ACTION
<b>Subject:</b>	Consider Approval of a Temporary On-Sale Liquor License for the Convention and Visitors Bureau.
<b>Background Information:</b>	Attached is an application for a Temporary On-Sale Liquor License for the CVB to use at SMSU for the City of Marshall Annual Employee Recognition Event on January 6, 2023.
<b>Fiscal Impact:</b>	
<b>Alternative/Variations:</b>	None recommended.
<b>Recommendations:</b>	To approve a Temporary On-Sale Liquor License for the CVB to use at SMSU on January 6, 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
Visit Marshall	Jan 1, 1994	

Address	City	State	Zip Code
1651 Victory Drive	Marshall	Minnesota	56258

Name of person making application	Business phone	Home phone
Cassi Weiss	507-537-1865	

Date(s) of event	Type of organization
January 6, 2023	<input type="checkbox"/> Microdistillery <input type="checkbox"/> Small Brewer <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
Kelly Loft	Marshall	Minnesota	56258

Organization officer's name	City	State	Zip Code
Ty Brower	Marshall	Minnesota	56258

Organization officer's name	City	State	Zip Code
		Minnesota	

Organization officer's name	City	State	Zip Code
		Minnesota	

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

SMSU Lower Ballroom

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

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

**APPROVAL**

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

City of Marshall  
 \_\_\_\_\_  
 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.**

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

Item 4.

**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Presenter:</b>	Steven Anderson
<b>Meeting Date:</b>	Monday, November 7, 2022
<b>Category:</b>	CONSENT AGENDA
<b>Type:</b>	ACTION
<b>Subject:</b>	Consider approval of a Temporary On-Sale Intoxicating Liquor License for Friends of the Orchestra LTD
<b>Background Information:</b>	Consider an application for a temporary on-sale intoxicating liquor license for Friends of the Orchestra at Holy Redeemer Church on December 6, 2022.
<b>Fiscal Impact:</b>	
<b>Alternative/ Variations:</b>	None recommended.
<b>Recommendations:</b>	To approve a temporary on-sale license for Friends of the Orchestra at Holy Redeemer Church on December 6, 2022.



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	
Friends of the Orchestra LTD	10/2/2007	[REDACTED]	
Address	City	State	Zip Code
P. O. Box 191	Lynd	MN	56157
Name of person making application	Business phone	Home phone	
Kristin Gruhot	507-532-2334	[REDACTED]	
Date(s) of event	Type of organization <input type="checkbox"/> Microdistillery <input type="checkbox"/> Small Brewer		
Tuesday, December 6, 2022	<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
Kristin Gruhot	Lynd	MN	56157
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.  
Holy Redeemer Church, 503 W. Lyon Street, Marshall, MN 56258

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

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

APPROVAL

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

<u>City of Marshall</u> City or County approving the license	_____
<u>\$30.00</u> Fee Amount	_____
<u>10-27-22</u> Date Fee Paid	_____
_____	Date Approved
_____	Permit Date
_____	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

EMAIL. E-MAIL THE APPLICATION SIGNED BY CITY/COUNTY TO [AGE.TEMPORARYAPPLICATION@STATE.MN](mailto:AGE.TEMPORARYAPPLICATION@STATE.MN).



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Presenter:</b>	Steven Anderson/Cassi Weiss
<b>Meeting Date:</b>	Monday, November 7, 2022
<b>Category:</b>	CONSENT AGENDA
<b>Type:</b>	ACTION
<b>Subject:</b>	Consider Approval of a Permit for Alcoholic Beverages at City-Owned Facilities
<b>Background Information:</b>	The Red Baron Arena and Expo will be host to the Fairbanks Ice Dogs vs Chippewa Steel on December 2 <sup>nd</sup> and 3 <sup>rd</sup> at 7:30pm. Fuzzy’s Bar and Grill is being asked to serve alcohol for the two NAHL games.
<b>Fiscal Impact:</b>	
<b>Alternative/ Variations:</b>	None recommended.
<b>Recommendations:</b>	To approve the permit for Alcoholic Beverages at City-Owned Facilities for the CVB.



# MARSHALL

CULTIVATING THE BEST IN US

## Application Alcoholic Beverages at City-Owned Facilities and Parks License: \$30/Day

(All information requested is required.)

Name of Applicant/ Organization: Visit Marshall

DBA Name (if different): Marshall Convention & Visitor Bureau

Address: 1651 Victory Drive

City/State/Zip: Marshall MN 56258

Phone Number: ~~507-532-6515~~ 507-537-1805 Email Address: Cassi.Weiss@visitmarshallmn.com

Description of Event: Ice Dog hockey games NAHL League @ Red Baron Arena

Estimated Attendance: 1000 each night Dates/Time of Event: Dec 2nd/3rd 7:30pm

On-Sale Intoxicating Liquor License Holder: Fuzzys Bar

Address: 236 w. main street

City/State/Zip: Marshall MN 56258

Phone Number: 507-532-6515 Email Address: fuzzysbar@iw.net

### Required Submittals:

- A Certificate of Liability Insurance
- A Certificate of Compliance Minnesota Workers' Compensation Law form.
- A Completed Form SP:C1
- A Copy of the On-Sale Intoxicating Liquor License Issued by the City of Marshall
- A Consent of the Release of Information

I hereby submit this application for Alcoholic Beverages at City-Owned Facilities and Parks in accordance with the provisions stated in the ordinances of the City of Marshall.

Cassi Weiss CASSI WEISS 10.17.22  
Signature of Applicant Name (printed) Date

FEE PAID _____	PERMIT	APPROVAL	Initials	Date
AMOUNT _____	DATE			
RECEIPT NO. _____				
CERT OF INS. REC'D _____		CITY CLERK	_____	_____

<b>Presenter:</b>	Jason Anderson
<b>Meeting Date:</b>	Monday, November 7, 2022
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	ACTION
<b>Subject:</b>	Wastewater Treatment Facilities Improvement Project - Consider Payment of Invoice 0298785 (Final) to Bolton & Menk, Inc.
<b>Background Information:</b>	<p>Attached are the following for the above-referenced project:</p> <ol style="list-style-type: none"> <li>1) Invoice 0298785 to Bolton &amp; Menk, Inc., of Mankato, Minnesota, in the amount of \$1,790.00</li> </ol> <p>As this project is financed with a Public Facilities Authority low interest loan through the State of Minnesota, pay applications are required to be placed on the City Council agenda for approval.</p> <p>This is the final payment to Bolton &amp; Menk on this project. This final invoice was for time the consultant spent on finalizing the as-built drawing corrections and time spent on sorting out warranty issues. This invoice was included in the final draw request sent to MNPFA.</p> <p>With the finalizing of the loan, the total project cost including construction and engineering costs was \$14,830,889.68. This is \$847,125 below the PFA loan request of \$15,678,015.</p> <p>As part of that savings, Bolton &amp; Menk invoices for the project were \$179,497.27 below the budget for engineering services.</p> <p>On the attached invoice, the Meetings/Hearing/Presentation line item should have As Built Drawings/Warranty Issues.</p> <ul style="list-style-type: none"> <li>- The warranty issues have included a leaking seal on a final clarifier pump and a vibration on one of the trickling filter pumps both of which have been corrected. Also a final clarifier VFD that failed and has been sent in for repairs.</li> <li>- The as built drawing work is more than was anticipated due to discrepancies between the GIS points and information from Magney on some of the more crowded excavation sites in the plant.</li> </ul> <p>Project closeout documentation has been submitted to Bolton &amp; Menk for submittal to the State to close out the Public Facilities Authority loan.</p>
<b>Fiscal Impact:</b>	This project is financed with a Public Facilities Authority low interest loan through the State of Minnesota.
<b>Alternative/Variations:</b>	No alternative actions recommended.
<b>Recommendations:</b>	that the Council authorize payment of Invoice 0298785 to Bolton & Menk, Inc., of Mankato Minnesota, in the amount of \$1,790.00.



Real People. Real Solutions.

Please Remit To: Bolton & Menk, Inc.  
 1960 Premier Drive | Mankato, MN 56001-5900  
 507-625-4171 | 507-625-4177 (fax)

Payment by Credit Card Available Online at [www.Bolton-Menk.com](http://www.Bolton-Menk.com)  
 To Ensure Proper Credit, Provide Invoice Numbers with Payment

City of Marshall  
 Scott Truedson, Wastewater Superintendent  
 600 Erie Street  
 Marshall, MN 56258

October 6, 2022  
 Project No: T22.115360  
 Invoice No: 0298785  
 Client Account: MARS

**Marshall/WWTF Improvements**

Marshall WWTF Improvement

Professional Services per Agreement from August 20, 2022 through September 16, 2022:

Construction Services (004)

**Professional Services**

	Hours	Amount	
Meetings/Hearing/Presentation			
Principal	2.00	390.00	
Record Drawings			
Senior Technician	10.00	1,400.00	
Totals	12.00	1,790.00	
<b>Total Labor</b>			<b>1,790.00</b>

**Billing Limits**

	Current	Prior	To-Date	
Total Billings	1,790.00	718,712.73 ✓	720,502.73 ✓	
Limit			900,000.00 ✓	
Remaining			179,497.27 ✓	
		<b>Total this Task</b>		<b>\$1,790.00</b>
		<b>Total this Invoice</b>		<b>\$1,790.00</b>

VENDOR # 0724  
 INVOICE # 298 785  
 \$ AMOUNT 1,790.00  
 DATE 10-6-22  
 ACCT & PROJ # 602-49500-55120 #W13  
 DESCRIPTION WWTF Improvements  
 SIGNATURE Scott Truedson

Notice: A finance charge of 1.5% per month (annual percentage of 18%) is charged on balances 30 days or over.

**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Presenter:</b>	E.J. Moberg
<b>Meeting Date:</b>	Monday, November 7, 2022
<b>Category:</b>	CONSENT AGENDA
<b>Type:</b>	ACTION
<b>Subject:</b>	4M Resolution Authorizing Membership in the 4M Fund
<b>Background Information:</b>	<p>Minnesota Municipal Money Market Fund (4M Fund) was formed to pool City funds for investments. This resolution allows the City of Marshall to become a member that will invest from time to time, including the 4M Liquid Asset Fund, the 4M Plus Fund, the Term Series, the Fixed Rate Programs, and other Fund services offered by the Fund.</p> <p>A prior resolution allowed the City of Marshall to use the 4M fund as an investment tool.</p> <p>This will fulfil the requirement of the 4M Fund to have a resolution recorded from each of the participating cities.</p>
<b>Fiscal Impact:</b>	Utilize interest rates optimal to the city
<b>Alternative/ Variations:</b>	
<b>Recommendations:</b>	Approve Resolution Authorizing Membership in the 4M Fund

Resolution Number 22-087

Resolution Authorizing Membership in the 4M Fund

WHEREAS, Minnesota Statutes (the Joint Powers Act) provides that governmental units may jointly exercise any power common to the contracting parties; and

WHEREAS, the Minnesota Municipal Money Market Fund (the 4M Fund) was formed in 1987, pursuant to the Joint Powers Act and in accordance with Minnesota Investment Statutes, by the adoption of a joint powers agreement in the form of a Declaration of Trust; and

WHEREAS, the Declaration of Trust, which has been presented to this Council, authorizes municipalities of the State of Minnesota to become Participants of the Fund and make use from time to time including the 4M Liquid Asset Fund, the 4M Plus Fund, the Term Series, the Fixed Rate Programs, and other Fund services offered by the Fund; and

WHEREAS, this Council deems it to be in the best interest for the municipality to make use of, from time to time, the approved services provided by the 4M Fund's service providers including the Investment Advisor (Prudent Man Advisors, LLC) or Sub-Advisor (RBC Global Asset Management (U.S.) Inc.), the Administrator (PMA Financial Network, LLC) the Distributor (PMA Securities, LLC) or the Fixed Rate Program Providers, PMA Financial Network, LLC and PMA Securities, LLC and the Custodian, U.S. Bank National Association, ("Service Providers") and/or their successors.

WHEREAS, this Council deems it advisable for this municipality to enter into the Declaration of Trust and become a Participant of the Fund for the purpose of joint investment with other municipalities so as to enhance the investment earnings accruing to each; now, therefore BE IT RESOLVED AS FOLLOWS:

**Section 1.** This municipality shall become (or renew its membership as) a Participant of the Fund and adopt and enter into the Declaration of Trust, a copy of which shall be filed in the minutes of this meeting. The appropriate officials are hereby authorized to execute those documents necessary to effectuate entry into the Declaration of Trust and the participation of all Fund programs.

**Section 2.** This municipality is authorized to invest monies from time to time and to withdraw such monies from time to time in accordance with the provisions of the Declaration of Trust. The following officers of the municipality or their successors are designated as "Authorized Officials" with authority to effectuate investments and withdrawals in accordance with the Declaration of Trust:

E.J. Moberg/Director of Administrative Services

Karla Drown/Finance Director

**Section 3.** The Trustees of the Fund are designated as having official custody of those monies invested in accordance with the Declaration of Trust.

**Section 4.** That the municipality may open depository and other accounts, enter into wire transfer agreements, safekeeping agreements, third party surety agreements securing deposits, collateral agreements, letters of credit, lockbox agreements, or other applicable or related documents with institutions participating in Fund programs including U.S. Bank National Association, or its successor, or programs of PMA Financial Network, LLC or PMA Securities, LLC for the purpose of transaction clearing and safekeeping, or the purchase of certificates of deposit (“CDs”) or other deposit products and that these institutions shall be deemed eligible depositories for the municipality. PMA Financial Network, LLC and PMA Securities, LLC and their successors are authorized to act on behalf of this municipality as its agent with respect to such accounts and agreements. Monies of this entity may be deposited in such depositories, from time to time in the discretion of the Authorized Officials, pursuant to the Fund’s Programs available through its Services Providers.

It is hereby certified that the Council of City of Marshall adopted this Resolution at a duly convened meeting of the Council held on the 7<sup>th</sup> day of November 2022, and that such Resolution is in full force and effect on this date, and that such Resolution has not been modified, amended, or rescinded since its adoption.

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Mayor

ATTEST:

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City Clerk

**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Presenter:</b>	Karla Drown
<b>Meeting Date:</b>	Monday, November 7, 2022
<b>Category:</b>	CONSENT AGENDA
<b>Type:</b>	ACTION
<b>Subject:</b>	Consider approval of the bills/project payments
<b>Background Information:</b>	Staff encourages the City Council Members to contact staff in advance of the meeting regarding these items if there are questions. Construction contract questions are encouraged to be directed to Director of Public Works, Jason Anderson at 537-6051 or Finance Director, Karla Drown at 537-6764
<b>Fiscal Impact:</b>	
<b>Alternative/ Variations:</b>	
<b>Recommendations:</b>	The following bills and project payments be authorized for payment.



Marshall, MN

# Council Check Report

By Vendor Name

Date Range: 10/28/2022 - 11/07/2022

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
<b>Bank Code: AP-REG AP</b>						
6412	AG PLUS COOPERATIVE	10/28/2022	EFT	0.00	21.40	11206
0574	ALPHA VIDEO AND AUDIO, INC	10/28/2022	Regular	0.00	2,255.00	121938
0629	ARNOLD MOTOR SUPPLY	10/28/2022	Regular	0.00	214.36	121939
0688	BELLBOY CORPORATION	10/28/2022	EFT	0.00	3,803.68	11207
0699	BEVERAGE WHOLESALERS, INC.	10/28/2022	Regular	0.00	24,768.44	121940
0724	BOLTON & MENK INC	10/28/2022	EFT	0.00	19,773.25	11208
0018	BORDER STATES INDUSTRIES, INC.	10/28/2022	EFT	0.00	174.83	11209
3829	BRAU BROTHERS	10/28/2022	EFT	0.00	284.50	11210
4457	BREAKTHRU BEVERAGE MINNESOTA WINE & SPIR	10/28/2022	Regular	0.00	2,976.31	121941
0728	BUFFALO RIDGE CONCRETE,INC	10/28/2022	EFT	0.00	362.75	11211
6791	CAPITAL ONE	10/28/2022	Regular	0.00	110.74	121943
7106	CARSTENSON, JORDAN	10/28/2022	Regular	0.00	500.00	121944
0815	CATTOOR OIL COMPANY, INC	10/28/2022	EFT	0.00	13.05	11212
0920	CULLIGAN WATER CONDITIONING OF MARSHALL	10/28/2022	Regular	0.00	50.00	121945
3819	DACOTAH PAPER CO	10/28/2022	EFT	0.00	348.48	11213
7102	DAHLHEIMER BEVERAGE	10/28/2022	Regular	0.00	884.40	121946
5731	DOLL DISTRIBUTING LLC	10/28/2022	EFT	0.00	16,291.85	11214
1090	FASTENAL COMPANY	10/28/2022	EFT	0.00	221.63	11215
1256	HAWKINS INC	10/28/2022	EFT	0.00	11,783.85	11216
6430	HEARTLAND ELECTRIC, INC	10/28/2022	Regular	0.00	680.00	121947
6324	HOOK, MATT	10/28/2022	EFT	0.00	50.00	11217
0435	HUBER, DORIS	10/28/2022	EFT	0.00	309.24	11218
1311	HYVEE FOOD STORES INC	10/28/2022	Regular	0.00	251.51	121948
1325	ICMA RETIREMENT TRUST #300877	10/28/2022	Regular	0.00	50.00	121949
1358	INTERNAL REVENUE SERVICE	10/28/2022	Bank Draft	0.00	11.18	DFT0002118
1358	INTERNAL REVENUE SERVICE	10/28/2022	Bank Draft	0.00	386.41	DFT0002119
1358	INTERNAL REVENUE SERVICE	10/28/2022	Bank Draft	0.00	2.60	DFT0002120
1358	INTERNAL REVENUE SERVICE	10/28/2022	Bank Draft	0.00	27,679.36	DFT0002138
1358	INTERNAL REVENUE SERVICE	10/28/2022	Bank Draft	0.00	23,755.25	DFT0002139
1358	INTERNAL REVENUE SERVICE	10/28/2022	Bank Draft	0.00	8,401.18	DFT0002140
1399	JOHNSON BROTHERS LIQUOR COMPANY	10/28/2022	EFT	0.00	19,070.55	11221
2036	JOHNSON BROTHERS LIQUOR COMPANY	10/28/2022	EFT	0.00	10,723.95	11219
5447	JOHNSON BROTHERS LIQUOR COMPANY	10/28/2022	EFT	0.00	386.60	11220
5095	KIBBLE EQUIPMENT LLC	10/28/2022	EFT	0.00	1,265.88	11222
4511	KRUSE BUICK PONTIAC GMC, INC	10/28/2022	EFT	0.00	151.18	11223
1546	LYON COUNTY HISTORICAL SOCIETY	10/28/2022	Regular	0.00	6,138.00	121950
1548	LYON COUNTY LANDFILL	10/28/2022	EFT	0.00	23.50	11224
1565	MACQUEEN EQUIPMENT INC.	10/28/2022	EFT	0.00	2,893.50	11225
7107	MANKE, ANGELA	10/28/2022	Regular	0.00	40.00	121951
5813	MARSHALL LUMBER CO	10/28/2022	EFT	0.00	544.72	11226
4980	MENARDS INC	10/28/2022	EFT	0.00	239.14	11227
1818	MINNESOTA DEPARTMENT OF REVENUE	10/28/2022	Bank Draft	0.00	208.17	DFT0002121
1818	MINNESOTA DEPARTMENT OF REVENUE	10/28/2022	Bank Draft	0.00	11,455.48	DFT0002141
3555	MINNESOTA DEPARTMENT OF TRANSPORTATION	10/28/2022	Regular	0.00	1,617.86	121952
1808	MINNESOTA MUNICIPAL UTILITIES ASSOC	10/28/2022	EFT	0.00	37.50	11228
3669	MINNESOTA STATE RETIREMENT SYSTEM	10/28/2022	Bank Draft	0.00	8,853.15	DFT0002135
1839	MINNESOTA VALLEY TESTING LABS INC	10/28/2022	EFT	0.00	172.00	11229
1757	MN CHILD SUPPORT PAYMENT CENTER	10/28/2022	Bank Draft	0.00	386.70	DFT0002129
1757	MN CHILD SUPPORT PAYMENT CENTER	10/28/2022	Bank Draft	0.00	222.88	DFT0002130
1757	MN CHILD SUPPORT PAYMENT CENTER	10/28/2022	Bank Draft	0.00	546.74	DFT0002131
1897	MWOA	10/28/2022	Regular	0.00	80.00	121953
2512	NATIONWIDE RETIREMENT	10/28/2022	Bank Draft	0.00	375.00	DFT0002116
2512	NATIONWIDE RETIREMENT	10/28/2022	Bank Draft	0.00	1,970.77	DFT0002117
2512	NATIONWIDE RETIREMENT	10/28/2022	Bank Draft	0.00	230.77	DFT0002126

Council Check Report

Date Range: 10/28/2022 - 11/07/2022

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
1945	NORM'S GTC	10/28/2022	Regular	0.00	300.37	121954
5891	ONE OFFICE SOLUTION	10/28/2022	EFT	0.00	31.34	11230
1243	PATZERS INC	10/28/2022	EFT	0.00	26.72	11231
2019	PAUSTIS WINE COMPANY	10/28/2022	EFT	0.00	3,447.00	11232
2028	PERA OF MINNESOTA REG	10/28/2022	Bank Draft	0.00	54,002.86	DFT0002133
2034	PETTY CASH	10/28/2022	Regular	0.00	100.00	121955
7103	PIX4D INC	10/28/2022	EFT	0.00	390.00	11233
6241	POPOWSKI, ALICIA	10/28/2022	EFT	0.00	41.00	11234
6267	RATWIK, ROSZAK & MALONEY, PA	10/28/2022	EFT	0.00	92.50	11235
6714	RIDDELL/ALL AMERICAN SPORTS CORP	10/28/2022	Regular	0.00	1,489.95	121956
4250	RILEGHS OUTDOOR, LLC	10/28/2022	Regular	0.00	95.37	121957
6106	RUNHOLT, CAROLYN	10/28/2022	EFT	0.00	459.24	11236
2201	RUNNING SUPPLY, INC	10/28/2022	EFT	0.00	27.49	11237
3881	SOUPIR, BETH	10/28/2022	EFT	0.00	200.05	11238
4855	SOUTHERN GLAZER'S	10/28/2022	EFT	0.00	17,996.78	11239
2309	SOUTHWEST COACHES INC	10/28/2022	EFT	0.00	1,060.00	11240
5922	SRF CONSULTING GROUP, INC.	10/28/2022	EFT	0.00	603.45	11241
2345	ST CROIX RECREATION FUN PLAYGROUNDS, INC.	10/28/2022	EFT	0.00	23,721.72	11242
2373	STREICHERS	10/28/2022	EFT	0.00	330.89	11243
0147	TAHER FOOD SERVICE	10/28/2022	EFT	0.00	40.00	11244
0875	THE COMPUTER MAN INC	10/28/2022	EFT	0.00	1,993.20	11245
4048	THOMSEN, MIKE	10/28/2022	EFT	0.00	235.00	11246
2428	TITAN MACHINERY	10/28/2022	EFT	0.00	6.90	11247
3443	VALIC DEFERRED COMP	10/28/2022	Bank Draft	0.00	941.61	DFT0002127
3443	VALIC DEFERRED COMP	10/28/2022	Bank Draft	0.00	1,405.77	DFT0002128
2538	VIKING COCA COLA BOTTLING CO.	10/28/2022	EFT	0.00	231.75	11248
6085	VOYA - INVESTORS CHOICE	10/28/2022	Bank Draft	0.00	1,734.21	DFT0002136

Bank Code AP Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	34	19	0.00	42,602.31
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	19	19	0.00	142,570.09
EFT's	95	43	0.00	139,882.06
	<b>148</b>	<b>81</b>	<b>0.00</b>	<b>325,054.46</b>

### All Bank Codes Check Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	34	19	0.00	42,602.31
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	19	19	0.00	142,570.09
EFT's	95	43	0.00	139,882.06
	<b>148</b>	<b>81</b>	<b>0.00</b>	<b>325,054.46</b>

### Fund Summary

Fund	Name	Period	Amount
999	POOLED CASH FUND	10/2022	325,054.46
			<b>325,054.46</b>

CITY OF MARSHALL, MINNESOTA  
PRIOR AND CURRENT YEARS CONSTRUCTION CONTRACTS

11/7/2022

PROJECT #:	Coding	DATE	CONTRACTOR:	ORIGINAL CONTRACT AMOUNT:	CHANGE ORDERS	CURRENT CONTRACT AMOUNT	2019 Prior Payments	2020 Prior Payments	2021 Prior Payments	2022 Prior Payments	PYMTS THIS MEETING:	RETAINAGE	BALANCE:	PERCENT COMPLETE	
W13	602-49500-55120	5/28/2019	WWTF Improvement Project	Magney Construction, Inc.	14,074,300.00	(26,609.74)	14,047,690.26	4,099,265.87	6,918,924.06	3,029,500.33		-	-	100.00%	
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%	
Z83	479-43300-55170	2/23/2021	James Ave/Camden Dr Reconstruction	Kuechle Underground	849,244.50	8,701.86	857,946.36			779,179.36	78,767.00	-	-	100.00%	
Z88	479-43300-55170	4/13/2021	State Aid Overlay	Duininck, Inc	1,924,600.45	(33,840.43)	1,890,760.02			1,879,301.49	11,458.53	-	-	100.00%	
PK-001	401-45200-55130	8/25/2021	Independence Park Trail Replacement	A & C Excavating, LLC	375,659.10	6,940.50	382,599.60			109,320.20	243,828.63	18,586.78	10,863.99	97.16%	
SWM-007	630-49600-55170	10/12/2021	Independence Park Pond Forebay Expansion	Towne & Country Excavating LLC	229,255.50	(1,134.66)	228,120.84				228,120.84	-	-	100.00%	
AP-005	101-43400-55120	10/12/2021	A/D Building Roof Repair	Gag Sheet Metal, Inc.	37,200.00	45,399.00	82,599.00			51,879.00	30,720.00	-	-	100.00%	
ST-002	495-43300-55170	2/8/2022	Bituminous Overlay on Various City Streets	Duininck, Inc	560,573.35	10,921.45	571,494.80				619,416.96	32,523.82	(80,445.98)	114.08%	
ST-003	480-43300-55170	2/8/2022	1st/Greeley/Williams Reconstruction	R & G Construction Co.	1,647,498.69	13,331.08	1,660,829.77			1,365,288.79	187,244.50	81,712.28	26,584.20	98.40%	
ST-001	101-43300-53425	2/22/2022	Chip Seals	Pearson Bros., Inc.	222,455.10	(15,453.10)	207,002.00				207,002.00	-	-	100.00%	
ST-004	480-43300-55170	2/22/2022	Halbur Road Reconstruction	Duininck, Inc	1,142,009.72	41,873.66	1,183,883.38				936,277.23	132,479.22	56,250.36	58,876.57	95.03%
ST-006 (Z79)	495-43300-55130	5/10/2022	School Pedestrian Crossing Improvements	Duininck, Inc	480,250.35		480,250.35				282,681.21	14,877.96	182,691.18	61.96%	
ST-005	480-43300-55170	5/24/2022	Rose Parking Lot Reconstruction	R & G Construction Co.	140,177.51	19,600.57	159,778.08				159,778.08	-	0.00	100.00%	
ST-023	480-43300-55170	5/24/2022	W. Lyon St.(College to 1st) Reconstruction	R & G Construction Co.	409,645.10	1,161.35	410,806.45				381,380.25	20,072.65	9,353.55	97.72%	
ST-024	480-43300-55170	7/12/2022	Baldwin Parking Lot Reconstruction	R & G Construction Co.	159,515.77		159,515.77						159,515.77	0.00%	
					<u>27,282,585.14</u>	<u>820,251.54</u>	<u>28,102,836.68</u>	<u>4,099,265.87</u>	<u>9,958,646.10</u>	<u>8,510,402.34</u>	<u>319,723.72</u>	<u>235,845.85</u>	<u>367,439.28</u>		



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Presenter:</b>	Dave Schelkoph
<b>Meeting Date:</b>	Monday, November 7, 2022
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	INFO/ACTION
<b>Subject:</b>	City of Marshall & Marshall Municipal Utilities Partnership Agreement
<b>Background Information:</b>	This agreement is brought to the Council for consideration on an annual basis. Please see the updated 2023 proposed Partnership Agreement with MMU. The joint committee met on October 31, 2022, reviewed the document in detail, and recommended approval.
<b>Fiscal Impact:</b>	Attached
<b>Alternative/ Variations:</b>	
<b>Recommendations:</b>	That the Council approve the 2023 joint partnership agreement between the City of Marshall and Marshall Municipal Utilities.

# COM and MMU Partnership Agreement Committee

October 31, 2022, from 12:00 – 1:00 PM

Held at MMU Offices.

As we prepare for the meeting on the 31<sup>st</sup>, I have put together a summary of the proposed changes to the COM and MMU 2023 Partnership Agreement. They are as follows.

**6A.4** – Joint Industrial Land Development – MMU is proposing that the limits placed on the \$1 million held in MMU reserves be changed and made available for the city to use toward a future EDA project.

**10A.1.8** – Minor changes to the agreement reflecting current actions taken by the city and supported by MMU. No money from MMU will be required to support these programs in 2023 as the city will be using grant money secured in 2021.

**NEW AGREEMENT – 13A.1** – Water Main Development Agreement – This will supersede the current Water Area Cost (WAC) charges that were established in 2003 and updated in 2006.

In 2003 a WAC was established to ensure that all new growth in MMU’s water infrastructure would be fairly charged to the developers that caused the investment. The intent of the WAC program was to provide orderly development of MMU’s water infrastructure without causing expansion costs to be placed on the shoulders of existing MMU water customers. At WAC’s inception it was assumed that Marshall would be growing at a fast pace. Unfortunately, this growth did not happen. To date only 861 acres of the 7,257 acres in the WAC plan has been developed over the last 20 years. Please reference the attached map for your review.

With the actual growth in Marshall not meeting expectations and the WAC not amended for the increased cost of inflation, MMU believe it is time to follow the city’s lead in handling infrastructure extensions into new developments. The new “Water Main Development Agreement” will follow along the lines of how the city works with developers in extending sewer systems into a new development. MMU will work with the city to establish minimum water main requirements that will have to be installed by the developer. MMU will then determine if these minimum requirements will have to be changed to accommodate MMU’s future needs. If MMU determines that changes need to be made to the minimum water main requirements, MMU will pay the developer for all upgrades needed. Clear as mud, right? We can talk at our committee meeting if you have any questions.

There are two MMU Resolutions pertaining to the WAC charge. These will have to be rescinded along with one city Ordinance # 507. As far as we know, this is all the Resolutions and Ordinances associated with the WAC.

Please call me if you have any questions or comments.

Dave Schelkoph  
General Manager  
Marshall Municipal Utilities

**Joint Resolution of the  
City of Marshall and Marshall Municipal Utilities  
Approving the 2023 Partnership Agreement**

Whereas on Monday, October 31, 2022 at 12:00 noon, Mayor Robert Byrnes, City Administrator, Sharon Hanson, Director of Public Works/City Engineer Jason Anderson, Director of Administrative Services, EJ Moberg and MMU Commissioners Scott Saugstad, Kris Carrow, and Sonya Kayser joined by, MMU’s General Manager Dave Schelkoph, Customer Service Manager, Leslie Hisken, Finance Manager Kevin Lee, Electric Operations Manager, Tony Mead and Water Operations Manager, Jeff Larson reviewed the 2023 Partnership Agreement material, and

Whereas, the representative group reviewed and discussed the individual agreements and attachments outlined below. Following discussion, the committee recommends the City Council and the Marshall Municipal Utilities Commission reaffirm the agreements.

Now therefore be it resolved, the individual agreements that comprise the 2023 Partnership Agreement and their attachments listed below are hereby approved and the Mayor, City Clerk, Chairman of the Commission and Secretary to the Commission are hereby authorized to sign this Joint Agreement and said individual agreements:

1A.4	Payment- In-Lieu-Of-Taxes (PILOT)	Modified Agreement and Attachments
2A.1.4	Street Lighting	Modified Attachment
3A.1.4	Fire Protection	Modified Agreement and Attachment
4A.1	Wastewater & Surface Water Management Billing & Collections	Modified Attachments
5A.1.1	Professional Engineering Services	No Change
6A.4	Joint Industrial Land Development	Modified Agreement
7A.1.12	MMU Capital Funding Plan	Modified Agreement
8A.1.12	Fiber Optic Utilization	Modified Agreement
9A.1.10	<del>Telephone and IT Shared Services</del>	Deleted
10A.1.8	Chloride Reduction Coordination	Modified Agreement
11A.4	GIS Coordination	Modified Agreement and Attachment
12A.4	Radio Frequency (RF) Coordination	Modified Agreement and attachment
13A	Water Main Development Agreement	New Agreement

The City Council approved this Agreement on \_\_\_\_\_ 2022.

The MMU Commission approved this Agreement on \_\_\_\_\_ 2022.

**Marshall Municipal Utilities Commission**

**City of Marshall**

\_\_\_\_\_  
Chairperson of the Commission

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Secretary of the Commission

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

# CITY OF MARSHALL AND MARSHALL MUNICIPAL UTILITIES AGREEMENT

<b>Agreement Title:</b> Payment-In-Lieu-Of-Taxes (PILOT)		<b>Agreement Number:</b> 1A.4
<b>Date of Adoption:</b>	<b>Updated:</b> October 31, 2022 <b>Reaffirmed:</b>	<b>Effective:</b> January 1, 2023

**Subject Matter:**

As a Municipal Utility, Marshall Municipal Utilities (MMU) is exempt from paying property tax. Due to being a tax-exempt entity, MMU will remit a Payment in Lieu of Tax (PILOT) to the City of Marshall.

**Scope of Activity:**

The purpose of the Agreement is to define the basis of the PILOT payment remitted to the City of Marshall by MMU.

**PILOT Calculation:**

The annual PILOT calculation is based on the average annual kilowatt hour (kWh) sales using the most recent audited ten (10) years information. The calculation is based on a ten (10)-year average instead of the prior year’s kWh sales to allow payment to be less volatile. To calculate the PILOT, an energy rate of \$.0014 is multiplied by the average kWh sales to determine the base amount. In addition, an amount in support of EDA programs and activity will be made annually. That EDA increment would be the result of multiplying the 10-year average energy sales (excluding GS-4 sales) by \$.0006 and GS-4 sales by \$.0001 which would yield \$178,551 in the current calculation Attachment A and B show the forecasted amounts for the succeeding year.

**Funding:**

On a monthly basis, MMU will remit one twelfth of the annual PILOT amounts to the City.

**Marshall Municipal Utilities Commission**

**City of Marshall**

\_\_\_\_\_  
Chairperson of the Commission

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Secretary of the Commission

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

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

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

# CITY OF MARSHALL AND MARSHALL MUNICIPAL UTILITIES AGREEMENT

## ATTACHMENT A

### PAYMENT IN LIEU OF TAXES (PILOT) AND ECONOMIC DEVELOPMENT AUTHORITY (EDA) PILOT SUPPORT TO THE CITY OF MARSHALL MARSHALL, MINNESOTA

#### 2023 Payment in Lieu of Taxes (PILOT) Calculation

<u>Audit Year</u>	<u>Total kWh Electric Sales</u>	<u>Industrial Customer kWh Electric Sales</u>	<u>All other kWh Electric Sales</u>
2012	603,880,688	351,260,000	252,620,688
2013	604,240,783	344,190,000	260,050,783
2014	591,425,915	334,530,000	256,895,915
2015	587,485,240	340,606,000	246,879,240
2016	572,499,415	329,056,000	243,443,415
2017	570,043,971	333,382,000	236,661,971
2018	573,113,094	329,336,000	243,777,094
2019	558,720,581	318,542,000	240,178,581
2020	531,120,905	306,140,800	224,980,105
2021	516,987,452	293,356,000	223,631,452
<b>Total</b>	<b>5,709,518,044</b>	<b>3,280,398,800</b>	<b>2,429,119,244</b>
<b><u>10 Year Rolling Average kWh Electric Sales (based on audit years 2012 through 2021):</u></b>			
	<b>570,951,804</b>	<b>328,039,880</b>	<b>242,911,924</b>
<i>Base PILOT Rate Per kWh</i>		\$ 0.001400	\$ 0.001400
<b>2023 BASE PILOT</b>	<b>\$ 799,333</b>	<b>\$ 459,256</b>	<b>\$ 340,077</b>
<i>EDA PILOT Support Rate per kWh</i>		\$ 0.000100	\$ 0.000600
<b>2023 BASE EDA PILOT Support</b>	<b>\$ 178,551</b>	<b>\$ 32,804</b>	<b>\$ 145,747</b>
<b>2023 PILOT Payment to City of Marshall</b>	<b>\$ 977,884</b>	<b>\$ 492,060</b>	<b>\$ 485,824</b>

# CITY OF MARSHALL AND MARSHALL MUNICIPAL UTILITIES AGREEMENT

## ATTACHMENT B

### MARSHALL MUNICIPAL UTILITES PAYMENTS /ALLOCATED COSTS AND CITY OF MARSHALL PAYMENTS

	Estimated 2023	Projected 2022	Historical 2021	Historical 2020	Historical 2019	Historical 2018	Historical 2017
<b>MMU PILOT/Allocated Cost Discounts</b>							
PILOT							
Base	\$ 799,333	\$ 812,944	\$ 823,773	\$ 810,579	\$ 819,195	\$ 828,669	\$ 840,349
EDA Support #	\$ 178,551	\$ 181,581	\$ 184,078	\$ -	\$ 457,939	\$ 500,000	\$ 500,000
Total PILOT Payments	\$ 977,884	\$ 994,525	\$ 1,007,851	\$ 810,579	\$ 1,277,134	\$ 1,328,669	\$ 1,340,349
Discounted Services							
* Streetlight Costs from COSS	\$ 277,522	\$ 277,316	\$ 277,316	\$ 277,316	\$ 241,575	\$ 241,575	\$ 241,575
* Fire Protection Costs from COSS	\$ 260,319	\$ 203,445	\$ 203,445	\$ 203,445	\$ 202,624	\$ 202,624	\$ 202,624
Wastewater Billing Cost Allocations	\$ 90,236	\$ 97,729	\$ 92,885	\$ 80,119	\$ 84,625	\$ 85,777	\$ 85,049
Surface Water Billing Cost Allocations	\$ 24,243	\$ 24,866	\$ 24,019	\$ 32,047	\$ 33,538	\$ 32,297	\$ 33,643
Total Discounted Services	\$ 652,320	\$ 603,356	\$ 597,665	\$ 592,927	\$ 562,362	\$ 562,273	\$ 562,891
Total MMU PILOT/Allocated Cost Discounts	\$ 1,630,204	\$ 1,597,881	\$ 1,605,516	\$ 1,403,506	\$ 1,839,496	\$ 1,890,942	\$ 1,903,240
Annual Audited Electric Sales Revenue	\$ 37,421,200	\$ 37,421,200	\$ 35,141,255	\$ 35,101,047	\$ 37,234,582	\$ 38,853,509	\$ 41,780,183
	4.36%	4.27%	4.57%	4.00%	4.94%	4.87%	4.56%
<b>City of Marshall Payments</b>							
Streetlight Costs from COSS	\$ 277,522	\$ 277,316	\$ 277,316	\$ 277,316	\$ 241,575	\$ 241,575	\$ 241,575
Fire Protection Costs from COSS	\$ 145,000	\$ 145,000	\$ 145,000	\$ 145,000	\$ 145,000	\$ 145,000	\$ 145,000
Total City of Marshall Payments	\$ 422,522	\$ 422,316	\$ 422,316	\$ 422,316	\$ 386,575	\$ 386,575	\$ 386,575

**Note:**

- # Prior to 2021, this was an Industrial Land Development PILOT Payment based on the Joint Industrial Land Development Agreement with the City of Marshall
- \* These costs will be established during the Cost of Service and Rate Design studies resulting in a Rate established for a three year period.

Estimated amounts for 2023 activity
Budgeted Revenue for 2022
Projected amounts based on 2022 activity to date
Historical amounts
Formula-driven cell

# CITY OF MARSHALL AND MARSHALL MUNICIPAL UTILITIES AGREEMENT

<b>Agreement Title: Street Lighting</b>		<b>Agreement Number: 2A.1.4</b>
<b>Date of Adoption: October 20, 2004</b>	<b>Updated: November 18, 2019  Reaffirmed: October 31, 2022</b>	<b>Effective: January 1, 2020</b>

**Subject Matter:** Marshall Municipal Utilities (MMU) will work in partnership with the Marshall City Government to provide street lighting to enhance public safety and improve the aesthetics of the community of Marshall. For purposes of this policy, street lighting includes lights on poles used to light public roadways, public bicycle paths, municipal parking lots and municipal park lands. It does not include lighting used for athletic recreational fields.

**Scope of Activity:**

- **Design:**  
The design selection of the streetlight pole and lamp will be determined by a committee consisting of the City of Marshall’s Director of Public Works and Marshall Municipal Utilities (MMU) Electric Operations Manager. They will consider input from the constituency groups that are affected. The committee will take into consideration, budgetary, aesthetic, operations and maintenance costs as they select the street lighting design.
  
- **Placement:**  
The selection of the location or placement of all street lighting facilities will be made by MMU’s Electric Operations Manager or his designated electric utility employee. Locations will be selected that comply with the design goals of the Director of Public Works or the Minnesota Department of Transportation if a State Highway.
  
- **Ownership:**  
The streetlights shall be owned by Marshall Municipal Utilities. Their value will be accounted for in the accounting records of MMU.
  
- **Decision Making Process:**  
The responsibility for making decisions regarding construction, repairs, replacement, inventory and timing of the same rests with MMU’s Electric Operations Manager. If needed, MMU’s Electric Operations Manager will solicit input from the Director of Public Works using prior practices as a template.
  
- **Funding:**  
On a monthly basis, MMU will invoice the City an amount which is calculated based on an annual amount that is mutually agreed upon at the annual partnership meeting between MMU and the City of Marshall. The amount will be based upon the fully allocated costs to furnish the street lighting as determined in the Electric Cost of Service and Rate Design Study updated every 3 years. These expenditures include the cost of electricity, O&M as well as the capital cost of new light purchases. It also covers the cost of electricity for signalization; however, does not include the capital or O&M costs for signalization.

When there may be grant money available for lighting streets and parks, the City of Marshall shall provide the grant writing assistance to attempt to secure said grant funding.

**Marshall Municipal Utilities Commission**

**City of Marshall**

\_\_\_\_\_  
Chairperson of the Commission

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Secretary of the Commission

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

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

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



### Marshall Municipal Utilities Allocation of Revenue Requirements

Classification	Total	Residential	Commercial		Demand Metered				Street Lighting	Industrial GS4
		Firm GS1	Firm No Credit	Interr Heat GS2.1	Firm_GS3 & GS3.1		Interruptible_GS3.2 & GS3.3			
					<500 kW	>500 kW	<500 kW	>500 kW		
<b>12-Month Coincident Peak Demand</b>										
December-February	\$ 3,003,100	\$ 484,450	\$ 256,668	\$ 623	\$ 282,997	\$ 350,705	\$ 7,931	\$ 31,020	\$ -	\$ 1,588,706
March-May	\$ 1,896,596	\$ 238,771	\$ 151,614	\$ 286	\$ 196,052	\$ 247,195	\$ 5,904	\$ 19,048	\$ -	\$ 1,037,727
June-August	\$ 3,726,358	\$ 530,896	\$ 281,631	\$ 71	\$ 437,374	\$ 526,986	\$ 15,871	\$ 38,346	\$ -	\$ 1,895,183
September-November	\$ 1,881,633	\$ 207,843	\$ 149,787	\$ 75	\$ 212,027	\$ 249,404	\$ 8,390	\$ 19,565	\$ -	\$ 1,034,542
<b>Energy</b>										
December-February	\$ 3,987,268	\$ 562,805	\$ 272,506	\$ 2,594	\$ 290,741	\$ 445,124	\$ 18,859	\$ 133,123	\$ 7,801	\$ 2,253,717
March-May	\$ 3,547,460	\$ 394,754	\$ 222,453	\$ 1,705	\$ 260,691	\$ 459,730	\$ 15,116	\$ 124,412	\$ 5,806	\$ 2,062,793
June-August	\$ 3,907,587	\$ 442,627	\$ 225,747	\$ 225	\$ 328,259	\$ 538,973	\$ 21,105	\$ 144,813	\$ 5,085	\$ 2,200,752
September-November	\$ 3,449,266	\$ 332,995	\$ 197,566	\$ 420	\$ 260,185	\$ 432,616	\$ 19,716	\$ 134,878	\$ 6,428	\$ 2,064,462
<b>Transmission</b>										
12-Month Coincident Peak Demand	\$ 4,696,599	\$ 641,482	\$ 377,053	\$ 490	\$ 500,101	\$ 609,863	\$ 16,826	\$ 48,163	\$ -	\$ 2,502,621
<b>Customer Service</b>	\$ 1,043,401	\$ 620,868	\$ 292,165	\$ 3,611	\$ 87,720	\$ 10,320	\$ 7,740	\$ 3,870	\$ 2,013	\$ 15,095
<b>Distribution System</b>	\$ 4,894,551	\$ 1,180,701	\$ 536,584	\$ 5,288	\$ 455,801	\$ 473,095	\$ 100,016	\$ 310,022	\$ 25,201	\$ 1,807,843
<b>CP Demand</b>	\$ 1,433,131	\$ 189,060	\$ 109,913	\$ 1,358	\$ 127,773	\$ 155,773	\$ 16,440	\$ 46,300	\$ -	\$ 786,513
<b>Direct Allocation</b>	\$ (1,851,613)									\$ (1,851,613)
<b>Street Lighting - Direct Allocation</b>										
Operation Expenses	\$ 89,916								\$ 89,916	
Maintenance Expenses	\$ 71,222								\$ 71,222	
Depreciation/Amortization	\$ 334,656								\$ 334,656	
Revenue Credits	\$ (30,623)								\$ (30,623)	
Reserve for Replacements	\$ 35,497								\$ 35,497	
<b>PILOT</b>	\$ 1,226,585	\$ 140,320	\$ 74,456	\$ 400	\$ 92,407	\$ 152,161	\$ 6,074	\$ 43,619	\$ 2,043	\$ 715,106
<b>Total Revenue Requirements</b>	<b>\$ 37,342,590</b>	<b>\$ 5,967,569</b>	<b>\$ 3,148,141</b>	<b>\$ 17,147</b>	<b>\$ 3,532,129</b>	<b>\$ 4,651,946</b>	<b>\$ 259,988</b>	<b>\$ 1,097,178</b>	<b>\$ 555,043</b>	<b>\$ 18,113,448</b>
<b>Class Revenues</b>	<b>\$ 37,342,427</b>	<b>\$ 6,052,413</b>	<b>\$ 3,201,151</b>	<b>\$ 15,997</b>	<b>\$ 3,605,950</b>	<b>\$ 4,769,145</b>	<b>\$ 268,052</b>	<b>\$ 1,137,417</b>	<b>\$ 554,577</b>	<b>\$ 17,737,725</b>
<b>Difference (Rev. Req. Less Revenues)</b>	<b>\$ 164</b>	<b>\$ (84,844)</b>	<b>\$ (53,009)</b>	<b>\$ 1,150</b>	<b>\$ (73,821)</b>	<b>\$ (117,199)</b>	<b>\$ (8,064)</b>	<b>\$ (40,238)</b>	<b>\$ 466</b>	<b>\$ 375,723</b>
<b>Cost of Service Adjustment Percentage</b>	<b>0.0%</b>	<b>-1.4%</b>	<b>-1.7%</b>	<b>7.2%</b>	<b>-2.0%</b>	<b>-2.5%</b>	<b>-3.0%</b>	<b>-3.5%</b>	<b>0.1%</b>	<b>2.1%</b>

# CITY OF MARSHALL AND MARSHALL MUNICIPAL UTILITIES AGREEMENT

<b>Agreement Title: Fire Protection</b>		<b>Agreement Number: 3A.1. 4</b>
<b>Date of Adoption: September 28, 2010</b>	<b>Updated: October 31, 2022</b> <b>Reaffirmed:</b>	<b>Effective: January 1, 2023</b>

**Subject Matter:**

To enhance Public Safety by partially funding the development and maintenance of a water system designed to enable city wide fire protection.

**Scope of Activity:**

**Water System Design:**

The MMU Water Operations Manager in collaboration with the City of Marshall’s Director of Public Works will design and construct water distribution and storage facilities that permit adequate fire flows to meet industry standards. The selection of materials and appurtenances to the water distribution system will be determined by Marshall Municipal Utilities.

**Ownership and Management:**

The water supply, water mains, storage facilities, and the fire hydrants located on public land and right of ways in the City of Marshall shall be owned, maintained, and replaced as needed by Marshall Municipal Utilities.

**Funding:**

Currently, every three years, a rate analyst is engaged to perform a Water Cost of Service and Rate Design Study. In the study, the American Water Works Association’s (AWWA) accounting guidelines will be applied to establish the annual allocation of costs for fire protection.

For the rate period of 2023 through 2025, the total annual cost allocated to fire protection is \$405,319 . The City of Marshall will provide the initial \$145,000 in annual funding and MMU will provide the balance of funds as needed.

**Marshall Municipal Utilities Commission**

**City of Marshall**

\_\_\_\_\_  
Chairperson of the Commission

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Secretary of the Commission

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

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

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

**CITY OF MARSHALL AND MARSHALL MUNICIPAL UTILITIES  
AGREEMENT**

**ATTACHMENT A**

**Fire Protection Services for  
City of Marshall  
Marshall, Minnesota**

The fee for providing Fire Protection Services to the City of Marshall is based on the following:

The fully allocated cost per the most recent Water Cost of Service and Rate Design Study, shared by the City of Marshall and Marshall Municipal Utilities.

Fully Allocated Cost (per Water Cost of Service and Rated Design Study, October 18, 2022)	<b>\$405,319</b>
Less: Marshall Municipal Utilities funding	<u><b>(\$260,319)</b></u>

<b>2023 Fire Protection Services funded by the City of Marshall</b>	<b>\$145,000</b>
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**Marshall Municipal Utilities - Water  
Allocation of Fire Protection Costs**

Exhibit 3-D

Line No.	Item	Current Cost of Service Amounts	Allocation Percentage	Current Allocated Amount
	(1)	(2)	(3)	(4)
1	<b>Annual Expense Allocation to Fire Protection:</b>			
2	Production:			
3	Operation:			
4	Salary - Operating Supervision	39,243	10%	3,924
5	Salary - Water Station Labor	290,448	2%	5,809
6	Station Supplies & Expense	16,207	5%	810
7	Power for Pumping	319,725	2%	6,395
8	Maintenance:			-
9	Water Station Maintenance	137,813	2%	2,756
10	Salary - Water Station Maintenance Labor	75,130	2%	1,503
11	Salary - Maintenance of Wells	21,879	2%	438
12	Salary - Aquifer Monitoring	15,281	2%	306
13	Maintenance of Wells	16,538	2%	331
14	Insurance	29,056	2%	581
15	Employee Welfare	144,009	2%	2,880
16	Distribution:			
17	Salary - Maintenance Supervision	-	25%	-
18	Salary - Maintenance of Hydrants	37,391	25%	9,348
19	Salary - Water Distribution Maintenance	237,082	25%	59,271
20	Maintenance of Distribution Mains	126,788	25%	31,697
21	Maintenance of Hydrants	16,538	100%	16,538
22	Maintenance of Towers & Tanks	299,000	25%	74,750
23	Equipment & Repair Expense	25,468	5%	1,273
24	Insurance	50,820	25%	12,705
25	Employee Welfare	119,930	25%	29,983
26	Customer Service & Information:			
27	Salary: Office/Customer Records & Collections	104,070	10%	10,407
28	Administrative & General:			
29	Salary: Administration	150,723	10%	15,072
30	Insurance	6,020	10%	602
31	Employees' Welfare	89,021	10%	8,902
32	Total Annual Expense	2,368,180		296,280
33	<b>Annual Capital Cost Allocable to Fire Protection:</b>			
34	Transmission & Distribution Depreciation Expense:			
35	Wells	150,272	2%	3,005
36	Transmission Mains	201,493	10%	20,149
37	Distribution Mains	844,056	10%	84,406
38	Transportation Equipment	18,752	5%	938
39	Tools & Work Equipment	10,828	5%	541
40	Total Annual Capital Cost	1,225,401		109,039
41	<b>Annual Fire Protection Costs</b>			405,319
42	<b>Present &amp; Proposed Fire Protection Cost Recovery:</b>			
43	City of Marshall			145,000
44	Private Parties			-
45	Total Proposed Rate Revenue			145,000
46	<b>Proposed Rate Revenue Over (Under) Cost of Service:</b>			(260,319)

Item 10.

# CITY OF MARSHALL AND MARSHALL MUNICIPAL UTILITIES AGREEMENT

<b>Agreement Title: Wastewater and Surface Water Management Billing and Collections</b>		<b>Agreement Number: 4A.1</b>  <b>Formerly 2A.1</b>
<b>Date of Adoption: December 6, 2004</b>	<b>Updated: September 20, 2010</b>  <b>Reaffirmed: October 31, 2022</b>	<b>Effective: January 1, 2011</b>

**Subject Matter:**

Wastewater and the Surface Water Management (SWM) Utilities are operated and the rates are set by the City of Marshall. Marshall Municipal Utilities facilitates the billing and collection of these fees for the City.

**Scope of Activity:**

**Merging Utility Bills:** MMU’s monthly utility bill will default to include Wastewater and SWM billing when the customer is also a customer of MMU. An MMU customer is defined as someone being billed for any utility services provided by MMU. For SWM customers not purchasing electric, water, wastewater services or other MMU utility services, a monthly SWM utility bill will be generated.

**Billing** - On the 1<sup>st</sup> working day of each month, MMU shall bill the prior months Wastewater and Surface Water Management (SWM) fee as it does the electric and water.

**Collections** – The Wastewater and SWM fee will be due and payable on the same terms as the electric and water utility bills (the 21<sup>st</sup> day of each month).

**Payment Distribution** - Payment will be applied proportionately to electric, water, wastewater and surface water management charges.

**Penalty** - If payment is not received by the due date, a penalty of 5% shall be incurred on the current billing period. This is consistent with MMU’s current policy for other services billed. Any revenue collected in the application of a penalty, is retained by MMU to offset the cost to effect collection of the late payment.

**Collection Remedies -**

- If payment is not received by the 21<sup>st</sup>, a past due notice shall be mailed by first class presort mail to the party responsible for the bill.
- If payment is not received by the end of the last business day of the month, a notice of past due utility bill will be mailed to the customer. Electricity may be disconnected on the date as stated on notice of past due utility.
- For SWM customers who receive only a SWM bill for their parcel, any unpaid SWM fees as of September 30<sup>th</sup> each year will be deemed uncollectible and forwarded to the City of Marshall for collection under the collection remedy the City chooses to utilize.

**Deposit** - A customer deposit is required if a customer previously had unpaid balances with MMU for electric, water, wastewater or surface water that were turned over to our collection agency; the unpaid balance and a deposit of \$100.00 will need to be paid in full before services may begin. A customer deposit of \$100.00 will also be required each time a customer is shut off for non-payment, including limiters that are placed on the electric meters. A business will be charged twice the amount of an average monthly billing or \$100.00; whichever is greater. The customer is required to pay in full the outstanding bill, the deposit, and all other costs incurred, before MMU will reconnect service.

# CITY OF MARSHALL AND MARSHALL MUNICIPAL UTILITIES AGREEMENT

**Non-Sufficient Funds** - Collection fees on all non sufficient fund payments shall follow MMU’s policy.

**Change of Accounts -**

- MMU shall have the authority to make appropriate changes to existing Wastewater and SWM accounts as requested by property owner. Property owner shall complete the application form.
- The City of Marshall shall be responsible to notify MMU of new additions to the City and or splits/combinations of existing parcels and any other changes to any parcel, including ownership changes for purposes of SWM billing.

**Payment Arrangements -**

- MMU shall work with Wastewater and SWM customers on all special payment arrangements as needed and available as with electric and water utility services.
- MMU shall offer multiple payment methods for Wastewater and SWM as with other utility services.
- If requested, all services, including Wastewater and SWM, will be calculated into a monthly budget billing.

**Funding of Activity:**

**MMU Payment of Wastewater and SWM funds to the City** - Marshall Municipal Utilities will remit customer payments collected for Wastewater and SWM on a monthly basis. In the event there is a billing correction resulting in an overpayment/ underpayment or an amount written off, the adjustment will be reflected and so noted in the monthly payment information to the City.

**Fees for Service:** MMU will invoice and the City of Marshall will pay for MMU to bill and collect Wastewater and SWM service fees on a monthly basis pursuant to this agreement. The amount of the invoice will be based upon 50% of the fully allocated cost (attachment A&B). It is anticipated this amount will change on an annual basis to reflect actual costs incurred by MMU; however, the allocation factors will remain fixed unless both parties mutually agree to a change.

**Marshall Municipal Utilities Commission**

**City of Marshall**

\_\_\_\_\_  
Chairperson of the Commission

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Secretary of the Commission

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

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

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

**CITY OF MARSHALL AND MARSHALL MUNICIPAL UTILITIES  
AGREEMENT**

**ATTACHMENT A**

**Wastewater Billing and Collections Services for  
City of Marshall  
Marshall, Minnesota**

**Allocation of billing/collection costs: 50% Electric, 20% Water, 20% Wastewater, 10% Surface Water**

The following costs are based on 2021 actual expenses:

Staff Position	Staff Position Time spent on Billing & Collecting			WASTEWATER Percentage	Salary & Benefits
	Percentage	Annual Hours	Monthly Hours		
Customer Service Accounts Receivable	90%	1,872	156	20%	\$ 15,754
Customer Service Billing Clerk	90%	1,872	156	20%	\$ 15,633
Customer Service Supervisor	75%	1,560	130	20%	\$ 13,930
Customer Service Manager	50%	1,040	87	20%	\$ 14,690
Database Integration Specialist	50%	1,040	87	20%	\$ 10,949
Energy Services Coordinator	18%	374	31	20%	\$ 4,175
Water Foreman	10%	208	17	20%	\$ 2,699
Finance Manager	5%	104	9	20%	\$ 1,468
<b>TOTAL</b>					<b>\$ 79,297</b>

Billing/Collection Product Costs	Annual Amount	WASTEWATER Percentage	Allocated Cost
Fees: (Software, Licensing, Maintenance)	\$ 57,917	20%	\$ 11,583

Meter Reading, Maintenance, and Capitalization	Annual Amount	50/50 Split with Water	Allocated Cost
Water Meter Reader Salary (per acct #02-5-590-1-90200~2021)	\$ 7,160	50%	\$ 3,580
Water Meter Salary Maintenance (per acct #02-5-300-1-59700~2021)	\$ 8,750	50%	\$ 4,375
Water Meter Maintenance (per acct #02-5-300-2-59700~2021)	\$ 3,077	50%	\$ 1,539
Annual Depreciation of 2019 Water Meter Change-out	\$ 108,332	50%	\$ 54,166
<b>TOTAL</b>			<b>\$ 63,660</b>

General Office Expenses	Annual Amount	Split with Water and Surface Water	Allocated Cost
General Office Expenses - Water	\$ 64,828	40%	\$ 25,931

**TOTAL WASTEWATER PORTION COSTS: \$ 180,471**

**2023 WASTEWATER FEE FOR BILLING & COLLECTIONS *50% of fully allocated costs* \$ 90,236**

Value of monthly billing and collections of Wastewater Services provided to City of Marshall

**CITY OF MARSHALL AND MARSHALL MUNICIPAL UTILITIES  
AGREEMENT**

**ATTACHMENT B**

**Surface Water Management Billing and Collections Services for  
City of Marshall  
Marshall, Minnesota**

**Allocation of billing/collection costs: 50% Electric, 20% Water, 20% Wastewater, 10% Surface Water**

The following costs are based on 2021 actual expenses:

Staff Position	Staff Position Time spent on Billing & Collecting			Surface Water Percentage	Salary & Benefits
	Percentage	Annual Hours	Monthly Hours		
Customer Service Accounts Receivable	90%	1,872	156	10%	\$ 7,877
Customer Service Billing Clerk	90%	1,872	156	10%	\$ 7,816
Customer Service Supervisor	75%	1,560	130	10%	\$ 6,965
Customer Service Manager	50%	1,040	87	10%	\$ 7,345
Database Integration Specialist	50%	1,040	87	10%	\$ 5,475
Finance Manager	5%	104	9	10%	\$ 734
<b>TOTAL</b>					<b>\$ 36,212</b>

Billing/Collection Product Costs	Annual Amount	Surface Water Percentage	Allocated Cost
Fees: (Software, Licensing, Maintenance)	\$ 57,917	10%	\$ 5,792

General Office Expenses	Annual Amount	Split with Water and Surface Water	Allocated Cost
General Office Expenses - Water	\$ 64,828	10%	\$ 6,483

**TOTAL SURFACE WATER PORTION COSTS: \$ 48,486**

**2023 SURFACE WATER FEE FOR BILLING & COLLECTIONS** *50% of fully allocated costs* **\$ 24,243**

Value of monthly billing and collections of Surface Water Management Services provided to City of Marshall

# CITY OF MARSHALL AND MARSHALL MUNICIPAL UTILITIES AGREEMENT

<b>Agreement Title: Professional Engineering Services</b>		<b>Agreement Number: 5A.1.1</b>
<b>Date of Adoption: January 3, 2006</b>	<b>Updated: December 17, 2013</b> <b>Reaffirmed: October 31, 2022</b>	<b>Effective: January 1, 2014</b>

**Subject Matter:**

Marshall Municipal Utilities (MMU) requests to utilize the Professional Engineering Services of the City of Marshall for the design, inspection, and contract administration for various watermain and water service projects within the City of Marshall. The City of Marshall currently provides a portion of these services presently for various special assessment projects. Therefore, the City of Marshall and Marshall Municipal Utilities agree to enter into this Agreement.

**Scope of Activity:**

The purpose of the Agreement is to define the responsibilities of the City as to certain Professional Engineering Services for MMU and to define compensation from Marshall Municipal Utilities to the City of Marshall for said services.

The responsibilities and compensation are included in Attachment A of this Agreement and are attached hereto.

**Marshall Municipal Utilities Commission**

**City of Marshall**

\_\_\_\_\_  
Chairperson of the Commission

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Secretary of the Commission

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

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

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

# CITY OF MARSHALL AND MARSHALL MUNICIPAL UTILITIES AGREEMENT

## ATTACHMENT A

### Scope of Work for Professional Engineering Services for Marshall Municipal Utilities Marshall, Minnesota

#### **I. Services to be Provided By the City of Marshall:**

Marshall Municipal Utilities (MMU) desires to utilize the Professional Engineering Services of the City of Marshall (City) for watermain project development including Preliminary Planning and Conceptual Design, Design, Construction Inspection, and Post Construction, as outlined herein. The City and MMU will begin each project by completing a Project Authorization form that demonstrates the project has secured necessary commitment from the elected and/or appointed local officials. The Project Authorization form can be signed by the City's and MMU's management staff. Any engineering work accomplished under this agreement prior to the Project Authorization Form being completed requires the approval of MMU's General Manager or Operations Manager. It is recognized this will occur from time to time when there are joint development aspects to a project.

#### A. Preliminary Planning and Conceptual Design Services –

##### 1. Basic Services

- a. Meet with MMU on a regular basis to determine the project needs for upcoming new and replacement watermain project.
- b. Provide a conceptual design or project layout for proposed projects.
- c. Revise the concept as necessary for MMU to confirm the scope of work and implementation schedule.
- d. Provide budgetary preliminary cost estimates of the concept project.

#### B. Design Services –

##### 1. Basic Services

- a. Prepare plans and specifications, contract documents, and detailed estimates for the Construction projects and submit them to MMU and necessary permitting agencies for approval. Make necessary changes to the plans as required.
- b. Reproduce final plans and specifications for bidding purposes.
- c. Assist in reviewing bids, tabulation and analyses of bid results, and forward the results to MMU for their approval.

#### C. Construction Services –

##### 1. Basic Services

- a. Assist MMU in execution of the Construction Documents.
- b. Conduct the pre-construction conference.
- c. Provide construction controls and verification surveys.
- d. Consult with and advise MMU during construction and act as MMU's representative as provided in the Contract Documents.
- e. Interpret plans and specifications during construction.
- f. Review required submittals to determine compliance with Contract Documents.

# CITY OF MARSHALL AND MARSHALL MUNICIPAL UTILITIES AGREEMENT

- g. Construction observation and documentation including digital photography to ensure compliance with the Contract Documents and for providing an adequate construction record or “as-built” record.
- h. Review performance and laboratory test data for compliance with project specifications.
- i. Review required payroll and advise contractors of deficiencies, if any.
- j. Review and make recommendations on requests for partial payments and change orders.
- k. Conduct final inspection and recommend final acceptance and payment.

## D. Post Construction Services –

- 1. Prepare project record drawings (as built)
- 2. Provide any warranty inspections required.

## II. Additional Services:

The following items are not included in the basic services under this Agreement:

- 1. Registered land surveying or right-of-way services, legal descriptions, and related services.
- 2. Environmental Impact Statements.
- 3. Construction Materials Testing.
- 4. Soil Borings and geotechnical recommendations.
- 5. Structural analysis.
- 6. Transmission (trunk line) design/sizing water treatment, or water storage projects.
- 7. Any legal, bonding or administrative costs

## III. Period of Services:

This Agreement commences January 1, 2011 and will renew for subsequent five-year terms unless terminated by either party. Either party may terminate this contract by giving notice of intention to terminate to the other party. Notice to be provided as follows: City of Marshall; Attention City Administrator, 344 West Main Street, Marshall, MN 56258. MMU; Attention General Manager, 113 South 4<sup>th</sup> Street, Marshall, MN 56258. Said notice shall be by Certified Mail, return receipt requested to the address as listed above. Termination and subsequent cancellation of this contract shall be effective 12 months after the date said notice is received by the other party.

## IV. Compensation:

The Basic Services in this agreement will be provided to MMU by the City of Marshall for a base annual fee of \$75,000.

This base fee is based upon current projected MMU needs and is estimated on a minimum amount of \$468,750 of water distribution construction work annually. For purposes of this calculation, it will not matter if the work has been designed with the City Engineer’s services or if the City Engineer utilizes the services of a 3<sup>rd</sup> party for purposes of designing the water distribution work.

If the construction cost of watermain and associated items in any calendar year exceeds \$468,750, MMU will be billed the at the rate of 16% for projects that require full engineering services as outlined above. For projects that are mutually agreed upon to need more or less than full engineering services due to their size or complexity, the City Engineer and MMU General Manager may agree to a greater or lesser percentage.

Additional services will be provided by separate agreement and billed separately.

# CITY OF MARSHALL AND MARSHALL MUNICIPAL UTILITIES AGREEMENT

## V. Miscellaneous Provisions:

1. Modification. This Agreement may be modified by the parties only by written supplemental Agreement.
2. Binding Effect. The terms and conditions as set forth herein are binding upon the parties hereto, their legal representatives, successors and assigns.
3. Entire Agreement. This Agreement supersedes all agreements previously made between the parties relating to the subject matter of this Agreement. There are no other understandings or agreements.
4. Headings. Headings in this Agreement are for convenience only and shall not be used to interpret or construe its provisions.
5. Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together constitute one and the same agreement.

## City of Marshall & Marshall Municipal Utilities Water Project Authorization/Request Form

In accordance with the Professional Engineering Service Agreement between the City of Marshall (City) and Marshall Municipal Utilities (MMU), it is envisioned that water projects will be initiated for various reasons. The Project Authorization form is intended to serve as a document for the parties which will, to the extent possible, indicate the project scope authorized hereunder.

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

Project Description:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Is the project part of a larger joint project? Yes or No (circle one). If yes, who is (are) the other project participant(s)? \_\_\_\_\_ (list)

What is the non-water distribution portion of the joint project?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Phase 1: Preliminary Planning and Conceptual Design

Authorization for Water Distribution Engineering:

For MMU:

Name	Title	Date
------	-------	------

If a joint project with MMU is anticipated for water distribution, then City authorization to proceed with preliminary planning and conceptual design activities for non-water distribution joint work is requested.

Authorization to proceed with preliminary planning and conceptual design for the non-water distribution joint work:

For the City:

Name	Title	Date
------	-------	------

(over)

**Phase 2: Design Services**

If the project moves into the design phase, both parties stipulate they will continue to proceed as envisioned in the Professional Engineering Agreement and as outlined. Following design, the City Engineer will provide a final *estimate* showing the cost breakdown and item of work by each utility prior to bidding the work. Final *estimate* will be attached to this form by the City Engineer for consideration by MMU.

Following the bidding and award of contract, a *final cost breakdown* will be prepared by the City Engineer which shall be agreed upon by both parties and amended, if necessary, following project completion.

My signature attests that all public processes required by the City and/or MMU have been accomplished and that authorization has been granted by the City Council and/or the Utility Commission to complete the final design and seek bids for this public improvement.

For the City:

\_\_\_\_\_  
Name Title Date

For MMU:

\_\_\_\_\_  
Name Title Date

**Phase 3: Construction Services:**

If the project moves from design to construction, both parties stipulate they will continue to proceed as envisioned in the Professional Engineering Agreement and as outlined. Both parties stipulate that funding for their respective items of work under the joint project have been approved and will be available for their portion of joint work in a timely manner. Abstract of bids and cost breakdown for the project shall be attached to this document, when available.

My signature attests that all public processes required by the City and /or MMU have been accomplished and that authorization has been granted by the City Council and/ or the MMU Commission to construct the public improvement.

For the City:

\_\_\_\_\_  
Name Title Date

For MMU:

\_\_\_\_\_  
Name Title Date

(over)

# CITY OF MARSHALL AND MARSHALL MUNICIPAL UTILITIES AGREEMENT

<b>Agreement Title: Joint Industrial Land Development</b>		<b>Agreement Number: 6A.4</b>
<b>Date of Adoption: November 24, 2020 – City of Marshall December 15, 2020 - MMU</b>	<b>Updated: October 31, 2022</b>	<b>Effective: January 1, 2023</b>

**Subject matter:**

The purpose of this agreement is to establish the understanding and conditions agreed upon to terminate the “Joint Industrial Land Development” agreement originally adopted July 18, 2007 between City of Marshall and Marshall Municipal Utilities (MMU).

**Whereas**, the Joint Industrial Land Development agreement between the parties originally dated July 18, 2007 and affirmed annually each year since, has resulted in the City of Marshall acquiring and developing Industrial Land with all necessary infrastructure. The two subdivisions developed by the City of Marshall are more commonly referred to as Sonstegard Addition and Commerce Park. The agreement has served the intended purpose and the parties have terminated the agreement as of January 1, 2021, and

**Whereas**, the Industrial zoned land in Commerce Park is now “shovel-ready” and the City of Marshall/HRA assisted by its Economic Development Authority (EDA) desire to sell the land in strategic parcels for purposes of creating jobs. In the capitalization of the construction of Commerce Park, the City of Marshall secured a BDPI grant in the amount of \$2,000,000. These funds along with \$3,022,750 from MMU and \$3,022,750 from the City of Marshall enabling the work to be accomplished, and

**Whereas**, during the design and execution of the multiyear project, the City and MMU agreed to accomplish the task of stormwater retention on the adjoining land now known as the Merit Center Driving Track, and while the City was considering this site for said purpose, they asked MMU if it would be in agreement to accomplish the stormwater retention on the Merit Center land rather than the Commerce Park land. The parties agreed doing so would retain the maximum amount of improved “shovel ready” Industrial land and MMU stipulated they would support the idea in return for lot 2, block 7 in Commerce Park, to be used by MMU for future municipal utilities facilities such as a solar installation or a water treatment plant or both over time. A 50-year \$1.00 option was entered into by the parties and said option was recorded. As the parties work to affect the transfer of ownership of lot 2, block 7, both MMU and the city have discovered that Minnesota Management and Budget office (MMB) has raised questions as to the compliance with state statutes that are associated with the \$2 million dollar grant awarded to the city to develop Commerce Park. Under current statute, MMU and the city would be in violation of State law if it were to proceed with the original agreement to purchase lot 2 block 7, and

**Whereas**, the city and MMU agree that Lot 2 Block 7 should be owned by MMU and will work together to ask for changes in current state statutes that will allow greater flexibility for economic development opportunities. Should the city and MMU succeed in creating greater control over the use of Commerce Park development, MMU asks that Lot 2 Block 7 be sold to MMU for \$1.00 as originally intended in the first Joint Industrial Land Development agreement dated July 18<sup>th</sup>, 2008. If the city and MMU cannot secure the changes needed to sell Lot 2 Block 7 to MMU for \$1.00, MMU reserves the right to purchase Lot 2 Block 7 at the appraised value.

**Now Therefore Be It Resolved**, The City of Marshall as developer and owner of the remaining unsold developed land within the Sonstegard and Commerce Park 2 Subdivisions will:

# CITY OF MARSHALL AND MARSHALL MUNICIPAL UTILITIES AGREEMENT

1. Assume all liability for future initial infrastructure costs, including water mains that may be incurred in future phases of work in support of the Sonstegard and Commerce Park lands including any costs expended on the Merit Center Driving Track land related to stormwater improvements.
2. Repay the State of Minnesota all or a portion of the BDPI grant funds received if in the City of Marshall's opinion, it becomes necessary to remove State of Minnesota imposed restrictions on how the land is marketed and sold.
3. Provide MMU lot 2, block 7 in Commerce Park 2, free and clear of any State or Local encumbrances.

Marshall Municipal Utilities, agrees herein:

1. To partner with the city and help promote economic development. MMU will make available to the City of Marshall \$1,000,000 held in reserve from the original Joint Land Industrial agreement established in July of 2007. This money will be used by the City of Marshall in leveraging grant money for a future Economic Development Authority (EDA) project agreed upon by both the city and MMU. After the city is finished leveraging this money to promote the project, the \$1 million dollars will be applied to any MMU utility infrastructure extension costs associated with the EDA project.
2. To transfer funds to the City of Marshall through the annual Pilot payment for support of the work of the Marshall EDA within the city limits of Marshall MN. The annual amount of said funds would be the result of multiplying the 10-year average energy sales (excluding GS-4 sales) by \$.0006 and GS-4 sales by \$.0001 which would yield \$178,551 in the current calculation. The amount will vary slightly year to year.
3. To pay \$1.00 or the appraised value for lot 2, block 7 Commerce Park. The dollar amount will be determined by the results of the city's and MMU's efforts in making state statutes more flexible in support of economic development efforts by cities and counties.

**Marshall Municipal Utilities Commission**

**City of Marshall**

\_\_\_\_\_  
Chairperson of the Commission

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Secretary of the Commission

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

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

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

# CITY OF MARSHALL AND MARSHALL MUNICIPAL UTILITIES AGREEMENT

<b>Agreement Title: Marshall Municipal Utilities Capital Funding Plan</b>		<b>Agreement Number: 7A.1.12</b>
<b>Date of Adoption: November 19, 2008</b>	<b>Updated: October 31 2022</b>	<b>Effective: January 1, 2023</b>

**Subject Matter:**

Two local public entities, the City of Marshall and Marshall Municipal Utilities (MMU) have the ability to utilize tax exempt bonding for capital improvements. When these entities determine a need to issue bonds, their preference is to issue bonds within the federally established bank qualified (BQ) limit.

**Scope of Activity:**

On an annual basis, the City Administrator and the General Manager of MMU coordinate their organization’s respective capital funding needs.

The coordination of public improvements requires a joint planning effort between all local public bodies. In cooperation and with joint planning, the City of Marshall and Marshall Municipal Utilities agree to work together on the coordination of their respective capital improvements funded by municipal bonding.

**Funding:**

During the last quarter of the year, MMU will communicate the subsequent year’s utility bonding needs to the Marshall City Council through their City Administrator. Further, Marshall Municipal Utilities agrees to engage the same Financial Advisor and Bond Counsel to streamline the joint planning between bodies. MMU does not anticipate issuing any additional Public Utility revenue bonds during 2023 for “new money” issues.

**Marshall Municipal Utilities Commission**

**City of Marshall**

\_\_\_\_\_  
Chairperson of the Commission

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Secretary of the Commission

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

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

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

# CITY OF MARSHALL AND MARSHALL MUNICIPAL UTILITIES AGREEMENT

<b>Agreement Title: Fiber Optic Utilization</b>		<b>Agreement Number: 8A.1.12</b>
<b>Date of Adoption: November 19, 2008</b>	<b>Updated: October 31, 2022</b>	<b>Effective: January 1, 2023</b>

**Subject Matter:**

Marshall Municipal Utilities (MMU) owns and maintains a fiber optic network as part of its electric utility. Over the years, public entities in Marshall have participated in the planning and funding of the network and have connected their buildings to the network to provide fiber connectivity. This connectivity allows greater efficiency in the planning and utilization of public Information Technology (IT) resources. While MMU owns the network, its joint utilization serves to provide a secure and robust network or Wide Area Network (WAN) within Marshall. Participants include the Lyon County Government, Marshall Public Schools, the City of Marshall and MMU. This agreement acts to do the annual planning between the City of Marshall and MMU for any planned fiber WAN improvements or expansions.

**Scope of Activity:**

MMU’s involvement is carried out in part, pursuant to the Marshall City Charter chapter 13.01, Subd.1. In satisfaction of the provisions of the chapter, MMU herein requests, and the City of Marshall herein grants the authority and ability to own, operate, maintain, replace and enhance the fiber optic facilities. The MMU owned fiber optic facilities can use public rights of way, consistent with Chapter 13.04 Subd 5 of the City Charter.

**Funding:**

The City of Marshall will provide the capital to expand the fiber system if the expansion is solely for the purposes of serving a City of Marshall function and no joint use is contemplated. When there is a joint use, MMU will provide funding for the non-City portion of the project. MMU’s fixed term “Dark Fiber” agreements are also an available funding mechanism the City can utilize. Repair or maintenance work done on fiber used solely by the City will be done by MMU on a time and material basis.

**Future Cost:**

The City does not need any new fiber infrastructure in 2023.

**Marshall Municipal Utilities Commission**

**City of Marshall**

\_\_\_\_\_  
Chairperson of the Commission

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Secretary of the Commission

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

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

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

**CITY OF MARSHALL AND MARSHALL MUNICIPAL UTILITIES  
AGREEMENT**

<b>Agreement Title: Chloride Reduction Coordination</b>		<b>Agreement Number: 10A.1.8</b>
<b>Date of Adoption: December 17, 2013</b>	<b>Updated: October 31, 2022</b> <b>Reaffirmed:</b>	<b>Effective: January 1, 2023</b>

**Subject Matter:**

The Minnesota Pollution Control Agency (MPCA) has communicated to Marshall the need to comply with the new water quality-based effluent limit (WQBEL) in Marshall’s National Pollutant Discharge Elimination System (NPDES) to the Redwood River. One standard is in regard to the amount of chloride that enters the river.

One of Marshall’s primary sources of chloride is salt used in softening the potable (drinking) water supply. Water quality analysis from multiple samples collected over a period from January 2015 to May 2016 have indicated that the Redwood River receives an average of 11,350 pounds per day of chloride discharged from the Marshall Wastewater Treatment Facility (WWTF). Of this amount, residential, commercial and light industrial water softening systems contribute 7,330 pounds per day of chlorides. The City of Marshall’s current NPDES permit contains the requirement to attain a chloride (salt) concentration limit of 261 mg/l or less by 2024.

To succeed in reducing the amount of chlorides discharged, it will be necessary for the City of Marshall’s wastewater and MMU’s water supply to work together in reducing the need for salt-based softening of the community water supply along with reduction in chloride discharge from industrial sources. To this end, the City adopts City Resolution No. 4430, Second Series which outlines its commitment to MMU to support the creation of a softer drinking water, copy attached.

**Scope of Activity:**

In 2022, the City of Marshall has fulfilled all financial obligations pursuant to Resolution 4637 funding their portion of construction costs for the Water Softening Enhancement Project.

Marshall Municipal Utilities by this agreement resolves to:

Support and share all costs incurred by the city associated with their public educational efforts to reduce chloride discharge from residential water softeners. The city will be using grant money secured in 2021 to fund all chloride education and rebate programs that are scheduled to be continued in 2023.

**Marshall Municipal Utilities Commission**

**City of Marshall**

\_\_\_\_\_  
Chairperson of the Commission

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Secretary of the Commission

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

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

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

**Resolution No. 4637, Second Series**  
**A Resolution Amending Resolution 4608, Second Series**  
**in Support of Chloride Reduction in Water**  
**Discharged to the Redwood River**

Whereas, the City of Marshall (City) operates a wastewater treatment facility that treats the community's wastewater prior to its discharge into the Redwood River, pursuant to a National Pollutant Discharge Elimination System (NPDES) Permit issued by the Minnesota Pollution Control Agency (MPCA). The City's NPDES permit contains a chloride (salt) limitation that must be achieved by 2024. The City and Marshall Municipal Utilities (MMU) have been in discussion about methods to attain the reduction in chloride (salt) discharged into the Redwood River; and

Whereas, City and MMU have each retained the services of qualified consultants to provide analysis and recommendations regarding the most cost-efficient methods to attain compliance with the required chloride limits as set forth by the MPCA permit. That analysis has included both a review of upgrades to the existing water treatment plant and has also included a review of retrofitting the City's wastewater treatment plant; and

Whereas, the City and MMU desire to coordinate the planning between the community's water utility and its wastewater treatment facility by developing a process to lower the wastewater treatment facility's chloride discharge. Based upon the consultant's analysis, it has been determined that the most significant measure to lower the chloride is to provide softer water from MMU's Water Treatment Plant. To achieve the permit's required result, upgrades to the existing Water Treatment Plant would have to occur at an estimated cost of \$10,606,000 based upon fully designed plans by MMU's water engineering consultant, AE2S. MMU applied for a \$7,000,000 Minnesota Public Facilities Authority Point Source Implementation Grant (PSIG) and has received notice the PSIG funding will be available for upgrades to MMU's Water Treatment Plant, the "project". With the "project" fully designed and with notice of the PSIG grant, the local funding must be put in place; and

Whereas, bids for the "project" were solicited, were reviewed and were opened on July 9, 2019. MMU received bids from two (2) responsible bidders. The estimated "project" costs as set forth above have been replaced by actual bids as received. The low responsible bid exceeded the engineer's estimate and further exceeded the amount as previously approved by Council Resolution No. 4608; and

Whereas, the low responsible bid received for the "project" plus engineering costs contracted to date totaled \$11,104,492. In addition to the bid, it is recommended that a 5% contingency amount be added to "project" costs for a total "project" cost of \$11,585,492; and

Whereas, the total local funding for the "project" is now projected to be \$4,585,492 (total project costs \$11,585,492 minus PSIG grant \$7,000,000.00 = \$4,585,492).

Now Therefore Be It Resolved, that the local funding for the "project" is set forth below:

With the local funding for the "project" is projected to be \$4,585,492.00, the City commits to funding 55.74% of the local portion of the "project" costs projected to be \$2,555,953. The remaining local portion of projected funding shall be paid by MMU providing 44.26% of the local portion of funding projected to be \$2,029,539. To the extent the actual "project" costs are different than the projected total of \$11,585,492 the City and MMU will share said differences according to the stated percentages herein; and

Be it Further Resolved, the City hereby:

1. Commits to all measures required to attain NPDES Chloride compliance including the measures as outlined in the City's August 3, 2017 report prepared and submitted by their consultant, Bolton & Menk, as set forth below:
  - a. Support Marshall Municipal Utilities further softening of the community water supply quality to 5-8 grains using Lime/Soda Ash Softening to reduce Ion Exchange softening brine discharge.
  - b. Establish chloride surcharge on customers of the City of Marshall wastewater treatment facilities that have an industrial treatment agreement. Remit revenue collected from the surcharge to MMU in support of their further softening.
  - c. If it is determined by MMU to be required, authorize MMU adding chloride surcharge to the monthly utility bill for wastewater (sewer) customers invoiced by MMU. MMU is authorized to collect and retain said revenue. Currently, MMU is not contemplating the need for this type of surcharge.
  - d. Public and Industry education to reduce chlorides at the source.
  - e. Potential incentive program to set all softeners to the most efficient settings.
  - f. Set industrial limits in SIU Agreements.
  - g. Apply for MPCA Variance on chloride limit.
  - h. If all of the above measures have been implemented and chloride limits are not met; the City should, by ordinance, end the practice of Ion Exchange softening, if needed to reach final limit; and

Be it Further Resolved, the City hereby:

Approves the award by the Marshall Municipal Utilities of the "project" contract to the low bidder KHC Construction Company of Marshall, and authorizes the MMU Commission to enter into said contract, and further recognizes and commits to the City portion of local funding in the amount of \$2,555,953.

Upon vote being taken thereon, the following Council Members voted in favor:

and the following voted against the same:

whereupon the resolution was declared passed and adopted this 23 day of July, 2019.



Robert J. Byrnes, Mayor

ATTEST:

  
\_\_\_\_\_  
Kyle Box  
Its: City Clerk

This Instrument Drafted by:  
Dennis H. Simpson  
Marshall City Attorney  
109 S. 4<sup>th</sup> Street  
Marshall, MN 56258

**CITY OF MARSHALL AND MARSHALL MUNICIPAL UTILITIES  
AGREEMENT**

<b>Agreement Title: GIS Coordination</b>		<b>Agreement Number: 11A.4</b>
<b>Date of Adoption: November 7, 2017</b>	<b>Updated: October 31, 2022</b> <b>Reaffirmed:</b>	<b>Effective: January 1, 2023</b>

**Subject Matter:**

Geographic Information System (GIS) utilization has increasingly been deployed at Marshall Municipal Utilities (MMU) and the City of Marshall for purposes of accurately recording and preserving the record of where the public assets are located. This work is very important for accurate system planning as well as transferring knowledge as one generation retires and another takes its place. MMU has developed robust capabilities in using a software platform named ESRI and the City of Marshall wishes to migrate their current GIS data to the same platform.

**Scope of Activity:**

MMU herein offers to support the City of Marshall in deploying the ESRI software for the management of various facility records now maintained by the City such as signage, wastewater, and surface water management. The use of ESRI will enhance the accuracy and functionality of data dealing with location points. MMU will provide the following services:

- A. Human resources to build and maintain the desired data and records related to physical locations in a GIS format.
- B. Software, licenses, and support and hardware located within the MMU/City Network suitable for accomplishing the work.

The City and MMU will provide map information when requested to a shared file for ease of access by staff.

The fee for MMU performing the work for the City will be tracked, and the incremental cost incurred by MMU will be billed to the City. MMU estimates the annual expenses to be approximately \$24,750 and actual recorded hours will be billed out to the City. This amount will be invoiced to the City on a semi-annual basis. On an annual basis, during the Joint Partnership Meeting, the costs will be reviewed and agreed upon for the succeeding year.

**Marshall Municipal Utilities Commission**

**City of Marshall**

\_\_\_\_\_  
Chairperson of the Commission

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Secretary of the Commission

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

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

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

**Marshall Municipal Utilities  
City of Marshall  
2023 Shared GIS Budget**

<b>Shared GIS Budget 2023 - Software</b>					
			MMU	City	
Area	Product / Purpose	Cost			User
ArcGIS	ESRI Enterprise Licensing	\$ 27,500	\$ 13,750	\$ 13,750.00	City (50%), MMU (50%)
	<b>TOTAL</b>	\$ 27,500	\$ 13,750	\$ 13,750	

<b>Shared GIS Budget 2023 - MMU Estimated Staff Time *</b>					
		Annual			
Area	Product / Purpose	Hours	Rate	City	User
GIS	Estimated MMU Staff Hours for:	200.00	\$ 55.00	\$ 11,000	City, MMU
	- GPS Fieldwork Collection				
	- Fieldwork Conversion to GIS				
	- GIS Database Creation				
	- GIS Database Maintenance				
	- Web and Mobile Map Creation				
	- Web an Mobile Map Maintenance				
	<b>TOTAL</b>			\$ 11,000	
<b>Total Cost of GIS Software &amp; MMU Staff Time</b>				\$ 24,750	

\* Actual hours are billed on a semi-annual basis to the City of Marshall.

## CITY OF MARSHALL AND MARSHALL MUNICIPAL UTILITIES AGREEMENT

<b>Agreement Title: Radio Frequency (RF) Coordination</b>		<b>Agreement Number: 12A.4</b>
<b>Date of Adoption: November 18, 2019</b>	<b>Updated: October 31, 2021</b> <b>Reaffirmed:</b>	<b>Effective: January 1, 2023</b>

**Subject Matter:**

This agreement details the uses of Federal Communication Commission (FCC) regulated Radio Frequency or RF signals used in the transmission and reception of communication for voice and non-voice use in the regular operations of work activity of the employees of the City of Marshall and the Marshall Municipal Utilities (MMU). Generally, RF used by law enforcement is not part of this agreement. FCC also licenses private telecommunication providers who place their equipment for wireless communication on public facilities such as water towers and street light poles which in Marshall are owned by MMU.

The systems and FCC licensees needed to serve this public purpose can be enhanced through good coordination between City and MMU for their use.

**Scope of Activity:**

**1. Two-way radio communication:**

The FCC license for frequency 158.805 MHz is issued to the City of Marshall and is used by both the MMU employees and the City Public Works employees in the discharge of their duties. Said license renewal has been handled by MMU in the past but is issued to the City of Marshall. Due date for License Renewal 2025.

**2. GPS base station transmitter:**

The City owns a GPS transmitter placed on the City owned High-rise apartment at 202 N. 1<sup>st</sup> St. The FCC license for said transmitter operated at 453.2375 Mhz. As the equipment is owned by the City any FCC licensure activity should be handled by the City. Current FCC License expires November 8, 2025. Public and private users of GPS technology use this base station for documenting and locating geospatial information.

**3. Private wireless telecommunication providers.**

Cell phone service in and around Marshall is provided by the private sector. Agreements between these companies and MMU allow for their equipment to be located upon the MMU owned water towers on Bruce St. and Oak St.

Beginning in 2019, Verizon Wireless started to plan and build “small-cell” equipment on street light poles owned by MMU. Verizon’s vision is to one day in the future, use this equipment as a key part of their 5G build-out. They say 5G will support the triple-play of voice-data-entertainment. The current equipment is not 5G. To facilitate the placement of the small cell equipment, MMU has entered into agreements to allow for the orderly placement and operation of said privately owned equipment.

**CITY OF MARSHALL AND MARSHALL MUNICIPAL UTILITIES  
AGREEMENT**

Any revenue received by MMU for use of the Street Light poles will be shared with the City of Marshall. MMU will receive said lease payments and will remit to the City the net revenue after paying for the expenses incurred to lease said street light poles to the companies. The current estimate of net revenue is \$1,000 per pole per year but is expected to change over time. Currently, seven (7) poles are under lease to Verizon Wireless.

2023 Costs:

No costs are expected related to this RF agreement in 2023.

**Marshall Municipal Utilities Commission**

**City of Marshall**

\_\_\_\_\_  
Chairperson of the Commission

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Secretary of the Commission

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

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

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

## CITY OF MARSHALL AND MARSHALL MUNICIPAL UTILITIES AGREEMENT

<b>Agreement Title: Water Main Development Agreement</b>		<b>Agreement Number: 13A.1</b>
<b>Date of Adoption: November 2022</b>	<b>Updated:</b>  <b>Reaffirmed:</b>	<b>Effective: January 1, 2023</b>

**Subject Matter:** Marshall Municipal Utilities (MMU) will work in partnership with the Marshall City Government to encourage economic development and stability by establishing water infrastructure development guidelines. A Water Main Development Agreement shall be established that will streamline and promote the investment of water infrastructure and help provide a clear path for any Developer wanting to invest and expand in the City of Marshall.

**Scope of Activity:**

- **Design:**  
MMU will work with the City Engineer’s Office to review and provide minimum water infrastructure requirements to any developer wanting to extend water utilities inside the city of Marshall. Once minimum water infrastructure requirements are established, MMU will then apply their future water infrastructure plans to the project. If it is determined by MMU that there needs to be changes in the size of the water main or accompanied equipment, MMU will coordinate with the developer and pay all purchase and installations costs associated with those changes.
- **Placement:**  
The Developer will be responsible to install all minimum water infrastructure requirements for the building project. If any changes are required from MMU the Developer, in accordance with the Development Agreement, will coordinate with MMU and build to MMU specifications.
- **Ownership:**  
All new water infrastructure installations will be owned and maintained by MMU.
- **Decision Making Process:**  
The responsibility for making decisions regarding installation, repairs, replacement, inventory, and timing of the same rests with MMU’s Water Operation’s Manager. If needed, MMU’s Water Operation’s Manager will solicit input from the City Engineer’s Office using prior practices as a template.
- **Funding:**  
Costs associated in building to minimum water infrastructure standards will be borne by the developer. Any additional costs will be determined and borne by MMU.

When there may be grant money available for the extension of water mains and associated hardware, the City of Marshall shall provide the grant writing assistance to attempt to secure said grant funding.

**Marshall Municipal Utilities Commission**

**City of Marshall**

\_\_\_\_\_  
Chairperson of the Commission

\_\_\_\_\_  
Mayor

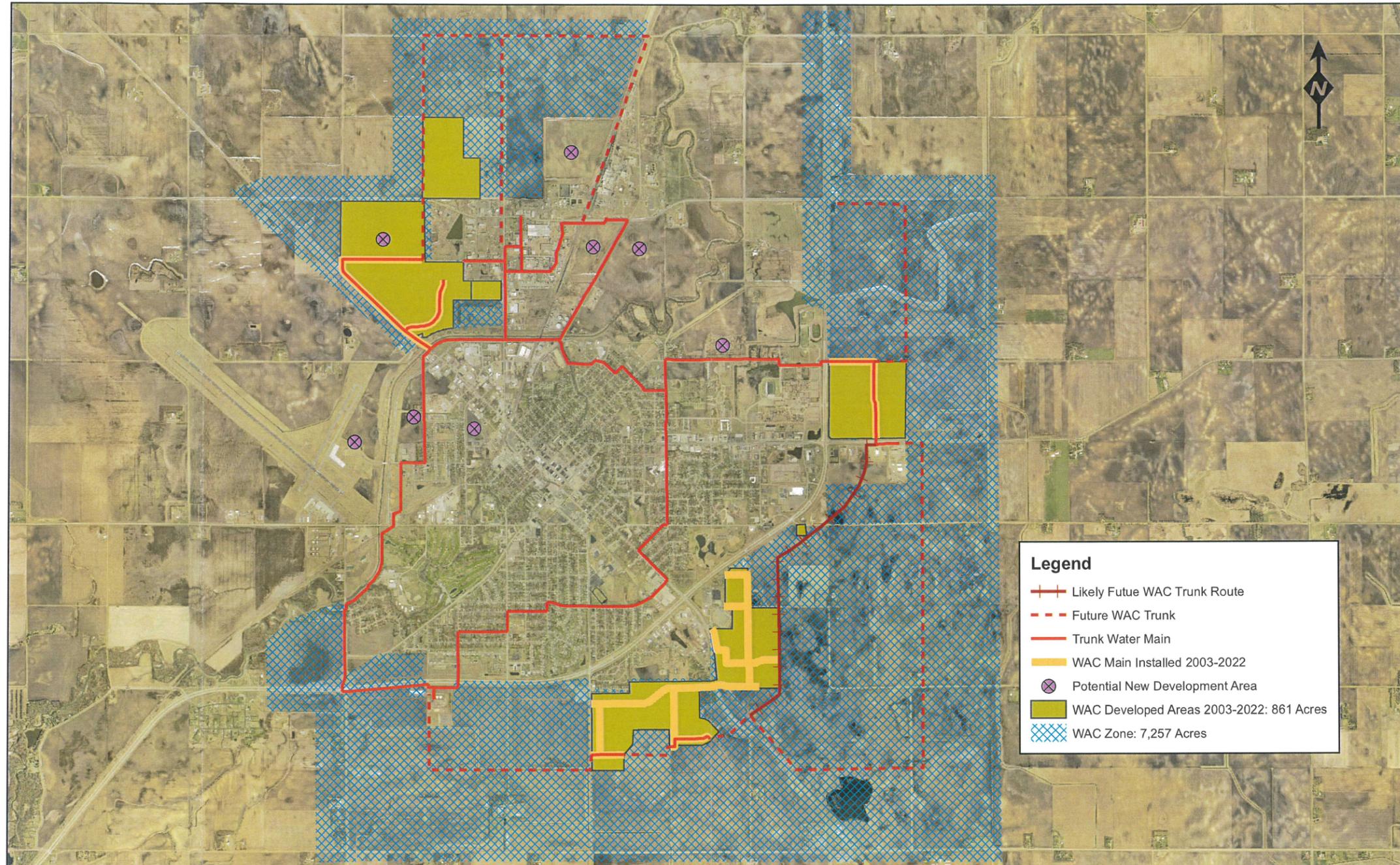
\_\_\_\_\_  
Secretary of the Commission

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

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

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

# Marshall Water Area Charge Zones



<b>Meeting Date:</b>	Monday, November 7, 2022
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	ACTION
<b>Subject:</b>	Resolution Appointing Pamela Whitmore and the law firm of Kennedy and Graven as City Attorney; Matthew B. Gross as Prosecuting Attorney; and Dennis H. Simpson as Special Counsel
<b>Background Information:</b>	<p><b>Process:</b> The City Council, at the May 24, 2022, City Council meeting, authorized the Request for Proposal (RFPs) for the following legal services: City Attorney General Counsel; Criminal Services; and Local Land Use.</p> <p>The City received 4 proposals for General Counsel, 3 proposals for Local Land Use, 1 proposal for Criminal Prosecution. The proposals were received from Quarnstrom and Doering, Pemberton Law, Kennedy and Graven and Flaherty and Hood.</p> <p>The Committee met to review City Attorney RFPs on August 17<sup>th</sup> and conducted interviews September 9<sup>th</sup> and September 13<sup>th</sup> with three of the four firms.</p> <p><b>Costs:</b> The billable hourly rates were comparable for all the law firms, as were the comparable total annual costs when surveyed to other similar communities.</p> <p>The City of Marshall annually pays Quarnstrom and Doering an average of \$174,000 on City Attorney services annually (\$136,000 budgeted, the remainder out of budget- typically coded to project codes and thus funded by non-general funds).</p> <p>A review of comparable cities finds that for city attorney services half are served by a private attorney, half are contracted out to a larger firm not located locally. Two of the comparable cities employ their city attorney in-house.</p> <p><b>City of Marshall Charter:</b></p> <p><b><u>Section 3.04 City Attorney</u></b> The Mayor shall nominate to the City Council the person to be appointed as City Attorney for the City of Marshall. The City Council and the Mayor shall vote and confirm said appointment by majority vote. The City Attorney shall serve for a term of two (2) years, his/her term of office to begin on the first regular meeting in January after the municipal election and he/she shall continue in office until their successor is appointed.</p> <p>The Mayor is nominating as follows: Pamela Whitmore and the law firm of Kennedy and Graven as City Attorney; Matthew B. Gross as Prosecuting Attorney; and Dennis H. Simpson as Special Counsel</p>

<b>Fiscal Impact:</b>	<p>Kennedy and Graven-Appointed City Attorney:</p> <table border="1" data-bbox="566 254 1443 436"> <thead> <tr> <th>Year</th> <th>Annual Amount</th> <th>Monthly Payment</th> </tr> </thead> <tbody> <tr> <td>2023</td> <td>\$65,400</td> <td>\$5,450</td> </tr> <tr> <td>2024</td> <td>\$67,380</td> <td>\$5,615</td> </tr> </tbody> </table> <p>Quarnstrom and Doering-Criminal Prosecution:</p> <table border="1" data-bbox="566 543 1443 726"> <thead> <tr> <th>Year</th> <th>Annual Amount</th> <th>Monthly Payment</th> </tr> </thead> <tbody> <tr> <td>2023</td> <td>\$68,215.52</td> <td>\$5,684.71</td> </tr> <tr> <td>2024</td> <td>\$68,215.52</td> <td>\$5,684.71</td> </tr> </tbody> </table> <p>Quarnstrom and Doering-Special Counsel:</p> <table border="1" data-bbox="566 800 1443 982"> <thead> <tr> <th>Year</th> <th>Annual Amount</th> <th>Monthly Payment</th> </tr> </thead> <tbody> <tr> <td>2023</td> <td>\$30,000</td> <td>\$2,500</td> </tr> <tr> <td>2024</td> <td>\$30,000</td> <td>\$2,500</td> </tr> </tbody> </table> <p>Total Annual Costs:</p> <table border="1" data-bbox="474 1043 1419 1593"> <thead> <tr> <th>Year</th> <th>General Revenue Annual Budget</th> <th>Non-General Revenue/Project Expenditures</th> <th>Total Annual</th> </tr> </thead> <tbody> <tr> <td>2022</td> <td>\$136,433</td> <td>Approximately \$30,000 to \$40,000</td> <td>\$166,433-\$176,433</td> </tr> <tr> <td>2023</td> <td>\$133,615.52</td> <td>\$30,000; additional \$10,000 if prior approval and outside retainer</td> <td>\$163,615.52-\$173,615.52</td> </tr> <tr> <td>2024</td> <td>\$135,595.52</td> <td>\$30,000; additional \$10,000 if prior approval and outside retainer</td> <td>\$165,585.52-\$175,595.52</td> </tr> </tbody> </table>	Year	Annual Amount	Monthly Payment	2023	\$65,400	\$5,450	2024	\$67,380	\$5,615	Year	Annual Amount	Monthly Payment	2023	\$68,215.52	\$5,684.71	2024	\$68,215.52	\$5,684.71	Year	Annual Amount	Monthly Payment	2023	\$30,000	\$2,500	2024	\$30,000	\$2,500	Year	General Revenue Annual Budget	Non-General Revenue/Project Expenditures	Total Annual	2022	\$136,433	Approximately \$30,000 to \$40,000	\$166,433-\$176,433	2023	\$133,615.52	\$30,000; additional \$10,000 if prior approval and outside retainer	\$163,615.52-\$173,615.52	2024	\$135,595.52	\$30,000; additional \$10,000 if prior approval and outside retainer	\$165,585.52-\$175,595.52
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<b>Alternative/Variations:</b>																																												
<b>Recommendations:</b>	Adopt Resolution 22-088 Appointing Pamela Whitmore and the law firm of Kennedy and Graven as City Attorney; Matthew B. Gross as Prosecuting Attorney; and Dennis H. Simpson as Special Counsel																																											

## AGREEMENT FOR CIVIL LEGAL SERVICES

This Agreement for Civil Legal Services (“**Agreement**”) is entered into by and between the CITY OF MARSHALL, a Minnesota municipal corporation, (“**City**”) and the law firm of KENNEDY & GRAVEN, CHARTERED (“**Law Firm**”) effective as of the 1<sup>st</sup> day of January 2023. In consideration of the mutual promises and conditions contained in this Agreement, the City and the Law Firm agree as follows:

1. **Appointment.** The City appoints the firm of Kennedy & Graven, Chartered to the position of City Attorney, with Pamela Whitmore and Troy Gilchrist acting as primary legal counsel for the City.
2. **Term and Termination.** This Agreement shall be effective from January 1, 2023 to December 31, 2024, and shall continue thereafter until renewed or a different firm is selected to serve as City Attorney. During the term of this Agreement, either party may terminate this Agreement upon 60 days’ written notice to the other party.
3. **Legal Services.** The Law Firm agrees to perform all usual and customary civil legal services for the City in accordance with the terms of this Agreement. The Law Firm shall provide both general legal services and specific legal services as detailed below. The parties understand the Law Firm takes a team approach to providing legal services. As such, while Troy Gilchrist will be primarily responsible for providing legal services, others in the Law Firm will also directly and indirectly provide legal services to the City.
4. **Compensation.** The City agrees to pay the Law Firm for its legal services in accordance with the following:

- (a) General Legal Services. An annual retainer fee paid monthly as follows:

Year	Annual Amount	Monthly Payment
2023	\$65,400	\$5,450
2024	\$67,380	\$5,615

- (b) Special Legal Services. The Law Firm will charge a per hour rate for specific legal services, which are outside of the monthly retainer charged for general legal services, as follows:

Type of Service	2023 Hourly Rate	2024 Hourly Rate
Specific Legal Services (not otherwise specified)	\$185	\$195
Litigation, administrative, certain specialized trainings/strategic planning, and condemnation proceedings	\$200	\$210

Development, redevelopment, and tax increment matters (paid by the developer)	\$250	\$260
Bond counsel	Customary rates	Customary rates

Support Staff	2023 Hourly Rate	2024 Hourly Rate
Paralegals	\$125	\$130
Law Clerks	\$110	\$115

(c) Expenses. The City will reimburse the Law Firm for actual, necessary, and reasonable costs and expenses incurred by the Law Firm in the performance of legal services under this Agreement. These costs and expenses include, but are not limited to, courier and delivery charges, process server fees, court filing fees, mileage and parking fees related to providing legal services, online legal research services, postage, printing and photocopying costs, document recording fees, and other actual costs of a similar nature. These fees and expenses are outside of the monthly retainer fee and will be specified on the Law Firm’s monthly billing statement sent to the City.

**5. Scope and Nature of General Legal Services.** The parties agree to the following description of the nature of the comprehensive “general legal services” to be provided by the Law Firm to the City under the retainer fee specified above.

- (a) One onsite office day per month without charge for travel to and from city. City not charged for time spent onsite, other than work done outside of general legal services covered by retainer. City attorney available to be on site other days, upon request.
- (b) Prepare for, travel, and attend one regular City Council meetings in person, and, upon request, prepare for and attend the other regular council meeting and special council meetings. Prepare for and remotely attend other regular council meetings or other meetings, upon request.
- (c) Provide legal advice and consultation to the City Council, City Administrator, Department Heads, City Committees, City Commissions, and other City staff related to City business.
- (d) Draft and make revisions to various routine legal documents, ordinances, resolutions, forms, notices, certificates, correspondence, and regulations.
- (e) Draft and make revisions to routine municipal contracts, joint powers agreements, bidding documents, equipment purchase and lease documentation, project plans and specifications, and the like. City Attorney will notify City Administrator in instances when municipal contracts, joint powers agreements, bidding documents, equipment purchase and lease documents, project plans and specifications and the like are not routine in nature.
- (f) Review of contractor/vendor bond and insurance documents.

- (g) Research and preparation of legal opinions on municipal or other legal matters as requested by the Mayor, City Council, City Administrator, or Department Heads. City Attorney will notify City Administrator in instances when research requested by Mayor, City Council, City Administrator or Department Heads represent an extraordinary request outside the scope of general legal matters anticipated by the retainer.
- (h) Annual training for Council, Boards, Commission and staff on open meeting law, data practices, conflict of interest, and general governance.
- (i) Limited consultation with Charter Commission
- (j) Routine data practices questions
- (k) Other routine legal services that do not constitute specific legal services.

6. **Scope and Nature of Specific Legal Services.** The parties agree to the following description of the nature of the “specific legal services” to be provided by the Law Firm at the request of the City. The parties agree a service identified as a general legal service can be billed as a specific legal service if it is non-routine because it is unusually complex or involves significantly more time than other similar services.

- (a) Condemnations.
- (b) Enforcement actions, including of City building, housing, and zoning codes, and environmental matters.
- (c) Drafting and review of development agreements.
- (d) Attendance at commission meetings and staff meetings.
- (e) Bonds, tax increment, and other forms of financing.
- (f) Review of or response to data practices requests.
- (g) Real estate matters, including sales and acquisitions.
- (h) Non-routine development of contracts or contract addenda, specifications, and contract negotiations.
- (i) Training sessions for City officials or staff, outside of annual training listed in paragraph above.
- (j) Claims not covered by insurance or as the City’s insurance carrier’s legal representative.

- (k) Special assessment-based issues and public improvement projects
- (l) Easements and rights-of-way, including vacations.
- (m) Recodifications and non-routine ordinance projects.
- (n) Contested case matters.
- (o) Non-routine employment matters.
- (p) Litigation, mediation, and arbitration.
- (q) Specific development projects.
- (r) Specific employment matters.

7. **Billing.**

- (a) Billing Statements. The Law Firm will submit to the City a monthly billing statement for general legal services, specific legal services, and expenses. All services billed outside of the monthly retainer for specific projects will be broken down into categories for ease of review by the City. The statement will include a descriptor for each expense item billed to the City. Time shall be billed in tenths of an hour.
- (b) Billing Cycle. The Law Firm will bill monthly for legal services. Generally, bills will go out approximately 20-30 days after the end of the prior month, and Law Firm personnel will work with the City to timely place bills on the next City Council agenda.
- (c) Payment Expectations. The City will pay the bill of the Law Firm routinely according to its internal payment procedures by forwarding a check to the Law Firm paying for both legal services and expenses shown on the billing statements.
- (d) Disputes. In the event that the City disputes any aspect of the Law Firm's invoice, the appropriate City representative will contact Troy Gilchrist at the Law Firm stating the nature of the dispute. The parties agree to work in good faith to resolve any such disputes.

8. **Insurance.** The Law Firm shall maintain professional liability (malpractice) insurance at a minimum coverage level of \$1,000,000 per claim, and \$3,000,000 annual aggregate. The Law Firm shall provide a current Certificate of Insurance to the City upon request.

9. **Attorney/Client Privilege.** The Law Firm is authorized to utilize e-mail without encryption to transmit and receive confidential client information. The City specifically acknowledges that it understands the confidentiality risks associated with inadvertent interception of such information.

10. **Conflict of Interest.** The Law Firm will notify the City as soon as practicable if the Law Firm represents an opposing party to the City in a legal matter.

IN WITNESS WHEREOF, the parties have caused this agreement to be duly executed by their proper officers and representatives as of the day and year first above written.

CITY OF MARSHALL, MINNESOTA

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

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

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

KENNEDY & GRAVEN, CHARTERED

By \_\_\_\_\_  
Pamela Whitmore  
City Attorney

By \_\_\_\_\_  
Troy Gilchrist  
City Attorney

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

## AGREEMENT FOR PROSECUTION SERVICES

This Agreement for Prosecution Services (“**Agreement**”) is entered into by and between the CITY OF MARSHALL, a Minnesota municipal corporation, (“**City**”) and the law firm of QUARNSTROM & DOERING, P.A. (“**Law Firm**”) effective as of the 1<sup>st</sup> day of January 2023. In consideration of the mutual promises and conditions contained in this Agreement, the City and the Law Firm agree as follows:

1. **Appointment.** The City appoints the firm of Quarnstrom, & Doering, P.A. to serve as the City’s prosecutor, with Matthew B. Gross being assigned the chief prosecutor.
2. **Term and Termination.** This Agreement shall be effective from January 1, 2023 to December 31, 2024. During the term of this Agreement, either party may terminate this Agreement upon 60 days’ written notice to the other party. This Agreement supersedes and replaces any prior agreements for prosecution services between the parties, which shall be deemed terminated effect of December 31, 2022. The City remains responsible for paying for services provided under the prior agreement to the date of termination.
3. **Prosecution Services.** The Law Firm agrees to serve as the City’s prosecutor and to perform all services association with that position including, but not limited to, the following:
  - (a) Prosecute petty misdemeanors, misdemeanors, gross misdemeanor DWIs, and gross misdemeanor traffic violations for the City.
  - (b) Meeting with officers, answer questions, draft complaints, facilitate settlement offers, communicate with defense attorneys, attend Court hearings, and try cases as needed.
  - (c) All appellate work related to criminal cases.
  - (d) Criminal prosecution of City Code violations upon request.
4. **Forfeiture Matters.** Pursuant to statute, the prosecutor represents the City on forfeiture matters, including vehicle forfeiture and personal property forfeitures. Law Firm shall receive payment at rate of \$200 an hour, billed in no more than 15-minute increments, for representation of the City on various forfeiture matters resulting from criminal prosecutions.
5. **Compensation.** The City agrees to pay the Law Firm for all prosecution services it provides in accordance with the following.
  - (a) **Retainer.** The City shall pay the Law Firm a monthly retainer fee as follows:

Year	Monthly Payment
2023	\$5,684.71
2024	\$5,684.71

All prosecution services provided by the Law Firm, including its paralegals and other staff, shall be considered as being within the monthly retainer amount. The City shall not be responsible for paying any amounts beyond the monthly retainer amount, except for approved expenses and the hourly rate for forfeiture matters as provided herein.

- (b) Expenses. The City will reimburse the Law Firm for actual, necessary, and reasonable costs and expenses incurred by the Law Firm in the performance of prosecution services under this Agreement. These costs and expenses include, but are not limited to, courier and delivery charges, witness fees, service of process fees, and costs imposed by a court related to providing prosecution services, online legal research services, postage, document recording fees, and other actual costs of a similar nature. The Law Firm will not charge expenses for mileage.

**6. Billing.**

- (a) Billing Statements. The Law Firm will submit to the City a monthly billing statement for the monthly retainer amount. The statement will include a descriptor for each expense item billed to the City.
  - (b) Billing Cycle. The Law Firm will bill monthly for legal services. Generally, bills will go out approximately 20-30 days after the end of the prior month and the City agrees to process and pay them in accordance with its usual invoice payment procedures.
  - (c) Disputes. In the event that the City disputes any aspect of the Law Firm's invoice, the appropriate City representative will contact Matthew B. Gross at the Law Firm stating the nature of the dispute. The parties agree to work in good faith to resolve any such disputes.
7. **Insurance**. The Law Firm shall maintain professional liability (malpractice) insurance at a minimum coverage level of \$1,000,000 per claim, and \$3,000,000 annual aggregate. The Law Firm shall provide a current Certificate of Insurance to the City upon request.
8. **Attorney/Client Privilege**. The Law Firm is authorized to utilize e-mail without encryption to transmit and receive confidential client information. The City specifically acknowledges that it understands the confidentiality risks associated with inadvertent interception of such information.
9. **Conflict of Interest**. The Law Firm will notify the City as soon as practicable if the Law Firm represents an opposing party to the City in a legal matter.

IN WITNESS WHEREOF, the parties have caused this agreement to be duly executed by their proper officers and representatives as of the day and year first above written.

CITY OF MARSHALL, MINNESOTA

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

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

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

QUARNSTROM & DOERING, P.A.

By \_\_\_\_\_  
Matthew B. Gross, Attorney

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

DRAFT

## AGREEMENT FOR LAND USE LEGAL SERVICES

This Agreement for Land Use Legal Services (“**Agreement**”) is entered into by and between the CITY OF MARSHALL, a Minnesota municipal corporation, (“**City**”) and the law firm of QUARNSTROM & DOERING, P.A. (“**Law Firm**”) effective as of the 1<sup>st</sup> day of January 2023. In consideration of the mutual promises and conditions contained in this Agreement, the City and the Law Firm agree as follows:

1. **Special Counsel.** The City appoints the firm of Quarnstrom, & Doering, P.A. as special counsel to provide land use legal services to the City with Dennis H. Simpson being the primary service provider. The Law Firm is providing the services as special counsel to the City, not as City Attorney.
2. **Term and Termination.** This Agreement shall be effective from January 1, 2023 to December 31, 2024. During the term of this Agreement, either party may terminate this Agreement upon 60 days’ written notice to the other party. This Agreement supersedes and replaces the prior agreement for legal services between the parties, which shall be deemed terminated effect of December 31, 2022. The City remains responsible for paying for services provided under the prior agreement to the date of termination.
3. **Land Use Legal Services.** The Law Firm agrees to perform the following services on an as-needed basis as determined by the City and then only upon request of the City Administrator. The services do not require the Law Firm to appear at City Council meetings, unless the City Administrator specifically requests its attendance at a meeting.
  - (a) Real Estate Sale and Acquisition
    - (1) Review acquisition requirements with appropriate City departments, evaluate any special legal or cost issues, develop acquisition timetables, make preliminary cost estimates, and obtain or develop proper legal descriptions.
    - (2) Examine title to property.
    - (3) Prepare documents necessary for routine land purchases and/or sales.
  - (b) Zoning
    - (1) Provide legal advice to staff, City Administrator, Planning Commission, and City Council regarding zoning code matters.
    - (2) Represent the City in matters related to the enforcement of city building, subdivision, and zoning codes.
    - (3) Represent the City in litigation related to zoning enforcement that are not defended by the City’s insurer.
  - (c) Public Improvements
    - (1) Represent the City in the acquisition of properties for public improvements, easements, parks and the like as needed.

- (2) Perform legal work in connection with financing, not usually performed by the fiscal consultant or bond counsel.
- (3) Receive and evaluate all assessment appeals and try cases in District Court or recommend amendments to assessment if warranted.
- (4) Handle legal matters under construction contracts and any resulting litigation that is not defended by the City's insurer.
- (5) Represent the City in condemnation proceedings for public improvement projects.
- (6) Initiate annexation proceedings at the direction of the City and follow through with all necessary documentation and presentation to the State Boundary Adjustments Division.

4. **Compensation.** The City agrees to pay the Law Firm for all legal services it provides in accordance with the following.

(a) Retainer. The City shall pay the Law Firm a monthly retainer fee as follows:

Year	Monthly Payment
2023	\$2,500
2024	\$2,500

All legal services provided by the Law Firm, including its paralegals and other staff, shall be considered as being within the monthly retainer amount unless the City Administrator expressly approves the provision of additional legal services outside of the monthly retainer.

(b) Additional Legal Services. The City Administrator may request the Law Firm to provide legal services that are outside the monthly retainer amount. Any such additional legal services shall be billed at an attorney rate of \$200 an hour and a paralegal rate of \$\_\_\_ an hour. All billable time shall be kept in no more than 15-minute increments. The cumulative total of all such additional legal services shall not exceed \$10,000 in a year.

(c) Expenses. The City will reimburse the Law Firm for actual, necessary, and reasonable costs and expenses incurred by the Law Firm in the performance of legal services under this Agreement. These costs and expenses include, but are not limited to, courier and delivery charges, process server fees, court filing fees, mileage and parking fees related to providing legal services, online legal research services, postage, printing and photocopying costs, document recording fees, and other actual costs of a similar nature. These fees and expenses are outside of the monthly retainer fee, but within the \$10,000 annual cap on additional legal services, and will be specified on the Law Firm's monthly billing statement sent to the City.

5. **Not Exclusive.** The parties understand and agree this Agreement is not exclusive. The City is not required to assign any general or specific type of legal service or matter to the Law Firm regardless of the scope of services described in this Agreement. Nothing in this Agreement shall be interpreted or construed as designating the Law Firm as the exclusive provider of any

particular legal service or as limiting the City's ability to assign any matter to a different firm. The City remains free to assign any matters to the firm that serves as City Attorney or to any other firm the City selects to address one or more particular matters.

6. **Billing.**

- (a) **Billing Statements.** The Law Firm will submit to the City a monthly billing statement for the monthly retainer amount and for any additional legal services and expenses provided or incurred within the month. All additional legal services and expenses billed outside of the monthly retainer shall be broken down into categories for ease of review by the City. The statement will include a descriptor for each expense item billed to the City.
- (b) **Billing Cycle.** The Law Firm will bill monthly for legal services. Generally, bills will go out approximately 20-30 days after the end of the prior month and the City agrees to process and pay them in accordance with its usual invoice payment procedures.
- (c) **Disputes.** In the event that the City disputes any aspect of the Law Firm's invoice, the appropriate City representative will contact Dennis H. Simpson at the Law Firm stating the nature of the dispute. The parties agree to work in good faith to resolve any such disputes.

- 7. **Insurance.** The Law Firm shall maintain professional liability (malpractice) insurance at a minimum coverage level of \$1,000,000 per claim, and \$3,000,000 annual aggregate. The Law Firm shall provide a current Certificate of Insurance to the City upon request.
- 8. **Attorney/Client Privilege.** The Law Firm is authorized to utilize e-mail without encryption to transmit and receive confidential client information. The City specifically acknowledges that it understands the confidentiality risks associated with inadvertent interception of such information.
- 9. **Conflict of Interest.** The Law Firm will notify the City as soon as practicable if the Law Firm represents an opposing party to the City in a legal matter.

IN WITNESS WHEREOF, the parties have caused this agreement to be duly executed by their proper officers and representatives as of the day and year first above written.

CITY OF MARSHALL, MINNESOTA

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

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

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

QUARNSTROM & DOERING, P.A.

By \_\_\_\_\_  
Dennis H. Simpson, Attorney

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

DRAFT

**Historical Civil/Criminal Legal Services Costs**

	2018	2019	2020	2021	2022(Jan-May)	Total	2018-2021Average
Contract Payments(Budget)	\$ 123,910.00	\$ 126,388.00	\$ 130,496.00	\$ 130,496.00	\$ 56,847.10	\$ 568,137.10	\$ 127,822.50
Payments Outside Contract	\$ 53,623.45	\$ 49,769.32	\$ 38,871.55	\$ 44,259.80	\$ 19,359.69	\$ 205,883.81	\$ 46,631.03
Total Payments	\$ 177,533.45	\$ 176,157.32	\$ 169,367.55	\$ 174,755.80	\$ 76,206.79	\$ 774,020.91	\$ 174,453.53

**Resolution No. 22-088**

**RESOLUTION APPOINTING CITY ATTORNEY AND PROSECUTING ATTORNEY AND AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND ENTER INTO AN AGREEMENT FOR LEGAL SERVICES**

WHEREAS, in May 2022, the City of Marshall issued a Request for Proposals (RFP) from qualified firms interested in providing municipal legal services for the city and established a committee to review the proposals; and

WHEREAS, in response to the RFP's the city received four (4) responses for prosecution legal services, three (3) responses for land use, and one (1) response for civil legal services; and

WHEREAS, following review by the Committee and Mayor, the recommendation is to hire Kennedy & Graven for Civil legal services, Quarnstrom & Doering P.A. for land use and for Prosecution legal services; and

WHEREAS, the City of Marshall and Kennedy & Graven will negotiate and execute a final two-year agreement for civil legal services, the City of Marshall and Quarnstrom & Doering, P.A. will negotiate and execute a final two-year agreement for prosecution and land use legal services.

NOW THEREFORE, BE IT RESOLVED by the City Council for the City of Marshall that the City Administrator be and is hereby authorized and directed to negotiate and enter into an agreement with the above-mentioned law firms for legal services.

This Resolution shall become effective upon its passage and without further publication.

Passed by the Common Council of the City of Marshall, this 7<sup>th</sup> day of November 2022.

\_\_\_\_\_  
Mayor

ATTEST:

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

**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Meeting Date:</b>	Monday, November 7, 2022
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	ACTION
<b>Subject:</b>	Consider Charter Commission Revisions
<b>Background Information:</b>	<p>On October 19, 2022, the Charter Commission met and considered revisions to two Articles: Councilmember Terms of Office and City Attorney.</p> <p>Language was brought forth to align councilmember terms of office with Minnesota State Statute and provide better clarity on the when the councilmember term starts.</p> <p>Language was brought forth to revise City Attorney language to make it more consistent with legal representation afforded a client, in this case the city.</p> <p>After discussion, the Commission approved the revisions as included in the Council packet and now makes a recommendation to Council to approve, by ordinance, the Charter Amendments proposed. If Council accepts this recommendation, the date of the meeting reflects the date of recommendation.</p>
<b>Fiscal Impact:</b>	None
<b>Alternative/ Variations:</b>	None
<b>Recommendations:</b>	<ol style="list-style-type: none"> <li>1) Receive the Charter Commission’s recommendation to amend the Charter, by Ordinance; 2) Call for a public hearing to be scheduled for December 13, 2022 at 5:30 p.m. to consider Ordinance Amending Marshall City Charter Provisions Regarding Terms of Office and City Attorney proposed Charter revisions as recommended by the Charter Commission; and 3) first publish notice of date of hearing on November 19, 2022, and include the text of the proposed amendments in the notice of that hearing.</li> </ol>



# MARSHALL

CITY OF MARSHALL  
344 WEST MAIN STREET  
MARSHALL, MN 56258-1313  
PHONE: 507-537-6761  
FAX: 507-537-6830

November 7, 2022

Mayor Byrnes and Council Members  
City of Marshall  
344 West Main Street  
Marshall, MN 56258

Re: City of Marshall Charter Commission Recommendations

Dear Mayor and Council Members:

The purpose of this letter is to transmit to the City Council proposed amendments to the Marshall City Charter. The enclosed proposed amendments (collectively, the "Amendments") are being forwarded for consideration for adoption by ordinance pursuant to Minnesota Statutes, Section 410.12, subdivision 7. The Charter Commission formally acted on October 19, 2022, to recommend the Amendments for adoption by the City Council.

The Charter Commission appreciates the City Council's willingness to work with the Charter Commission that led to the enclosed Amendments. These Amendments will strengthen the City and help ensure the City Charter provisions are consistent with current laws and procedures.

This letter will serve as the Charter Commission's formal recommendation to the City Council to amend the City Charter by adoption of the enclosed ordinance.

Sincerely,

Stacy Frost  
Charter Commission President

Enclosures

CITY OF MARSHALL,  
MINNESOTA

ORDINANCE NO. 22-\_\_\_\_\_

**ORDINANCE AMENDING THE MARSHALL CITY CHARTER  
PROVISIONS REGARDING TERMS OF OFFICE AND CITY ATTORNEY**

The City of Marshall ordains:

**Article I.** Legislative Findings.

1. The City of Marshall is governed by a home rule charter adopted pursuant to the Constitution of the State of Minnesota and Minnesota Statutes, chapter 410.
2. The City Charter of the City of Marshall (“Charter”) was originally adopted on July 22, 1969 and has had several amendments since its adoption.
3. The Marshall Charter Commission (“Commission”) determined it was appropriate to review the Charter and prepare proposed amendments to the Charter.
4. Minnesota Statutes, section 410.12, subdivision 7 allows the City Council to amend the Charter by ordinance after receiving a recommendation from the Charter Commission. The Commission worked cooperatively with the City Council to develop and review proposed amendments to the Charter. Such an ordinance may only be adopted upon “an affirmative vote of all members of the city council and is approved by the mayor.”
5. The Charter Commission considered proposed amendments to Sections 2.03 & 3.04 and voted at its meeting on October 19, 2022, to forward the proposed amendments to the City Council with a recommendation that they be adopted by ordinance.
6. The City published public hearing notice at least two weeks prior to the Hearing and held a public hearing on \_\_\_\_\_ regarding the proposed Charter amendments.
7. The City Council finds and determines that it is in the best interests of the City and its residents to adopt the proposed City Charter amendments.

**Article II.** Upon recommendation of the Marshall Charter Commission, and pursuant to the authority in Minnesota Statutes, section 410.12, subdivision 7, the following section of the Marshall City Charter is hereby amended by adding the double underlined material and deleting the ~~stricken~~ material as follows:

**Section 2.03 Elective Offices**

Subd. 1. Mayor.

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

Subd. 2. Councilmembers.

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

**Article III.** Upon recommendation of the Marshall Charter Commission, and pursuant to the authority in Minnesota Statutes, section 410.12, subdivision 7, the following section of the Marshall City Charter is hereby amended by adding the double underlined material and deleting the ~~stricken~~ material as follows:

**Section 3.04 City Attorney**

The Mayor shall nominate to the City Council the person to be appointed as City Attorney for the City of Marshall. The City Council and the Mayor shall vote and confirm said appointment by majority vote. The City Attorney shall serve for a term of two (2) years, his/her term of office to begin on the first regular meeting in January after the municipal election and he/she shall continue in office until their successor is appointed. The City Attorney shall perform legal services for the City under direction of the City Council and is removable at the discretion of the City Council. The City may contract with other attorneys to perform specific legal services as it deems necessary without discharging the City Attorney. ~~No commission, board, department or officer of the City shall use or employ any other attorney to represent them in their official capacities, provided that in any case of special or unusual circumstances of which the City Attorney does not have the necessary skills to complete the required work or there is a conflict of interest, the Council, at the request of the City Attorney, may by motion appoint special counsel and fix their compensation.~~ The Marshall Municipal Utilities Commission are hereby authorized to employ the City Attorney in official matters and to pay for their services from their respective funds. The City Attorney may employ such staff and assistants as necessary, ~~with the approval of the Council.~~

**ARTICLE IV.** The City Clerk is authorized and directed to work with the City Attorney to insert into the City Charter the appropriate references to the amended sections, correct any typographical errors and make any other non-substantive corrections as may be needed to place the charter into final form, and to keep and post on the City’s website an official copy of the revised City Charter.

**ARTICLE V.**

Section 1. This Ordinance shall become effective after adoption and upon ninety (90) days following its legal publication, except that if within sixty (60) days after publication a petition requesting a referendum on this ordinance, signed by the number of registered voters of the City required by Minnesota Statutes, section 410.12, subdivision 7 is filed with the City Clerk, this Ordinance will not be effective until approved by a majority of the voters voting on the question of its adoption at the special election called by the City Council for that purpose.

Section 2. On the effective date of this Ordinance, the City Clerk is authorized and directed to file copies of the amendment with the Secretary of State of the State of Minnesota, the Lyon County Recorder, and the City Clerk’s office together with the certificate required by Minnesota Statutes, section 410.11.

Adopted on this \_\_\_ day of \_\_\_\_\_ 2022 by a unanimous vote of the entire City Council.

**BY THE CITY COUNCIL**

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

ATTEST:

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

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

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

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

**CITY OF MARSHALL  
CHARTER COMMISSION  
M I N U T E S  
Wednesday, October 19, 2022**

**Members Present:** Stacy Frost, Richard Herder, Stephen Davis, Nathan Doose, Marc Klaith, Amanda Schroeder, Mark Mather, and Mike Fox

**Members Absent:** Jill Vroman, Larry Doom, and Larry Magrath

**City Staff:** Mayor Robert Byrnes; Sharon Hanson, City Administrator; Dennis Simpson, City Attorney; and Steven Anderson, City Clerk

Meeting called to order at 4:58pm by Chairperson Stacy Frost.

**Approval of the Agenda**

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

**Approval of the Minutes from December 29, 2021**

Motion made by Stephen Davis, seconded by Nathan Doose to approve the minutes from December 29, 2021. All voted in favor.

**Consider Ordinance Amending the Marshall City Charter Regarding City Attorney and Terms of Office**

Chairperson Frost called for an introduction of all members present.

Sharon Hanson, City Administrator talked briefly about the Guide for Charter Commissions included in the meeting packet. Discussion was had regarding the wording for the Terms of Office proposed changes. It was brought up that statute covers the period from January 1 to the first meeting regular council meeting where concern was had about not having a councilmember in place. The proposed wording changes brings the charter more in line with statute and should alleviate questions about when terms start and end.

Motion made by Stephen Davis, seconded by Marc Klaith to approve the proposed changes to the terms of office. All voted in favor.

Chairperson Frost introduced the new language regarding city attorney. Hanson explained the background and reason for this change. Charter language in many cities do not have a restriction on attorney services. Members had a question on the crossed-out line "The City Attorney may employ such staff and assistance as necessary with the approval of the Council." Dialog went back and forth between members and staff. Consensus was made that the crossed-out sentence should be kept but end at "as necessary." An additional point was brought up regarding the language "The City Attorney shall perform legal services for the City under direction of the City Council and is removable at the pleasure of the City Council." Many noted the dislike for the term "pleasure" in the language. Examples of pleasure being a commonly used word in legal writing from the era was brought forth. Members agreed that "discretion" was a more appropriate term in place of "pleasure."

Motion made by Stephen Davis, seconded by Marc Klaith to recommend amending the City of Marshall charter regarding language changes for city attorney and terms of office as presented with the two additional wording changes that were discussed. All voted in favor.

At 5:21pm Chairperson Frost adjourned the meeting.

Respectfully submitted,  
Nathan Doose, Charter Commission Secretary

**205.07** MS 1957 [Repealed, 1959 c 675 art 13 s 1]

**205.07 CITY GENERAL ELECTION.**

Subdivision 1. **Date of election.** The municipal general election in each city shall be held on the first Tuesday after the first Monday in November in every even-numbered year. Notwithstanding any provision of law to the contrary and subject to the provisions of this section, the governing body of a city may, by ordinance passed at a regular meeting held at least 180 calendar days before the first day to file for candidacy in the next municipal election, decide to hold the election on the first Tuesday after the first Monday in November in either an even- or odd-numbered year. A city may hold elections in either the even-numbered year or the odd-numbered year, but not both. When a city changes its elections from one year to another, and does not provide for the expiration of terms by ordinance, the term of an incumbent expiring at a time when no municipal election is held in the months immediately prior to expiration is extended until the date for taking office following the next scheduled municipal election. If the change results in having three council members to be elected at a succeeding election, the two individuals receiving the highest vote shall serve for terms of four years and the individual receiving the third highest number of votes shall serve for a term of two years. To provide an orderly transition to the odd or even year election plan, the governing body of the city may adopt supplementary ordinances regulating initial elections and officers to be chosen at the elections and shortening or lengthening the terms of incumbents and those elected at the initial election. The term of office for the mayor may be either two or four years. The term of office of council members is four years. Whenever the time of the municipal election is changed, the city clerk immediately shall notify in writing the county auditor and secretary of state of the change of date. Thereafter the municipal general election shall be held on the first Tuesday after the first Monday in November in each odd-numbered or even-numbered year until the ordinance is revoked and notification of the change is made. A municipal general election scheduled to be held in an odd-numbered year may be postponed for inclement weather as provided in section 205.105.

Subd. 1a. **City council members; expiration of terms.** The terms of all city council members of charter cities expire on the first Monday in January of the year in which they expire. All officers of charter cities chosen and qualified shall hold office until their successors qualify.

Subd. 2. [Repealed, 1976 c 44 s 70]

Subd. 3. **Effect of ordinance; referendum.** An ordinance changing the year of the municipal election is effective 240 days after passage and publication or at a later date fixed in the ordinance. Within 180 days after passage and publication of the ordinance, a petition requesting a referendum on the ordinance may be filed with the city clerk. The petition shall be signed by eligible voters equal in number to ten percent of the total number of votes cast in the city at the last municipal general election. If the requisite petition is filed within the prescribed period, the ordinance shall not become effective until it is approved by a majority of the voters voting on the question at a general or special election held on a date authorized by section 205.10, subdivision 3a. If the petition is filed, the governing body may reconsider its action in adopting the ordinance.

**History:** 1959 c 675 art 6 s 7; 1973 c 123 art 3 s 4; 1974 c 337 s 3; 1976 c 44 s 5; 1981 c 29 art 7 s 38; 1983 c 62 s 3; 1986 c 444; 1991 c 227 s 19,20; 1994 c 646 s 6; 1995 c 8 s 5; 2010 c 201 s 58,59; 2014 c 264 s 22; 2017 c 92 art 1 s 23; art 2 s 9

**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Presenter:</b>	Jason Anderson
<b>Meeting Date:</b>	Monday, November 7, 2022
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	ACTION
<b>Subject:</b>	Project PK-001: Independence Park Trail Replacement Project – Consider Change Order No. 3 (Final) and Acknowledgement of Final Pay Request No. 6.
<b>Background Information:</b>	<p>This project consisted of the following: Replacement of the existing bituminous trail in Independence Park. This project included grading, gravel base, concrete sidewalk, and other miscellaneous work.</p> <p>Change Order No. 3 (Final) results in a contract decrease in the amount of \$10,863.99, and the final contract amount was \$371,735.61.</p> <p>All work has been completed in accordance with the specifications. Attached is a copy of Final Pay Request (No. 6) in the amount of \$18,586.78.</p>
<b>Fiscal Impact:</b>	Change Order No. 3 (Final) results in a contract decrease in the amount of \$10,863.99. The original contract amount was \$375,659.10. The final contract amount is \$371,735.61, resulting in a net contract decrease of \$3,923.49.
<b>Alternative/ Variations:</b>	No alternative actions recommended.
<b>Recommendations:</b>	that the Council approve Change Order No. 3 (Final) for a contract decrease of \$10,863.99 and acknowledge Final Pay Request (No. 6) in the amount of \$18,586.78 for the above-referenced project to A&C Excavating, LLC of Marshall, Minnesota.



STATE AID FOR LOCAL TRANSPORTATION  
CHANGE ORDER

Rev. February 2018

SP/SAP(s)		MN Project No.:	N/A	Change Order No.	3
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Project Location	Independence Park				
Local Agency	City of Marshall Public Works	Local Project No.	PK-001		
Contractor	A&C Excavating, LLC	Contract No.	Project: PK-001		
Address/City/State/Zip	PO Box 408 / Marshall / Mn / 56258				
<b>Total Change Order Amount \$</b>	<b>(\$10,863.99)</b>				

*Final Reconciling Change Order*

<b>Estimate Of Cost:</b> <i>(Include any increases or decreases in contract items, any negotiated or force account items.)</i>					
Item No.	Description	Unit	Unit Price	+ or - Quantity	+ or - Amount \$
2101.50 2	CLEARING AND GRUBBING	EAC H	\$500.00	-4	(\$2,000.00)
2104.50 4/00130	REMOVE BITUMINOUS SURFACING	S Y	\$5.25	-347	(\$1,821.75)
2211.60 7	AGGREGATE BASE (CV) CLASS 5 (P)	CU YD	\$25.00	25	\$625.00
2521.61 8	5" CONCRETE WALK	S F	\$3.75	928	\$3,480.00
2521.61 8	5" CONCRETE WALK	S F	\$3.75	210	\$787.50
2573.50 1/00025	STABILIZED CONSTRUCTION EXIT	LS	\$3,000.00	-1	(\$3,000.00)
2573.50 2/00040	SILT FENCE, TYPE MS	L F	\$2.00	-459	(\$918.00)
2573.50 2/00110	STORM DRAIN INLET PROTECTION	EAC H	\$250.00	-2	(\$500.00)
2573.50 3/00063	SEDIMENT CONTROL LOG TYPE WOOD CHIP	L F	\$3.52	30	\$105.60
2574.50 7/00104	BOULEVARD TOPSOIL BORROW	C Y	\$25.00	-230	(\$5,750.00)
2574.50 7/00104	BOULEVARD TOPSOIL BORROW	C Y	\$22.00	-6	(\$132.00)
2575.50 4/00073	EROSION CONTROL BLANKETS CATEGORY 3N	S Y	\$1.76	33.33	\$58.66
2575.60 1	TURF ESTABLISHMENT	LS	\$8,700.00	0.48	\$4,176.00
2575.62 3	RAPID STABILIZATION METHOD 3	MGA L	\$500.00	-2.5	(\$1,250.00)



STATE AID FOR LOCAL TRANSPORTATION  
CHANGE ORDER

Rev. February 2018

SP/SAP(s)		MN Project No.:	N/A	Change Order No.	3
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2575.62		MGA			
3	RAPID STABILIZATION METHOD 3	L	\$350.00	-13.5	(\$4,725.00)
<b>Net Change this Change Order</b>					<b>(\$10,863.99)</b>

Due to this change, the contract time: <i>(check one)</i>	
<input type="checkbox"/> Is NOT changed	<input type="checkbox"/> May be revised as provided in MnDOT Specification 1806
Number of Working Days Affected by this Contract Change:	Number of Calendar Days Affected by this Contract Change:

Approved by Project Engineer: *Jason Anderson* Date: *11/3/2022*  
 Print Name: *Jason Anderson* Phone:  
 Approved by Contractor: A&C Excavating, LLC Date: *11-1-22*  
 Signature: *[Handwritten Signature]* Phone: *507-530-3887*

Contract Number: Project: PK-001  
 Pay Request Number: 6

Project Number	Project Description
PK-001	Independence Park Trail Replacement

<b>Contractor:</b> A&C Excavating, LLC PO Box 408 Marshall, Mn 56258	<b>Vendor Number:</b> 01-4193 <b>Up To Date:</b> 09/23/2022
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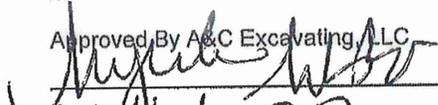
Contract Amount		Funds Encumbered	
Original Contract	\$375,659.10	Original	\$375,659.10
Contract Changes	(\$3,923.49)	Additional	N/A
Revised Contract	\$371,735.61	Total	\$375,659.10

Work Certified To Date	
Base Bid Items	\$364,630.85
Contract Changes	\$7,104.76
Material On Hand	\$0.00
Total	\$371,735.61

Work Certified This Request	Work Certified To Date	Less Amount Retained	Less Previous Payments	Amount Paid This Request	Total Amount Paid To Date
\$0.00	\$371,735.61	\$0.00	\$353,148.83	\$18,586.78	\$371,735.61
Percent: Retained: 0%			Percent Complete: 100%		

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

Approved By  
*Jason Anderson*  
 County/City/Project Engineer  
 11/03/2022  
 Date

Approved By A&C Excavating, LLC  
  
 Contractor  
 11-1-22  
 Date

Payment Summary					
No.	Up To Date	Work Certified Per Request	Amount Retained Per Request	Amount Paid Per Request	
1	2021-10-12	\$65,649.45	\$3,282.47	\$62,366.98	
2	2021-11-09	\$49,424.45	\$2,471.23	\$46,953.22	
3	2022-06-28	\$116,801.71	\$5,840.08	\$110,961.63	
4	2022-07-18	\$121,455.50	\$6,072.78	\$115,382.72	
5	2022-08-12	\$18,404.50	\$920.22	\$17,484.28	
6	2022-09-23	\$0.00	(\$18,586.78)	\$18,586.78	

Funding Category Name	Funding Category Number	Work Certified to Date	Less Amount Retained	Less Previous Payments	Amount Paid this Request	Total Amount Paid to Date
Capital Funds		\$371,735.61	\$0.00	\$353,148.83	\$18,586.78	\$371,735.61

Accounting Number	Funding Source	Amount Paid this Request	Revised Contract Amount	Funds Encumbered to Date	Paid Contractor to Date
401	Local / Other[1]	\$18,586.78	\$371,735.61	\$375,494.84	\$371,735.61

Contract Item Status										
Base/Alt	Line	Item	Description	Units	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
Base Bid	1	2021.501/00010	MOBILIZATION	LS	\$10,000.00	1	0	\$0.00	1	\$10,000.00
Base Bid	2	2101.502	CLEARING AND GRUBBING	EACH	\$500.00	3	0	\$0.00	3	\$1,500.00
Base Bid	3	2104.504/00130	REMOVE BITUMINOUS SURFACING	S Y	\$3.15	7024	0	\$0.00	7024	\$22,125.60
Base Bid	4	2106.607	COMMON EXCAVATION (P)	CU YD	\$20.00	1320	0	\$0.00	1320	\$26,400.00
Base Bid	5	2211.607	AGGREGATE BASE (CV) CLASS 5 (P)	CU YD	\$25.00	741	0	\$0.00	741	\$18,525.00
Base Bid	6	2521.618	5" CONCRETE WALK	S F	\$3.75	58950	0	\$0.00	58950	\$221,062.50
Base Bid	7	2563.601/00010	TRAFFIC CONTROL	LS	\$2,500.00	1	0	\$0.00	1	\$2,500.00
Base Bid	8	2573.501/00025	STABILIZED CONSTRUCTION EXIT	LS	\$3,000.00	0	0	\$0.00	0	\$0.00
Base Bid	9	2573.502/00110	STORM DRAIN INLET PROTECTION	EACH	\$250.00	3	0	\$0.00	3	\$750.00
Base Bid	10	2573.502/00040	SILT FENCE, TYPE MS	L F	\$2.00	3371	0	\$0.00	3371	\$6,742.00
Base Bid	11	2574.507/00104	BOULEVARD TOPSOIL BORROW	C Y	\$25.00	0	0	\$0.00	0	\$0.00
Base Bid	12	2575.601	TURF ESTABLISHMENT	LS	\$8,700.00	1.48	0	\$0.00	1.48	\$12,876.00
Base Bid	13	2575.623	RAPID STABILIZATION METHOD 3	MGAL	\$350.00	0	0	\$0.00	0	\$0.00

Contract Item Status										
Base/Alt	Line	Item	Description	Units	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
Alternate 2	20	2104.504/00130	REMOVE BITUMINOUS SURFACING	S Y	\$5.25	378	0	\$0.00	378	\$1,984.50
Alternate 2	21	2106.607	COMMON EXCAVATION (P)	CU YD	\$20.00	134	0	\$0.00	134	\$2,680.00
Alternate 2	22	2211.607	AGGREGATE BASE (CV) CLASS 5 (P)	CU YD	\$25.00	89	0	\$0.00	89	\$2,225.00
Alternate 2	23	2521.618	5" CONCRETE WALK	S F	\$3.75	7455	0	\$0.00	7455	\$27,956.25
Alternate 2	24	2574.507/00104	BOULEVARD TOPSOIL BORROW	C Y	\$22.00	332	0	\$0.00	332	\$7,304.00
Alternate 2	25	2575.623	RAPID STABILIZATION METHOD 3	MGAL	\$500.00	0	0	\$0.00	0	\$0.00
<b>Base Bid Totals:</b>								<b>\$0.00</b>		<b>\$364,630.85</b>

Project Category Totals			
Project	Category	Amount This Request	Amount To Date
PK-001		\$0.00	\$364,630.85

Contract Change Item Status											
Project	CC	Line	Item	Unit Price	Contract Quantity	Contract Amount	New Item or Adj to Existing	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
PK-001	CO1	26	2573.503/00063 SEDIMENT CONTROL LOG TYPE WOOD CHIP (L F)	\$3.52	100	\$352.00	ITM	\$0.00	\$0.00	130	\$457.60
PK-001	CO1	27	2575.504/00073 EROSION CONTROL BLANKETS CATEGORY 3N (S Y)	\$1.76	300	\$528.00	ITM	\$0.00	\$0.00	333.33	\$586.66
PK-001	CO2	28	2521.518/00050 5" CONCRETE WALK (S F)	\$5.75	1054	\$6,060.50	ITM	\$0.00	\$0.00	1054	\$6,060.50
PK-001	CO3	2	2101.502 CLEARING AND GRUBBING (EACH)	\$500.00	-4	(\$2,000.00)	ADJ				
PK-001	CO3	5	2211.607 AGGREGATE BASE (CV) CLASS 5 (P) (CU YD)	\$25.00	25	\$625.00	ADJ				
PK-001	CO3	6	2521.618 5" CONCRETE WALK (S F)	\$3.75	928	\$3,480.00	ADJ				
PK-001	CO3	8	2573.501/00025 STABILIZED CONSTRUCTION EXIT (LS)	\$3,000.00	-1	(\$3,000.00)	ADJ				
PK-001	CO3	9	2573.502/00110 STORM DRAIN INLET PROTECTION (EACH)	\$250.00	-2	(\$500.00)	ADJ				
PK-001	CO3	10	2573.502/00040 SILT FENCE, TYPE MS (L F)	\$2.00	-459	(\$918.00)	ADJ				
PK-001	CO3	11	2574.507/00104 BOULEVARD TOPSOIL BORROW (C Y)	\$25.00	-230	(\$5,750.00)	ADJ				

Contract Change Item Status											
Project	CC	Line	Item	Unit Price	Contract Quantity	Contract Amount	New Item or Adj to Existing	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
PK-001	CO3	12	2575.601 TURF ESTABLISHMENT (LS)	\$8,700.00	0.48	\$4,176.00	ADJ				
PK-001	CO3	13	2575.623 RAPID STABILIZATION METHOD 3 (MGAL)	\$350.00	-13.5	(\$4,725.00)	ADJ				
PK-001	CO3	20	2104.504/00130 REMOVE BITUMINOUS SURFACING (S Y)	\$5.25	-347	(\$1,821.75)	ADJ				
PK-001	CO3	23	2521.618 5" CONCRETE WALK (S F)	\$3.75	210	\$787.50	ADJ				
PK-001	CO3	24	2574.507/00104 BOULEVARD TOPSOIL BORROW (C Y)	\$22.00	-6	(\$132.00)	ADJ				
PK-001	CO3	25	2575.623 RAPID STABILIZATION METHOD 3 (MGAL)	\$500.00	-2.5	(\$1,250.00)	ADJ				
PK-001	CO3	26	2573.503/00063 SEDIMENT CONTROL LOG TYPE WOOD CHIP (L F)	\$3.52	30	\$105.60	ADJ				
PK-001	CO3	27	2575.504/00073 EROSION CONTROL BLANKETS CATEGORY 3N (S Y)	\$1.76	33.33	\$58.66	ADJ				
<b>Contract Change Totals:</b>									<b>\$0.00</b>		<b>\$7,104.76</b>

Contract Change Totals			
Number	Description	Effective Date	Amount
1	Addition of biologs and erosion control blankets for erosion control measures nearby the baseball fields and elsewhere as determined by the Engineer.	05/12/2022	\$880.00
2	Additional 5" Concrete Walk for additional leg to "M" sculpture.	07/13/2022	\$6,060.50
3	Final Reconciling Change Order	09/23/2022	(\$10,863.99)

Material On Hand Additions					
Line	Item	Description	Date	Added	Comments

Material On Hand Balance						
Line	Item	Description	Date	Added	Used	Remaining

<b>Contract Total</b>	<b>\$371,735.61</b>
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**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Presenter:</b>	Jason Anderson
<b>Meeting Date:</b>	Monday, November 7, 2022
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	ACTION
<b>Subject:</b>	Project ST-023: W. Lyon Street (College to 1 <sup>st</sup> ) Reconstruction Project - Consider Change Order No. 2 (Final) and Acknowledgement of Final Pay Request (No. 4).
<b>Background Information:</b>	<p>The project limits included: W. Lyon Street (E. College Drive to N. 1<sup>st</sup> Street). The proposed project was originally included in the scope of the Z82 (N. 1<sup>st</sup>/Redwood/Marshall) Reconstruction Project constructed in 2021. In consideration of the unknown status regarding the potential development of the Block 11 property, the block of W. Lyon Street between E. College Drive and N. 1<sup>st</sup> Street was removed from the scope of the project.</p> <p>The items on Change Order No. 2 (Final Reconciling Change Order) for the above-referenced project are the result of final measurements and changes in item quantities during construction.</p> <p>All work has been completed in accordance with the specifications. Attached is a copy of Final Pay Request (No. 4) in the amount of \$21,450.00. The contractor has submitted MN State IC-134 (Withholding Affidavit) Forms. After processing of this Final Pay Request (No. 4), the contractor will be paid in full, including all retainage.</p>
<b>Fiscal Impact:</b>	Change Order No. 2 (Final) results in a contract decrease in the amount of \$7,976.20. The original contract amount was \$409,645.10. The final contract amount is \$402,830.25, resulting in a net contract decrease of \$6,814.85.
<b>Alternative/Variations:</b>	No alternative actions recommended.
<b>Recommendations:</b>	that the Council approve Change Order No. 2 (Final), resulting in a contract decrease in the amount of \$7,976.20 and acknowledge Final Pay Request (No. 4) in the amount of \$21,450.00 for the above-referenced project to R&G Construction Co. of Marshall, Minnesota.



SP/SAP(s)		MN Project No.:	N/A	Change Order No.	2
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Project Location	W. Lyon Street (E. College Drive to N. 1st Street)				
Local Agency	City of Marshall Public Works	Local Project No.	ST-023		
Contractor	R and G Construction Co.	Contract No.	ST-023		
Address/City/State/Zip	2694 County Road 6 / Marshall / MN / 56258				
<b>Total Change Order Amount \$</b>	<b>(\$7,976.20)</b>				

*Final Reconciling Change Order*

<b>Estimate Of Cost:</b> (Include any increases or decreases in contract items, any negotiated or force account items.)					
Item No.	Description	Unit	Unit Price	+ or - Quantity	+ or - Amount \$
2104.50 3/00195	SAWING CONCRETE PAVEMENT (FULL DEPTH)	L F	\$6.00	-2	(\$12.00)
2104.50 3/00205	SAWING BIT PAVEMENT (FULL DEPTH)	L F	\$3.50	-7	(\$24.50)
2104.60 3	ABATE ASBESTOS-CONTAINING PIPES	L F	\$10.00	-170	(\$1,700.00)
2301.50 4/00070	CONCRETE PAVEMENT 7.0"	S Y	\$65.50	2	\$131.00
2360.60 9	TYPE SP 9.5 WEARING COURSE MIX (3,B)	TON	\$225.00	16	\$3,600.00
2451.50 9/00060	AGGREGATE FOUNDATION	TON	\$1.00	-30	(\$30.00)
2502.50 3/09060	6" PERF PVC PIPE DRAIN	L F	\$18.00	20	\$360.00
2503.60 3/21004	4" PVC PIPE SEWER	L F	\$40.00	-5	(\$200.00)
2503.60 3/21006	6" PVC PIPE SEWER	L F	\$45.00	-9	(\$405.00)
2503.60 3/21008	8" PVC PIPE SEWER	L F	\$56.00	4	\$224.00
2504.60 2/00806	6" GATE VALVE & BOX	EAC H	\$3,000.00	0.445	\$1,335.00
2504.60 3/02006	6" PVC WATERMAIN	L F	\$60.00	-4	(\$240.00)
2504.60 3/02008	8" PVC WATERMAIN	L F	\$70.00	-8	(\$560.00)
2506.60 3/60040	48" DIA. SANITARY SEWER MANHOLE	LIN FT	\$1,200.00	0.2	\$240.00



SP/SAP(s)		MN Project No.:	N/A	Change Order No.	2
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2521.51 8/00040	4" CONCRETE WALK	S F	\$9.00	-892	(\$8,028.00)
2531.50 3/02315	CONCRETE CURB & GUTTER DESIGN B618	L F	\$28.70	21	\$602.70
2531.50 4/00060	6" CONCRETE DRIVEWAY PAVEMENT	S Y	\$85.00	-3	(\$255.00)
2573.50 1/00025	STABILIZED CONSTRUCTION EXIT	LS	\$500.00	-1	(\$500.00)
2573.50 2/00110	STORM DRAIN INLET PROTECTION	EAC H	\$100.00	-2	(\$200.00)
2574.50 7/00104	BOULEVARD TOPSOIL BORROW	C Y	\$30.00	7	\$210.00
2575.62 3	RAPID STABILIZATION METHOD 3	MGA L	\$750.00	-1	(\$750.00)
2582.50 3/36124	24" SOLID LINE MULTI COMP GR IN	L F	\$16.40	-16	(\$262.40)
2582.51 8/06020	CROSSWALK MULTI COMP GR IN	S F	\$14.40	-105	(\$1,512.00)
<b>Net Change this Change Order</b>					<b>(\$7,976.20)</b>

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

Is NOT changed       May be revised as provided in MnDOT Specification 1806

Number of Working Days Affected by this Contract Change:	Number of Calendar Days Affected by this Contract Change:
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Approved by Project Engineer: *Jason Anderson*      Date: *11/1/2022*  
 Print Name: *Jason Anderson*      Phone:

Approved by Contractor: R&G Construction Co.      Date: *11/2/2022*  
 Signature: *[Signature]*

Print Name: *Scott Mathiowetz*

Contract Number: ST-023  
Pay Request Number: 4

Project Number	Project Description
ST-023	W. Lyon Street (College to 1st) Reconstruction Project

<b>Contractor:</b> R and G Construction Co. 2694 County Road 6 Marshall, MN 56258	<b>Vendor Number:</b> 01-2112 <b>Up To Date:</b> 11/01/2022
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Contract Amount		Funds Encumbered	
Original Contract	\$409,645.10	Original	\$409,645.10
Contract Changes	(\$6,814.85)	Additional	N/A
Revised Contract	\$402,830.25	Total	\$409,645.10

Work Certified To Date	
Base Bid Items	\$401,668.90
Contract Changes	\$1,161.35
Material On Hand	\$0.00
Total	\$402,830.25

Work Certified This Request	Work Certified To Date	Less Amount Retained	Less Previous Payments	Amount Paid This Request	Total Amount Paid To Date
\$1,377.35	\$402,830.25	\$0.00	\$381,380.25	\$21,450.00	\$402,830.25
Percent: Retained: 0%			Percent Complete: 100%		

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

Approved By  
*Jason Anderson*  
County/City/Project Engineer  
11/01/2022  
Date

Approved By R and G Construction Co.  
*[Signature]*  
Contractor  
11/2/2022  
Date

Payment Summary				
No.	Up To Date	Work Certified Per Request	Amount Retained Per Request	Amount Paid Per Request
1	2022-07-18	\$237,841.00	\$11,892.05	\$225,948.95
2	2022-08-30	\$142,651.90	\$7,132.60	\$135,519.30
3	2022-09-28	\$20,960.00	\$1,048.00	\$19,912.00
4	2022-11-01	\$1,377.35	(\$20,072.65)	\$21,450.00

Funding Category Name	Funding Category Number	Work Certified to Date	Less Amount Retained	Less Previous Payments	Amount Paid this Request	Total Amount Paid to Date
Sanitary Sewer		\$26,539.00	\$0.00	\$25,212.05	\$1,326.95	\$26,539.00
Storm Sewer		\$6,941.35	\$0.00	\$5,491.00	\$1,450.35	\$6,941.35
Street		\$324,804.90	\$0.00	\$308,359.45	\$16,445.45	\$324,804.90
Watermain		\$44,545.00	\$0.00	\$42,317.75	\$2,227.25	\$44,545.00

Accounting Number	Funding Source	Amount Paid this Request	Revised Contract Amount	Funds Encumbered to Date	Paid Contractor to Date
480	Local Agency Bonds Applied	\$21,450.00	\$402,830.25	\$409,645.10	\$402,830.25

Contract Item Status										
Base/Alt	Line	Item	Description	Units	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
Base Bid	1	2021.501/00010	MOBILIZATION	LS	\$67,000.00	1	0	\$0.00	1	\$67,000.00
Base Bid	2	2101.524/00040	CLEARING	TREE	\$700.00	1	0	\$0.00	1	\$700.00
Base Bid	3	2101.524/00050	GRUBBING	TREE	\$700.00	1	0	\$0.00	1	\$700.00
Base Bid	4	2104.503/00195	SAWING CONCRETE PAVEMENT (FULL DEPTH)	L F	\$6.00	30	0	\$0.00	30	\$180.00
Base Bid	5	2104.503/00205	SAWING BIT PAVEMENT (FULL DEPTH)	L F	\$3.50	50	0	\$0.00	50	\$175.00
Base Bid	6	2104.503/00315	REMOVE CURB & GUTTER	L F	\$4.00	567	0	\$0.00	567	\$2,268.00
Base Bid	7	2104.504/00090	REMOVE CONCRETE PAVEMENT	S Y	\$10.00	1085	0	\$0.00	1085	\$10,850.00
Base Bid	8	2104.504/00130	REMOVE BITUMINOUS SURFACING	S Y	\$2.75	1855	0	\$0.00	1855	\$5,101.25
Base Bid	9	2104.518/00080	REMOVE SIDEWALK	S F	\$1.50	2967	0	\$0.00	2967	\$4,450.50
Base Bid	10	2104.602	REMOVE UTILITY VAULT	EACH	\$4,000.00	2	0	\$0.00	2	\$8,000.00
Base Bid	11	2104.603	ABATE ASBESTOS-CONTAINING PIPES	L F	\$10.00	10	0	\$0.00	10	\$100.00
Base Bid	12	2105.601/00030	SITE GRADING	LS	\$2,000.00	1	0	\$0.00	1	\$2,000.00

Contract Item Status										
Base/Alt	Line	Item	Description	Units	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
Base Bid	13	2106.607	COMMON EXCAVATION (P)	CU YD	\$24.00	770	0	\$0.00	770	\$18,480.00
Base Bid	14	2106.607	SELECT GRANULAR BORROW (CV) (P)	C Y	\$30.00	509	0	\$0.00	509	\$15,270.00
Base Bid	15	2108.504	GEOTEXTILE FABRIC, TYPE 7	S Y	\$4.25	1525	0	\$0.00	1525	\$6,481.25
Base Bid	16	2112.604/00010	SUBGRADE PREPARATION	S Y	\$0.50	1482	0	\$0.00	1482	\$741.00
Base Bid	17	2211.607	AGGREGATE BASE (CV) CLASS 5 (P)	CU YD	\$45.00	168	0	\$0.00	168	\$7,560.00
Base Bid	18	2301.504/00070	CONCRETE PAVEMENT 7.0"	S Y	\$65.50	1422	0	\$0.00	1422	\$93,141.00
Base Bid	19	2360.609	TYPE SP 9.5 WEARING COURSE MIX (3,B)	TON	\$225.00	62	0	\$0.00	62	\$13,950.00
Base Bid	20	2451.509/00060	AGGREGATE FOUNDATION	TON	\$1.00	0	0	\$0.00	0	\$0.00
Base Bid	21	2502.503/09060	6" PERF PVC PIPE DRAIN	L F	\$18.00	525	0	\$0.00	525	\$9,450.00
Base Bid	22	2502.602/00240	CONNECT INTO DRAINAGE STRUCTURE	EACH	\$1,250.00	1	0	\$0.00	1	\$1,250.00
Base Bid	23	2503.602/13402	8"X4" PVC WYE	EACH	\$500.00	1	0	\$0.00	1	\$500.00
Base Bid	24	2503.602/13403	8"X6" PVC WYE	EACH	\$575.00	2	0	\$0.00	2	\$1,150.00
Base Bid	25	2503.603/15123	12" RC PIPE SEWER CLASS III	L F	\$70.00	29	0	\$0.00	29	\$2,030.00
Base Bid	26	2503.603/21004	14" PVC PIPE SEWER	L F	\$40.00	40	0	\$0.00	40	\$1,600.00
Base Bid	27	2503.603/21006	16" PVC PIPE SEWER	L F	\$45.00	81	0	\$0.00	81	\$3,645.00
Base Bid	28	2503.603/21008	18" PVC PIPE SEWER	L F	\$56.00	244	0	\$0.00	244	\$13,664.00
Base Bid	29	2504.602/00006	1" WATER SERVICE (COMPLETE)	EACH	\$2,000.00	1	0	\$0.00	1	\$2,000.00
Base Bid	30	2504.602/000106	6" PIPE PLUG	EACH	\$400.00	3	0	\$0.00	3	\$1,200.00
Base Bid	31	2504.602/000108	8" PIPE PLUG	EACH	\$450.00	1	0	\$0.00	1	\$450.00
Base Bid	32	2504.602/000204	8" SLEEVE	EACH	\$800.00	1	0	\$0.00	1	\$800.00
Base Bid	33	2504.602/000543	8"X6" TEE FITTING	EACH	\$1,300.00	3	0	\$0.00	3	\$3,900.00
Base Bid	34	2504.602/000806	6" GATE VALVE & BOX	EACH	\$3,000.00	3.445	0	\$0.00	3.445	\$10,335.00

Contract Item Status										
Base/Alt	Line	Item	Description	Units	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
Base Bid	35	2504.603/02006	6" PVC WATERMAIN	L F	\$60.00	116	0	\$0.00	116	\$6,960.00
Base Bid	36	2504.603/02008	8" PVC WATERMAIN	L F	\$70.00	270	0	\$0.00	270	\$18,900.00
Base Bid	37	2506.502/00010	CONST DRAINAGE STRUCTURE DESIGN A	EACH	\$2,500.00	1	0	\$0.00	1	\$2,500.00
Base Bid	38	2506.603/60040	48" DIA. SANITARY SEWER MANHOLE	LIN FT	\$1,200.00	4.9	0	\$0.00	4.9	\$5,880.00
Base Bid	39	2521.518/00040	4" CONCRETE WALK	S F	\$9.00	1582	24	\$216.00	1582	\$14,238.00
Base Bid	40	2521.518/00060	6" CONCRETE WALK	S F	\$14.85	178	0	\$0.00	178	\$2,643.30
Base Bid	41	2531.503/02315	CONCRETE CURB & GUTTER DESIGN B618	L F	\$28.70	588	0	\$0.00	588	\$16,875.60
Base Bid	42	2531.504/00060	6" CONCRETE DRIVEWAY PAVEMENT	S Y	\$85.00	37	0	\$0.00	37	\$3,145.00
Base Bid	43	2531.604/60106	7" CONCRETE VALLEY GUTTER	SQ YD	\$135.00	87	0	\$0.00	87	\$11,745.00
Base Bid	44	2563.601/00010	TRAFFIC CONTROL	LS	\$4,700.00	1	0	\$0.00	1	\$4,700.00
Base Bid	45	2573.501/00025	STABILIZED CONSTRUCTION EXIT	LS	\$500.00	0	0	\$0.00	0	\$0.00
Base Bid	46	2573.502/00110	STORM DRAIN INLET PROTECTION	EACH	\$100.00	3	0	\$0.00	3	\$300.00
Base Bid	47	2574.507/00104	BOULEVARD TOPSOIL BORROW	C Y	\$30.00	72	0	\$0.00	72	\$2,160.00
Base Bid	48	2575.601	TURF ESTABLISHMENT	LS	\$2,500.00	1	0	\$0.00	1	\$2,500.00
Base Bid	49	2575.623	RAPID STABILIZATION METHOD 3	MGAL	\$750.00	0	0	\$0.00	0	\$0.00
Base Bid	50	2582.503/36124	24" SOLID LINE MULTI COMP GR IN	L F	\$16.40	0	0	\$0.00	0	\$0.00
Base Bid	51	2582.518/06020	CROSSWALK MULTI COMP GR IN	S F	\$14.40	0	0	\$0.00	0	\$0.00
<b>Base Bid Totals:</b>								<b>\$216.00</b>		<b>\$401,668.90</b>

Project Category Totals			
Project	Category	Amount This Request	Amount To Date
ST-023		\$216.00	\$401,668.90

Contract Change Item Status											
Project	CC	Line	Item	Unit Price	Contract Quantity	Contract Amount	New Item or Adj to Existing	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
ST-023	CO1	52	2506.502/06010 INSTALL CASTING (EACH)	\$1,161.35	1	\$1,161.35	ITM	\$1.00	\$1,161.35	1	\$1,161.35
ST-023	CO2	4	2104.503/00195 SAWING CONCRETE PAVEMENT (FULL DEPTH) (L F)	\$6.00	-2	(\$12.00)	ADJ				
ST-023	CO2	5	2104.503/00205 SAWING BIT PAVEMENT (FULL DEPTH) (L F)	\$3.50	-7	(\$24.50)	ADJ				
ST-023	CO2	11	2104.603 ABATE ASBESTOS-CONTAINING PIPES (L F)	\$10.00	-170	(\$1,700.00)	ADJ				
ST-023	CO2	18	2301.504/00070 CONCRETE PAVEMENT 7.0" (S Y)	\$65.50	2	\$131.00	ADJ				
ST-023	CO2	19	2360.609 TYPE SP 9.5 WEARING COURSE MIX (3,B) (TON)	\$225.00	16	\$3,600.00	ADJ				
ST-023	CO2	20	2451.509/00060 AGGREGATE FOUNDATION (TON)	\$1.00	-30	(\$30.00)	ADJ				
ST-023	CO2	21	2502.503/09060 6" PERF PVC PIPE DRAIN (L F)	\$18.00	20	\$360.00	ADJ				
ST-023	CO2	26	2503.603/21004 4" PVC PIPE SEWER (L F)	\$40.00	-5	(\$200.00)	ADJ				
ST-023	CO2	27	2503.603/21006 6" PVC PIPE SEWER (L F)	\$45.00	-9	(\$405.00)	ADJ				
ST-023	CO2	28	2503.603/21008 8" PVC PIPE SEWER (L F)	\$56.00	4	\$224.00	ADJ				
ST-023	CO2	34	2504.602/00806 6" GATE VALVE & BOX (EACH)	\$3,000.00	0.445	\$1,335.00	ADJ				
ST-023	CO2	35	2504.603/02006 6" PVC WATERMAIN (L F)	\$60.00	-4	(\$240.00)	ADJ				
ST-023	CO2	36	2504.603/02008 8" PVC WATERMAIN (L F)	\$70.00	-8	(\$560.00)	ADJ				
ST-023	CO2	38	2506.603/60040 48" DIA. SANITARY SEWER MANHOLE (LIN FT)	\$1,200.00	0.2	\$240.00	ADJ				
ST-023	CO2	39	2521.518/00040 4" CONCRETE WALK (S F)	\$9.00	-892	(\$8,028.00)	ADJ				
ST-023	CO2	41	2531.503/02315 CONCRETE CURB & GUTTER DESIGN B618 (L F)	\$28.70	21	\$602.70	ADJ				
ST-023	CO2	42	2531.504/00060 6" CONCRETE DRIVEWAY PAVEMENT (S Y)	\$85.00	-3	(\$255.00)	ADJ				
ST-023	CO2	45	2573.501/00025 STABILIZED CONSTRUCTION EXIT (LS)	\$500.00	-1	(\$500.00)	ADJ				
ST-023	CO2	46	2573.502/00110 STORM DRAIN INLET PROTECTION (EACH)	\$100.00	-2	(\$200.00)	ADJ				
ST-023	CO2	47	2574.507/00104 BOULEVARD TOPSOIL BORROW (C Y)	\$30.00	7	\$210.00	ADJ				

Contract Change Item Status											
Project	CC	Line	Item	Unit Price	Contract Quantity	Contract Amount	New Item or Adj to Existing	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
ST-023	CO2	49	2575.623 RAPID STABILIZATION METHOD 3 (MGAL)	\$750.00	-1	(\$750.00)	ADJ				
ST-023	CO2	50	2582.503/36124 24" SOLID LINE MULTI COMP GR IN (L F)	\$16.40	-16	(\$262.40)	ADJ				
ST-023	CO2	51	2582.518/06020 CROSSWALK MULTI COMP GR IN (S F)	\$14.40	-105	(\$1,512.00)	ADJ				
<b>Contract Change Totals:</b>									<b>\$1,161.35</b>		<b>\$1,161.35</b>

Contract Change Totals			
Number	Description	Effective Date	Amount
1	Needed more expensive casting to fit the valley gutter type.	08/26/2022	\$1,161.35
2	Final Reconciling Change Order	11/01/2022	(\$7,976.20)

Material On Hand Additions					
Line	Item	Description	Date	Added	Comments

Material On Hand Balance						
Line	Item	Description	Date	Added	Used	Remaining

<b>Contract Total</b>	<b>\$402,830.25</b>
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**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Presenter:</b>	Jason Anderson
<b>Meeting Date:</b>	Monday, November 7, 2022
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	ACTION
<b>Subject:</b>	Project ST-024: Baldwin Parking Lot Reconstruction Lot Project - Consider Change Order No. 2 (Final) and Acknowledgement of Final Pay Request (No. 1).
<b>Background Information:</b>	<p>This project consisted of: reconstruction of the Baldwin Parking Lot adjacent to W. Lyon Street; pavement removal and concrete paved surfacing. The Baldwin Parking Lot is located behind City Hall.</p> <p>The items on Change Order No. 2 (Final Reconciling Change Order) for the above-referenced project are the result of final measurements and changes in item quantities during construction.</p> <p>All work has been completed in accordance with the specifications. Attached is a copy of Final Pay Request (No. 1) in the amount of \$157,649.24. The contractor has submitted MN State IC-134 (Withholding Affidavit) Forms. After processing of this Final Pay Request (No. 1), the contractor will be paid in full, including all retainage.</p>
<b>Fiscal Impact:</b>	Change Order No. 2 (Final) results in a contract decrease in the amount of \$2,366.53. The original contract amount was \$159,515.77. The final contract amount is \$157,649.24, resulting in a net contract decrease of \$1,866.53.
<b>Alternative/ Variations:</b>	No alternative actions recommended.
<b>Recommendations:</b>	that the Council approve Change Order No. 2 (Final), resulting in a contract decrease in the amount of \$2,366.53 and acknowledge Final Pay Request (No. 4) in the amount of \$157,649.24 for the above-referenced project to R&G Construction Co. of Marshall, Minnesota.



SP/SAP(s)		MN Project No.:	N/A	Change Order No.	2
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Project Location	Baldwin Downtown Parking Lot				
Local Agency	City of Marshall Public Works	Local Project No.	ST-024		
Contractor	R and G Construction Co.	Contract No.	ST-024		
Address/City/State/Zip	2694 County Road 6 / Marshall / MN / 56258				
<b>Total Change Order Amount \$</b>	<b>(\$2,366.53)</b>				

*Final Reconciling Change Order*

<b>Estimate Of Cost:</b> <i>(Include any increases or decreases in contract items, any negotiated or force account items.)</i>					
Item No.	Description	Unit	Unit Price	+ or - Quantity	+ or - Amount \$
2104.50 3/00195	SAWING CONCRETE PAVEMENT (FULL DEPTH)	L F	\$15.00	102	\$1,530.00
2104.50 3/00315	REMOVE CURB & GUTTER	L F	\$10.00	10	\$100.00
2104.50 4/00090	REMOVE CONCRETE PAVEMENT	S Y	\$10.00	5	\$50.00
2105.50 7	SALVAGE & REINSTALL AGGREGATE BASE	C Y	\$8.00	-256	(\$2,048.00)
2106.60 7	COMMON EXCAVATION	CU YD	\$10.00	-40	(\$400.00)
2211.60 7	AGGREGATE BASE (CV) CLASS 5	CU YD	\$20.00	-40	(\$800.00)
2531.50 7/001	6" CONCRETE PARKING LOT PAVEMENT	SY	\$49.51	-3	(\$148.53)
2573.50 1/00025	STABILIZED CONSTRUCTION EXIT	LS	\$500.00	-1	(\$500.00)
2573.50 2/00110	STORM DRAIN INLET PROTECTION	EAC H	\$75.00	-2	(\$150.00)
<b>Net Change this Change Order</b>					<b>(\$2,366.53)</b>



SP/SAP(s)		MN Project No.:	N/A	Change Order No.	2
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**Due to this change, the contract time: (check one)**

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

Approved by Project Engineer: Jason Anderson Date: 11/2/2022

Print Name: Jason Anderson

Approved by Contractor: R&G Construction Co. Date: 11/3/2022

Signature:

Print Name: Scott Mathionetz

Contract Number: ST-024  
 Pay Request Number: 1

Project Number	Project Description
ST-024	Baldwin Parking Lot Reconstruction Project

<b>Contractor:</b> R and G Construction Co. 2694 County Road 6 Marshall, MN 56258	<b>Vendor Number:</b> 01-2112 <b>Up To Date:</b> 11/01/2022
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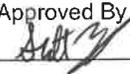
Contract Amount		Funds Encumbered	
Original Contract	\$159,515.77	Original	\$159,515.77
Contract Changes	(\$1,866.53)	Additional	N/A
Revised Contract	\$157,649.24	Total	\$159,515.77

Work Certified To Date	
Base Bid Items	\$157,149.24
Contract Changes	\$500.00
Material On Hand	\$0.00
Total	\$157,649.24

Work Certified This Request	Work Certified To Date	Less Amount Retained	Less Previous Payments	Amount Paid This Request	Total Amount Paid To Date
\$157,649.24	\$157,649.24	\$0.00	\$0.00	\$157,649.24	\$157,649.24
Percent: Retained: 0%			Percent Complete: 100%		

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

Approved By  
*Jason Anderson*  
 County/City/Project Engineer  
 11/03/2022  
 Date

Approved By R and G Construction Co.  
  
 Contractor  
 11/3/2022  
 Date

Payment Summary				
No.	Up To Date	Work Certified Per Request	Amount Retained Per Request	Amount Paid Per Request
1	2022-11-01	\$157,649.24	\$0.00	\$157,649.24

Funding Category Name	Funding Category Number	Work Certified to Date	Less Amount Retained	Less Previous Payments	Amount Paid this Request	Total Amount Paid to Date
480		\$157,649.24	\$0.00	\$0.00	\$157,649.24	\$157,649.24

Accounting Number	Funding Source	Amount Paid this Request	Revised Contract Amount	Funds Encumbered to Date	Paid Contractor to Date
480	Local Agency Bonds Applied	\$157,649.24	\$157,649.24	\$159,515.77	\$157,649.24

Contract Item Status										
Base/Alt	Line	Item	Description	Units	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
Base Bid	1	2021.501/00010	MOBILIZATION	LS	\$13,000.00	1	1	\$13,000.00	1	\$13,000.00
Base Bid	2	2101.524/00040	CLEARING	TREE	\$500.00	2	2	\$1,000.00	2	\$1,000.00
Base Bid	3	2101.524/00050	GRUBBING	TREE	\$500.00	2	2	\$1,000.00	2	\$1,000.00
Base Bid	4	2104.502/00440	REMOVE POST	EACH	\$125.00	25	25	\$3,125.00	25	\$3,125.00
Base Bid	5	2104.503/00195	SAWING CONCRETE PAVEMENT (FULL DEPTH)	L F	\$15.00	137	137	\$2,055.00	137	\$2,055.00
Base Bid	6	2104.503/00315	REMOVE CURB & GUTTER	L F	\$10.00	168	168	\$1,680.00	168	\$1,680.00
Base Bid	7	2104.504/00090	REMOVE CONCRETE PAVEMENT	S Y	\$10.00	1258	1258	\$12,580.00	1258	\$12,580.00
Base Bid	8	2104.504/00130	REMOVE BITUMINOUS SURFACING	S Y	\$4.00	446	446	\$1,784.00	446	\$1,784.00
Base Bid	8	2105.507	SALVAGE & REINSTALL AGGREGATE BASE	C Y	\$8.00	40	40	\$320.00	40	\$320.00
Base Bid	9	2105.601/00030	SITE GRADING	LS	\$12,000.00	1	1	\$12,000.00	1	\$12,000.00
Base Bid	10	2106.607	COMMON EXCAVATION	CU YD	\$10.00	361	361	\$3,610.00	361	\$3,610.00
Base Bid	11	2105.504/00037	GEOTEXTILE FABRIC TYPE 7	S Y	\$3.50	1777	1777	\$6,219.50	1777	\$6,219.50
Base Bid	11	2211.607	AGGREGATE BASE (CV) CLASS 5	CU YD	\$20.00	256	256	\$5,120.00	256	\$5,120.00
Base Bid	12	2301.501	CONCRETE PUMPING TRUCK	L S	\$5,000.00	1	1	\$5,000.00	1	\$5,000.00

Contract Item Status										
Base/Alt	Line	Item	Description	Units	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
Base Bid	12	2506.502/06020	ADJUST FRAME & RING CASTING	EACH	\$250.00	1	1	\$250.00	1	\$250.00
Base Bid	13	2531.507/0061	6" CONCRETE PARKING LOT PAVEMENT	SY	\$49.51	1774	1774	\$87,830.74	1774	\$87,830.74
Base Bid	14	2563.601/00010	TRAFFIC CONTROL	LS	\$500.00	1	1	\$500.00	1	\$500.00
Base Bid	15	2573.501/00025	STABILIZED CONSTRUCTION EXIT	LS	\$500.00	0	0	\$0.00	0	\$0.00
Base Bid	16	2573.502/00110	STORM DRAIN INLET PROTECTION	EACH	\$75.00	1	1	\$75.00	1	\$75.00
<b>Base Bid Totals:</b>								<b>\$157,149.24</b>		<b>\$157,149.24</b>

Project Category Totals			
Project	Category	Amount This Request	Amount To Date
ST-024		\$157,149.24	\$157,149.24

Contract Change Item Status											
Project	CC	Line	Item	Unit Price	Contract Quantity	Contract Amount	New Item or Adj to Existing	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
ST-024	CO1	20	2531.503 CONCRETE CURB & GUTTER DESIGN B618 (L F)	\$50.00	10	\$500.00	ITM	\$10.00	\$500.00	10	\$500.00
ST-024	CO2	5	2104.503/00195 SAWING CONCRETE PAVEMENT (FULL DEPTH) (L F)	\$15.00	102	\$1,530.00	ADJ				
ST-024	CO2	6	2104.503/00315 REMOVE CURB & GUTTER (L F)	\$10.00	10	\$100.00	ADJ				
ST-024	CO2	7	2104.504/00090 REMOVE CONCRETE PAVEMENT (S Y)	\$10.00	5	\$50.00	ADJ				
ST-024	CO2	8	2105.507 SALVAGE & REINSTALL AGGREGATE BASE (C Y)	\$8.00	-256	(\$2,048.00)	ADJ				
ST-024	CO2	10	2106.607 COMMON EXCAVATION (CU YD)	\$10.00	-40	(\$400.00)	ADJ				
ST-024	CO2	11	2211.607 AGGREGATE BASE (CV) CLASS 5 (CU YD)	\$20.00	-40	(\$800.00)	ADJ				
ST-024	CO2	13	2531.507/001 6" CONCRETE PARKING LOT PAVEMENT (SY)	\$49.51	-3	(\$148.53)	ADJ				
ST-024	CO2	15	2573.501/00025 STABILIZED CONSTRUCTION EXIT (LS)	\$500.00	-1	(\$500.00)	ADJ				
ST-024	CO2	16	2573.502/00110 STORM DRAIN INLET PROTECTION (EACH)	\$75.00	-2	(\$150.00)	ADJ				
<b>Contract Change Totals:</b>									<b>\$500.00</b>		<b>\$500.00</b>

Contract Change Totals			
Number	Description	Effective Date	Amount
1	B618 Curb & Gutter installation	10/27/2022	\$500.00
2	Final Reconciling Change Order	11/01/2022	(\$2,366.53)

Material On Hand Additions					
Line	Item	Description	Date	Added	Comments

Material On Hand Balance						
Line	Item	Description	Date	Added	Used	Remaining

<b>Contract Total</b>	<b>\$157,649.24</b>
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<b>Presenter:</b>	Mayor Byrnes
<b>Meeting Date:</b>	Monday, November 7, 2022
<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> – Cable Commission, Community Services Advisory Board, Economic Development Authority</p> <p><b>Schroeder</b> - Planning Commission</p> <p><b>DeCramer</b> – Economic Development Authority, Marshall Municipal Utilities Commission, Diversity, Equity, and Inclusion Commission, Public Housing Commission</p> <p><b>Labat</b> – Adult Community Center Commission, Convention &amp; Visitors Bureau, Library Board, Marshall Area Transit Committee</p> <p><b>Lozinski</b> – Joint LEC Management Committee, Police Advisory Board</p>
<b>Fiscal Impact:</b>	
<b>Alternative/Variations:</b>	
<b>Recommendations:</b>	



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

FROM: Sharon Hanson, City Administrator

DATE: November 7, 2022

SUBJECT: Administrative Brief

**CITY ATTORNEY**

- The annexation of N 7th St. property documents have been recorded with the Lyon County Recorder. Original recorded documents have been handed to the City Clerk for City files. This matter is now concluded.
- Helena property is under the review of the Minnesota Department of Agriculture.
- I have been working towards the closing on the sale of HRA owned property to Jim Brock Trucking Real Estate, LLC.
- Criminal prosecution numbers for October are as follows:

**October:**

	ASSAULT	OFP VIOL.	DWI	OTHER ALCOHOL	TRAFFIC	THEFT	OTHER	TOTAL 2022	2021 Comparison
Prosecution									
Dismissed									
Non-Prosecution									
Refer to County									

**ADMINISTRATION**

- This past month work on the Indoor Recreation study continued. We visited with Senior Center and YMCA as well as compiled budget/financial data and recreation programming registrations and reviewed demographics for Marshall and the surrounding region.
- Attended Diversity Equity and Inclusion (DEI) Committee and met with staff to include DEI relatable election information which was placed on our website and on social media. In addition, this past week we heard a presentation from MN Dept of Health on health equity topics.
- The Charter Commission met on October 19th and discussed revisions to Charter regarding Councilmember terms of office and city attorney language. Both language changes provide clarity and aligns with MN Statute and is customary language found in most cities.
- Met with staff on regular basis to discuss 2023 Budget/levy, EDA related matters, general finance matters.

- Met with several key community members this past month on aquatic center, Community Foundation and general economic items within the City of Marshall.
- Attended Rental Code ordinance input sessions with landlords/rental property owners.
- Attended local candidate forum sponsored by the Marshall Chamber.
- Several meetings occurred to finalize city attorney recommendation from the Mayor and subsequent contracts for Council consideration.
- Similar to last year, I was able to participate in on an interview panel for Military Academy Service applicants. This panel was assembled by Congresswoman Fischbach's office and included interviews with four high school seniors.
- Attended annual Marshall Municipal Utilities Partnership Agreement meeting.

#### **Economic Development Authority**

- **Shopko** - Staff continues to work with Woodcrest Capital on filling the former Shopko building. To date, Woodcrest is finalizing lease agreements for two tenants and seeking a third to complete the space (32,000 sq. ft).
- **Market Street Mall** - ISG hosted four community stakeholder focus groups as part of their feasibility study for redevelopment of the property. Approximately 30 people participated in the discussion providing a good framework for the community's needs. The developer has one month remaining in due diligence and is evaluating redevelopment options.
- **Project Horizon** – Staff continues to work with industrial development interested in locating in Marshall.
- **Workforce Development**– Staff met with local business to discuss workforce challenges and is seeking programs to assist in recruitment.

#### **Human Resources**

- Staffing update: we are currently accepting applications for an Assistant City Engineer and a variety of temporary/seasonal positions.
- Safety: our MMUA safety consultant will provide training on Slips/Trips/Falls and Ladder Safety in November. He is also performing routine site visits and follow up consultations.
- The Personnel Committee is scheduled to review recommendations for the 2023 Temporary and Seasonal Employee Wage Schedule and a reorganization proposal for the Community Planning and Engineering departments.
- The 2023 Employee Open Enrollment for benefits began Tuesday, November 1 and will continue until November 14<sup>th</sup>.
- Planning is underway for the 2022 Annual Employee Recognition Event. This event is scheduled for 01/06/2023.

#### **Clerk**

- Finalizing details for the General Election on November 8<sup>th</sup>
- Various license renewals are coming in for 2023 and being processed
- Census group quarters request has been submitted
- Charter Commission met and recommended some amendments to the city charter
- Reviewed liquor license fees to be brought forward to the Ways and Means Committee

## Finance

- 2023 budget: staff continues to update the 2023 proposed budget. A Council work session has been scheduled for after the 11/22 regular council meeting. The truth-in-taxation meeting is set for 6:00 PM on 12/06. Final adoption of the 2023 budget will be recommended at the 12/13 Council meeting.
- 2023 proposed bonding: staff have been working to firm up estimated project costs and bonding needs as we work to ensure funding can be secured for 2023 projects.

## Assessing

- No report

## Liquor Store

- October Financials: Sales 571,197.15 +6.68%, Ticket Average \$33.14 +5.23%, Customer Count 17,234 +1.37%. A good October for all financial indicators.
- The annual Festive Wines of Fall tasting event is scheduled for Wednesday (Winesday), November 9<sup>th</sup> from 5-7pm. 40 wines will be sampled at this event held at Tall Grass. 20% discount will be given on all wines tasted that evening.
- Liquor store manager attended MMBA Regional meeting at Round Lake Vineyards. Area legislators were on hand to talk about issues facing the Municipal Association that included: Alcohol everywhere, THC and other liquor issues.

## COMMUNITY PLANNING

### Building Services / Planning & Zoning

- About 200 open permits.
- Ralco, two Avera projects, Block 11 apartment building, and Dollar General are the largest projects under construction.
- Sign Ordinance is going to L&O Committee for the second review.

## PUBLIC WORKS DIVISION

### Engineering

- PK-001 Independence Park Trail Replacement Project – Project is substantially complete; awaiting contractor approval of final project paperwork.
- Project ST-002-2022: Overlays and ADA Improvements –Project is complete. awaiting contractor approval of final project paperwork.
- Project ST-003: South 1<sup>st</sup>, Greeley, and Williams Street Reconstruction – Project is substantially complete.
- Project ST-004: Halbur Road reconstruction – Project is substantially complete; Concrete joint sealing to be completed.
- Project ST-006: SRTS School Pedestrian Crossing Improvements – All concrete work is complete and the sign bases have been installed. Duinick Inc. is currently installing RRFB and speed limit signs
- Project ST-007: UCAP Bus Shelter Installations – Project plans are being redrafted. Staff is waiting on final contract requirements from UCAP Transit for their MnDOT grant. Once received, staff will recommend advertisement for bids.
- Project ST-008: Channel Parkway Resurfacing – bids have been received and staff will be bringing a recommendation forward at the November 7<sup>th</sup> City Council meeting.
- Project ST-009: N. 3<sup>rd</sup> St./W. Lyon St. Reconstruction –Plans are being designed.

- Project ST-023: W. Lyon St. (College to 1<sup>st</sup>) Reconstruction – Project is substantially complete; awaiting contractor approval of final project paperwork.
- Project ST-024: Baldwin Parking Lot Reconstruction – Project is substantially complete; awaiting contractor approval of final project paperwork.
- Project SWM-002: Legion Field Stormwater Project – Phase II (Parkway Basin) – Staff is working with BNSF to obtain permitting for this project. Project plans are at the 99% stage currently.

#### **Building Maintenance**

- No report

#### **Street Department**

- No report

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

- No report

#### **Wastewater**

- Staff has completed 265 preventative maintenance work orders in the last 30 days.
- Working on contacting local businesses to promote the water softener rebate program.
- Assisting our local water softening companies with chloride grant requirements.
- Working on our NPDES permit reissuance.
- Talking with our Significant Industrial Users about future chloride and sulfate-limits.
- Working on unlocking sump pump valves under our sump pump program.
- Weather stripping repairs completed on the collection shop doors.
- Continuing with jetting of sanitary lines.
- Completed land application of 2,900,000 gallons of biosolids.
- Waiting on testing results for an additional 600,000 gallons of biosolids in preparation for application.
- The MPCA has given us a written response to our new limits letter. Working with Bolton & Menk to address their response.

### **PUBLIC SAFETY DIVISION**

#### **FIRE DEPARTMENT**

- The Fire Department responded to nineteen (19) calls for service. Total calls for service included:
  - Fire/CO2 Alarm (8)
  - Fire; Structure (8)
  - Medical Assist (0)
  - Vehicle Accident (3)
  - Other (0)

The Marshall Fire Department was awarded the state contract to provide HAZMAT services to our 14 -county area. The current contract is in effect through June 2024. During Fire Prevention Week in October the MFD hosted its annual open house and conducted operation EDITH.

#### **POLICE DEPARTMENT**

- The Marshall Police Department responded to a total of 1080 calls for the month of October. One hundred and nine (109) criminal offenses were reported with a total number of forty-six (46) adults arrested and one juvenile.

## **OFFICER'S REPORT**

- Alarms (24)
- Accidents (31)
- Alcohol involved incidents (5)
- Assaults (6)
- Domestic Assaults (10)
- Burglaries (1)
- Criminal Sexual Conduct (2)
- Damage to Property (10)
- Keys Locked in Vehicles (27)
- Loud Party (15)/ Public Disturbances (14)
- Thefts (17)
- Traffic Related Complaints (360)
- Vandalism (9)
- Warrant Pickups (13)
- Welfare Checks/Mental Health (35)

## **DETECTIVE REPORT**

- A 41-year-old Marshall man was arrested for Terroristic Threats, Criminal Sexual Conduct, Assault, and Giving a False Name and Date of Birth to a Police Officer at the completion of an investigation that was initiated during a traffic stop for a traffic violation. Both the suspect and victim were in the vehicle.
- The death of a 51-year-old Marshall man is under investigation. The Brown-Lyon-Redwood-Renville Drug Task Force and Minnesota Bureau of Criminal Apprehension are assisting.
- Two separate cases of predatory offender registration violations were investigated and forwarded to the Lyon County Attorney's Office for charges.
- Six cases of criminal sexual conduct were investigated during the month of October.
- A check forgery case and two cases of the issuance of dishonored checks are under investigation.
- Five cases of theft by swindle involving scams and three cases of identity theft were investigated during the month.
- Twenty-six child protection reports and five reports from the Minnesota Adult Abuse Reporting Center were investigated in conjunction with Southwest Health and Human Services.

## **MERIT CENTER**

- The Department of Public Safety continues to utilize the driving track and skills pad for CDL exam testing. There were 16 exams completed on the track in October.
- In October MN West conducted an EVOC course for law enforcement, an OSHA 10 safety training for Schwan's, dental continuing education class, and continues to use the driving track for CDL training.
- In October, Emergency Management for Lyon and Lincoln counties held communications truck training as well as Region Five Emergency Operation Center training.
- On Oct 7th the MN DOT conducted an ATP meeting at the MERIT Center.
- The Marshall Fire Department conducted Technical Rescue Training and the bay for a simulated fire drill/scene in October.
- The SW MN Private Industry Council held two groups of their Business Tour Day at the MERIT Center on Oct 11th. 154 high school students attended these two sessions.
- RALCO held their Leadercast event at the MERIT Center on Oct 12-13. 91 business leaders attended this two-day event.

- On Oct 25<sup>th</sup> the USDS Natural Resources Association conducted their quarterly training at the MERIT Center. 39 employees attended this training.
- The SW Healthcare Preparedness Coalition held their quarterly board meeting at the MERIT Center on Oct 26<sup>th</sup>. 28 attended this meeting.
- ADM utilized classroom space as well as the Rescue Tower and Confined Space tank for their Industrial Safety course on Oct 27<sup>th</sup> for 25 employees.
- Marshall Community Services held the Haunted Tower event on Oct 28 and 29<sup>th</sup>. 296 people went through the tower during the two-day event.
- The MERIT Center was utilized 21 out of 30 days in October with 763 people attending these training/events.

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

**OFFENSE/ARREST DATA**

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

<b>YTD 2022</b>	834	1	833	296	4
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**Averages for all Activities (Calls for Service)**

	#Calls	Time in Hrs
	Total	Spent
January	721	373
February	630	457
March	812	354
April	675	304
May	843	431
June	770	375
July	760	354
August	833	421
September	947	416
October	1080	434
November	0	0
December		
<b>YTD 2022</b>	<b>8071</b>	<b>3919</b>

Accidents	Jan.	Feb.	Mar.	April	May	June	July	Aug.	Sep	Oct.	Nov.	Dec.	YTD
Hit and Run	2	9	3	5	8	8	5	10	5	3	0		58
Property Damage	29	21	23	19	23	21	16	31	26	23	0		232
Personal Injury	2	3	3	2	2	2	4	4	0	5	0		27
Fatalities	0	0	0	0	0	0	0	0	0	0	0		0
<b>TOTAL 2022</b>	33	33	29	26	33	31	25	45	31	31	0	0	317

CITATIONS	Jan.	Feb.	Mar	Apr	May	June	July	Aug	Sept	Oct.	Nov.	Dec.	YTD
Citations	70	38	49	45	41	38	34	52	60	81	0		508
Parking Tickets	38	11	11	5	0	0	1	4	7	10	0		87

Activities (Calls For Service)	*High Hours Expended												YTD
	Jan.	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct.	Nov.	Dec.	
Alarms	15	17	24	11	24	27	22	7	32	24			203
Alcohol	2	2	4	2	9	2	1	1	3	5			31
Animal Bite	1	1	2	2	2	2	2	4	5	2			23
Animal Complaint	22	21	47	14	40	49	26	31	28	28			306
Assault	4	8	1	10	10	5	4	2	5	6			55
Assists	52	43	54	55	55	52	53	46	50	57			517
Auto Theft	3	2	1	3	0	0	3	4	0	1			17
Bike Found	3	2	1	1	4	2	2	6	7	16			44
Bike Theft	0	0	1	1	1	2	3	6	10	10			34
Burglary	5	1	3	1	6	0	1	2	4	1			24
Bus Violation	3	4	6	10	5	1	3	0	4	4			40
Check Forgery	0	1	0	0	0	0	0	0	0	1			2
Check Fraud	3	0	0	3	1	0	0	2	1	2			12
Civil Matters	19	8	10	15	16	11	21	18	19	15			152
Criminal Sex	3	2	7	3	2	2	1	5	7	2			34
Damage to Prp	2	1	9	6	9	3	5	5	7	10			57
Death Investigation	1	4	2	0	1	0	4	4	0	1			17
Domestics	9	10	7	10	15	11	13	16	13	10			114
Drug Court Check	0	1	0	0	0	0	0	0	0	0			1
Drugs/Narcotics	4	5	3	2	2	0	2	0	2	1			21
Ambulance	1	1	0	1	0	0	1	0	0	0			4
Family Matters	6	9	8	8	5	9	9	8	4	10			76
Fire Alarm	1	0	0	0	0	0	0	0	0	0			1
Gas Meal Assist	2	2	1	0	2	1	4	3	0	13			28
Gun Permits	11	6	19	15	2	9	9	12	14	0			97
Harassment	5	3	1	8	9	12	8	9	7	0			62
Intoxicated/Detox	0	1	0	2	4	4	0	4	2	5			22
Keys Locked In vehicles	33	26	29	27	36	23	30	24	22	27			277
Mental Health	17	29	24	24	32	25	21	8	36	13			229
Fraud	4	4	4	2	1	5	3	1	5	3			32
Parking Complaints	71	12	31	9	11	13	11	28	22	21			229
Party Loud Party	4	0	6	3	10	9	5	5	9	15			66
Pred - Sex Offender	1	2	1	2	4	1	3	1	1	2			18
Property Found	5	9	6	8	10	8	11	9	9	18			93
Public Disturbance	10	16	12	12	13	13	15	0	13	14			118
Pursuit	0	3	0	0	0	0	0	0	0	2			5
Residence Check	0	1	0	0	0	1	0	0	0	0			2
Runaway	1	2	3	2	3	3	5	8	4	3			34
Escort Funeral,other	5	10	7	6	17	10	15	19	16	15			120
Search Warrant	0	1	0	0	0	0	0	0	0	1			2
Suspicious Anything	43	49	54	36	62	55	56	77	85	69			586
Suspicious Vehicle	3	3	5	4	9	9	17	10	6	13			79
Tobacco Violation	0	1	1	0	0	0	0	0	2	2			6
Theft	15	17	19	12	18	19	13	22	29	17			181
Trains	0	1	1	0	1	1	1	0	1	1			7
Transport (Marshall PD etc)	0	1	1	2	3	3	1	2	1	0			14

Transport-Juveniles	0	0	0	0	0	0	0	0	0	0			0
Trespassing	5	12	8	6	4	1	1	0	15	10			62
Traffic Related Complaints	130	68	200	153	123	111	132	145	201	360			1623
Unsecured Building	1	0	1	0	4	3	0	1	1	1			12
Vandalism	0	11	0	3	4	5	4	4	5	9			45
Violation of OFP	3	5	4	4	6	4	5	6	5	2			44
Warrant Pickups	9	8	15	6	11	12	12	13	12	13			111
Welfare Checks	24	23	17	22	23	28	17	31	20	22			227
Welfare Fraud	0	0	0	0	0	0	0	0	0	0			0
Weather Activity	0	0	0	1	6	0	0	1	0	0			8
Dead Body	0	0	0	0	0	0	0	0	0	0			0
ERU Activated	0	0	0	0	0	0	0	0	1	0			1
Weapons Involved	0	1	1	1	0	0	0	0	1	0			4
<b>YTD 2022</b>	<b>561</b>	<b>470</b>	<b>661</b>	<b>528</b>	<b>635</b>	<b>566</b>	<b>575</b>	<b>610</b>	<b>746</b>	<b>877</b>	<b>0</b>	<b>0</b>	<b>6229</b>

**OFFENSE ACTIVITY BY DAY OF WEEK**

	Mon	Tues	Wed	Thur	Fri	Sat	Sun
January	13	6	9	10	12	12	7
February	12	22	11	19	11	16	18
March	11	18	16	15	13	12	0
April	17	5	6	13	14	8	4
May	10	8	7	10	31	8	27
June	1	8	20	8	12	11	7
July	4	12	8	10	8	12	14
August	12	12	7	13	17	11	6
September	7	4	10	10	20	15	15
October	14	9	13	20	25	22	6
November							
December							
<b>YTD 2022</b>	<b>101</b>	<b>104</b>	<b>107</b>	<b>128</b>	<b>163</b>	<b>127</b>	<b>104</b>

**DETECTIVE / INVESTIGATIONS ACTIVITIES**

	Jan.	Feb.	Mar	Apr	May	June	July	Aug	Sept	Oct.	Nov.	Dec.	YTD
Felonies	23	28	26	24	28	25	19	28	35	24			260
Gross Misdemeanors	19	22	33	16	27	15	14	15	14	22			197
Misdemeanors	13	12	19	18	17	15	9	15	17	25			160

# Minutes

Lyon County Transit Advisory Committee

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*10/20/2022, 9:00 a.m.-10:00 a.m. | In Person/ZOOM Meeting called to order at 9:03 a.m.*

## **CALL TO ORDER AND AGENDA APPROVAL**

A meeting of the Lyon County Transit Advisory Committee was held by Zoom/in person. The meeting was called to order by Ted. The approval of the agenda and minutes were moved by Charlie, 2<sup>nd</sup> by Kris; motion carried.

## **ATTENDEES/NON-ATTENDEES**

In attendance were: Ted Stamp, Charlie Sanow, Kris Hohensee, Cathleen Amick, Carmen Hailey, Shelly Pflaum, Michelle Miranowski, Nick Leske

Absent were: Jim Knudson, Chantelle Fogelson, Russ Labat, Shannon Dorenkamper

## **COMMENTS/SUGGESTIONS FROM EACH BOARD MEMBER**

Kris is working on open enrollment for Medicare prescriptions. Charlie has several items slated which he is working on as he is running for re-election as county commissioner. A few of the items are Medicare, Medicaid, PrimeWest, SWMH. PrimeWest gave SWMH a \$270,000 loan so they can stay on their feet until the funds for SWMH come through. Charlie said PrimeWest will begin in Lyon County in January after 1.5 years of debates. He said PrimeWest is better for providers and members.

## **SERVICE LEVEL DISCUSSION**

Hopes were to start the Blue Route at the end of October, but with the loss of 2 more drivers this service cannot be put back on the road. Along with this loss, some staff are working 6 days per week and some staff have overtime. With that said Nick had a recommendation to suspend the Red Route and Dial-A Ride on Saturdays. Saturdays dial-a-ride averaging 6 passengers per it's 4-hour shift and the Red Route ridership is light. Charlie moved to temporarily suspend the dial-a-ride and Red Route on Saturdays until more staff can be hired; Ted 2<sup>nd</sup> the motion; motion carried. This new schedule will take effect November 6<sup>th</sup>. Information about the new schedule will be sent out and posters hung in the shelter stops. Michelle mentioned that with the shortage of drivers, too much is falling on drivers that were not hired for so much more. Cathleen mentioned that since this is a major change that UCAP would have to open it up for public opinion. When more drivers are hired services will be brought back in this order: Blue Route (M,W,F), run the Red Route later in the day during the week and then finally bring back Red Route on the weekends along with Saturday dial-a-ride. Nick mentioned that at the job fair, there were only 9 businesses that showed and only 20-30 people came through the fair.

## **ADA AND PASSENGER STOP IMPROVEMENTS – MARSHALL**

Nick went over the stops that were discussed at last month's meeting. Nick said the plans go to Jason with the city, then to Kent at MnDOT who decides which stops will work. Ted asked about the Walmart stop. There is some Transit Alternative funding that could be used for ramp and sidewalk improvements. Nick submitted a letter of intent for work that would include the Walmart stop among others. This funding can be used during the 2023 or 2024 construction season. Jason at the City of Marshall is on board to partner with UCAP.

## **2023 MNDOT OPERATING GRANT**

As of the last meeting, Nick was able to sit down with fiscal to shave off \$150,000 to get the budget down from 13% overage to 10%. The split this year is 95/5. The operating grant amount approved is \$4,329,900. The state is talking about the following year's budget to be a split of 85/15.

## **UCAP COMMUNITY NEEDS ASSESSMENT**

Nick sent an email to the committee members with a link and PDF about community needs. The deadline to respond is 10/31/2022.

## **RTCC UPDATES**

Shelly let the group know that this is the last week to complete the local human services transportation coordination plan. Shelly and Amanda held their first in person volunteer driver training since 2018. Shelly said almost half of the volunteers were able to attend. Shelly was very pleased with the meeting. Looking for more volunteer drivers continues.

## **STAFF UPDATES**

Other than the staff changes that were mentioned in Service Level Discussion, Michelle gave holiday services. Thanksgiving closed; day after Thanksgiving-limited services-Red Route 10:00-3:00, December 23<sup>rd</sup> limited service: 3 MAT buses running from 7am-9pm, 1 Lyon Bus and the Red Route running 10-3 (2 Dispatchers in office). December 26 and January 2 have yet to be discussed. Tuesday November 22 is All-Staff at Key Largo, 5:00-8:00 p.m. Transportation would need to shut down at 3:30 for the staff to be at the meeting on time. Charlie moved and Ted 2<sup>nd</sup> for transportation to shut down at 3:30 on Tuesday November 22; motion carried. Nick will send an invite out to all TACs.

Ted adjourned the meeting at 9:43.

## **NEXT MEETING**

Next meeting is Thursday November 17, 2022, Community Room UCAP Marshall main office.

If you cannot attend, please send a representative in your place.

Respectfully submitted: Carmen Hailey

**MINUTES OF THE  
MARSHALL PLANNING COMMISSION MEETING  
SEPTEMBER 14, 2022**

**MEMBERS PRESENT:** Lee, Deutz, Stoneberg and Muchlinski  
**MEMBERS ABSENT:** Doom  
**OTHERS PRESENT:** Jason Anderson, Ilya Gutman, and Amanda Schroeder

1. *Call to Order* - The meeting was called to order by Chairperson Lee at 5:30 pm.
2. *Approval of Minutes* - Chairperson Lee asked for the approval of the minutes of the July 13, 2022, regular meeting of the Marshall Planning Commission. MUCHLINSKI MADE A MOTION, SECOND BY DEUTZ, to approve the minutes as written. ALL VOTED IN FAVOR OF THE MOTION.
3. *Ordinance Amendment to Section 86-165 relating to Structures in Residential Districts* - Gutman explained the current ordinance prohibits exterior finishes with exposed fasteners on non-accessory structures in all residential districts to avoid industrial looking buildings and protect the values of the properties. However, it appears that those fasteners on low slope roofs (with less than 4 in 12 pitch) are practically not visible. Considering that metal roofs with exposed fasteners may be a practical alternative to shingles in this situation, it would be reasonable to allow it. Staff recommends the recommendation to the City Council approving the revisions amending Sec. 86-165 Structures in Residential Districts to allow exposed fasteners on low slope roofs.

Deutz asked for clarification if this is prohibited just for roofs and not siding. Gutman confirmed this amendment applies only to roofs.

DEUTZ MADE A MOTION, SECOND BY MUCHLINSKI to recommend to City Council as recommended by staff. ALL VOTED IN FAVOR OF THE MOTION.

4. *Ordinance Amendment to Section 86-180 to 86-187 relating to Signs* - Gutman advised that the current City Sign Ordinance was adopted in 1976 and has practically not been amended ever since. It is therefore outdated in not covering many newer sign types and applications, thus creating ambiguity, restrictive in allowed sign area, and difficult to follow. Considering the above reason, staff suggests completely revising the Sign Ordinance as presented. The revised Ordinance includes all existing sign related definitions that will be moved out of the Chapter definition section (Sec. 86-1) to have all sign related information in one place. The new ordinance also expands a list of signs not requiring a sign permit and includes requirements for LED signs. Additionally, the new Ordinance slightly increases maximum allowed signage area and gives additional allowances for properties located on extra-large lots and/or facing divided highway. In general, the City's new sign ordinance is less restrictive than sign ordinances of comparable cities and allows for more signage than average. To simplify Ordinance understanding, a summary spreadsheet is attached. Also, staff has created a spreadsheet for signage area calculations that considers all ordinance provisions. Staff recommends the recommendation to the City Council approving the revisions amending Division VI-2 Signs in its entirety.

Muchlinski asked what constitutes an incidental sign. Gutman read definition from proposed ordinance amendment. Gutman indicated that spreadsheet would be on the website also to clarify

**-- UNAPPROVED --**

types of signs and determination of type of sign and what is permissible. Anderson indicated that contractors still consult with City staff on allowable signage. Deutz inquired on preparation of proposed amendments. Gutman provided some examples of signage area and applicable conditions. Anderson and Gutman commented on the increased maximum sign areas in the proposed ordinance. Gutman brought up a few restrictions for several situations (i.e., banners).

MUCHLINSKI MADE A MOTION, SECOND BY DEUTZ to recommend to City Council as recommended by staff. ALL VOTED IN FAVOR OF THE MOTION.

5. *Other Business* - Cathy Lee welcomed Sara Stoneberg to the Planning Commission. Gutman gave an update on the Comprehensive Plan that it is actually being written now and will be open to public comment in October with a presentation to Commission in November. Schroeder indicated Comp Plan Task Force is now reviewing and to have comments in by the end of this week. Gutman indicated staff would then be reviewing after Task Force review. Deutz inquired on development of former West Side School site. Anderson indicated that site is under private ownership with possible development of the area. The developer has placed a sign at the site, but the City has not seen plans nor has developer shared intent with the City. The current zoning of the site is R-1. Deutz also inquired on former Thrifty White site. Deutz inquired on possible permanent music venues and potential locations. Anderson commented on Parks and Community Services discussions relating to bandshell location and the structure and discussing possible considerations for the Council of a different venue altogether of a more modern outdoor music venue.
6. *Adjourn* - A MOTION WAS MADE BY STONEBERG, SECOND BY DEUTZ to adjourn the meeting. ALL VOTED IN FAVOR. Chairperson Lee declared the meeting adjourned at 5:48 pm.

Respectfully submitted,  
Lona Rae Konold, Recording Secretary

November 1, 2022

2020 PCGQR  
U.S. Census Bureau  
1201 East 10<sup>th</sup> Street  
Jeffersonville, IN 47132

To Whom It May Concern,

On behalf of the City of Marshall, Minnesota, the following information, and data is enclosed as part of our Post Census Group Quarter Review (PCGQR):

- Letter of Notification from Marshall, MN Mayor
- PCGR Response Template-Excel Data
- Letter of Support Southwest Minnesota State University (SMSU) President
- Email Correspondence Validating Enrollment Numbers
- SMSU Enrollment Appendix A -Detailing 10 Year Enrollment History

Appendix A indicates that from 2010 SMSU has increased enrollment and from 2019-2021 even with the pandemic enrollment continued to climb. Therefore, it is not unreasonable to claim that the 485 students living in on-campus housing indicated by SMSU in their letter would have typically claimed as have living in Marshall on April 1, 2020.

For these reasons Blocks 2010 and 2013, Block Group2, Census Tract 3605 that the number of students in the dormitories and on-campus apartments on April 1, 2020 were undercounted.

Sincerely,



Steven Anderson

Clerk for the City of Marshall, MN

**Steven Anderson**  
Steven.anderson@ci.marshall.mn.us  
507-537-6775

### SMSU Enrollment History

Fall Semesters 2010 to 2021

By Full/Part Time Status



**Undergraduate**

Admissions Category	Full/Part	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Regular	Full	1,495	1,430	1,452	1,418	1,353	1,339	1,393	1,250	1,133	993	986	1,039
	Part	123	63	61	75	73	77	71	67	62	62	61	62
Transfer	Full	607	618	606	546	523	465	418	398	418	438	425	400
	Part	291	283	299	281	311	313	330	333	323	332	376	382
UG with Previous Degree	Full	22	30	18	19	18	17	20	17	19	19	18	17
	Part	32	24	36	38	31	38	53	57	58	70	67	70
College Now	Full	124	126	146	114	182	219	204	221	191	170	147	169
	Part	3,332	3,664	3,792	3,846	3,925	4,204	4,273	4,096	4,105	4,113	4,202	4,131
Other UG	Full	1		1	0	1	0	0	0	2	1	1	1
	Part	34	29	28	42	34	40	50	40	41	44	45	39
<b>Undergraduate Total</b>	<b>Full</b>	<b>2,249</b>	<b>2,204</b>	<b>2,223</b>	<b>2,097</b>	<b>2,077</b>	<b>2,040</b>	<b>2,035</b>	<b>1,886</b>	<b>1,763</b>	<b>1,621</b>	<b>1,577</b>	<b>1,626</b>
	<b>Part</b>	<b>3,812</b>	<b>4,063</b>	<b>4,216</b>	<b>4,282</b>	<b>4,374</b>	<b>4,672</b>	<b>4,777</b>	<b>4,593</b>	<b>4,589</b>	<b>4,621</b>	<b>4,751</b>	<b>4,684</b>
	<b>Total</b>	<b>6,061</b>	<b>6,267</b>	<b>6,439</b>	<b>6,379</b>	<b>6,451</b>	<b>6,712</b>	<b>6,812</b>	<b>6,479</b>	<b>6,352</b>	<b>6,242</b>	<b>6,328</b>	<b>6,310</b>

**Graduate**

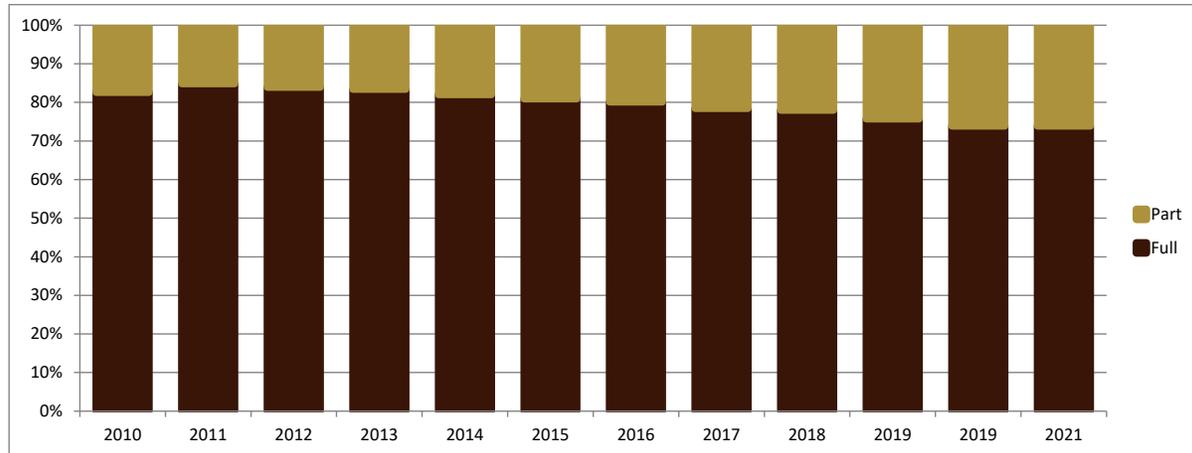
Category	Full/Part	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Graduate All	Full	302	236	264	283	277	250	313	276	293	240	227	228
	Part	199	192	170	162	168	150	173	155	173	178	187	209
	<b>Total</b>	<b>501</b>	<b>428</b>	<b>434</b>	<b>445</b>	<b>445</b>	<b>400</b>	<b>486</b>	<b>431</b>	<b>466</b>	<b>418</b>	<b>414</b>	<b>437</b>

**Total**

Category	Full/Part	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Total UG & Grad	Full	2,551	2,440	2,487	2,380	2,354	2,290	2,348	2,162	2,056	1,861	1,804	1,854
	Part	4,011	4,255	4,386	4,444	4,542	4,822	4,950	4,748	4,762	4,799	4,938	4,893
	<b>Total</b>	<b>6,562</b>	<b>6,695</b>	<b>6,873</b>	<b>6,824</b>	<b>6,896</b>	<b>7,112</b>	<b>7,298</b>	<b>6,910</b>	<b>6,818</b>	<b>6,660</b>	<b>6,742</b>	<b>6,747</b>

Percentages	Full/Part	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Undergraduate (Regular and Transfer)	Full	82.6%	84.9%	84.0%	83.4%	82.0%	81.0%	80.1%	78.5%	78.0%	75.8%	73.9%	73.9%
	Part	17.4%	15.1%	16.0%	16.6%	18.0%	19.0%	19.9%	21.5%	22.0%	24.2%	26.1%	26.1%
Graduate (All)	Full	60.3%	55.1%	60.8%	63.6%	62.2%	62.5%	64.4%	64.0%	62.9%	57.4%	54.8%	52.2%
	Part	39.7%	44.9%	39.2%	36.4%	37.8%	37.5%	35.6%	36.0%	37.1%	42.6%	45.2%	47.8%

Chart 1: Full-Time and Part-Time Degree Seeking Undergraduate Enrollment Percentages



**Letter of Notification**

November 1, 2022

2020 PCGQR  
U.S. Census Bureau  
1201 East 10<sup>th</sup> Street  
Jeffersonville, IN 47132

To Whom It May Concern,

The city of Marshall, Minnesota requests that the Census Bureau accept our Post-Census Group Quarters Review case. Within tract 360500, block 2010 and block 2013 of the city of Marshall, due to the COVID-19 Pandemic, Southwest Minnesota State University (SMSU) student dorm population decreased and resulted in a 2020 US Census undercount for the city of Marshall, MN.

Further, as part of the city of Marshall’s notification I am designating our City Clerk, Steven Anderson as a representative on this case for submissions and communication. He can be contacted at: [steven.anderson@ci.marshall.mn.us](mailto:steven.anderson@ci.marshall.mn.us) or 507-537-6775.

The Director of Institutional Research and Reporting for SMSU indicated on March 4, 2020, a total of 485 students were living on-campus. Per the data provided from the Census Bureau (data.census.gov) on April 1, 2020, a total of 253 students were reported in blocks 2010 and 2013. In less than a month approximately 50% of on-campus students migrated, validating our case that there was a population undercount for the city of Marshall, MN.

On September 6, 2022, the SMSU Dean of Students reported on campus resident population as 544 students. Considering, approximately half of the student population resides in off campus housing not reported in Group Quarters rosters reported by SMSU, the undercount of students residing in Marshall is nearly 1,000 residents.

In addition to the undercount of the student population due to Census Day and the pandemic coinciding, we have further evidence of growth in the city of Marshall between 2010 and 2020. Our City Assessor has reported a net increase of 366 housing units from January 2011 to August 2021.

Net housing changes 01/2011 to 08/2021:

Added: Single family units	132
Apartment units	248

**Robert Byrnes**  
Robert.Byrnes@ci.marshall.mn.us  
507-537-6775

Less: demolished units (14)  
Total housing unit increase 366

Note: does not include the 36-unit apartment build on Legion Field Road (building permit approved in 2019 and apartment opened Fall 2021)

Further, our Building Inspection Department reported the following approved building permits since 2020 (again, permits approved and not applications submitted, which include a 39-unit apartment application currently in review):

2020: single family – 6, duplexes – 2 (4 units)  
2021: single family – 17, duplexes – 3 (6 units), multi-family -1 (37 units – opened in May 2022)  
2022 (through June 21<sup>st</sup>): single family – 5, duplexes -1 (2 units)

SMSU reported the following dormitory resident data as of the 10<sup>th</sup> day of class in January each year:

January	Dorm Residents
2021	488
2022	540

In addition, Marshall Municipal Utilities reported the following total active residential electric accounts:

April 2020 – 5,660  
April 2021 – 5,737

For all these reasons I believe the actual population reported in the 2020 Census should be in excess of 14,000 people. Therefore, I respectfully request that you review our information and update the Census population data for Marshall, MN.

Sincerely,



Robert Byrnes  
Mayor of the city of Marshall, MN

**Robert Byrnes**  
Robert.Brynes@ci.marshall.mn.us  
507-537-6775



SOUTHWEST MINNESOTA STATE UNIVERSITY

KUMARA JAYASURIYA, PRESIDENT

November 1, 2022

2020 PCGQR  
U.S. Census Bureau  
1201 East 10<sup>th</sup> Street  
Jeffersonville, IN 47132

To Whom it May Concern,

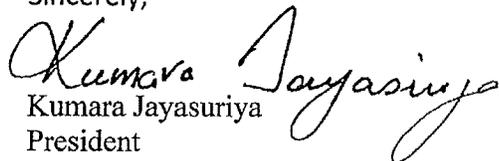
Southwest Minnesota State University (SMSU) has provided group quarters data to the city of Marshall, MN to support their Post Census Group Quarter Review submission.

The number of residents living on-campus during the 2020 Census would have been higher if not for COVID-19 Pandemic and mandated closures. SMSU provided data to the city of Marshall Clerk that on March 4, 2020 a total of 485 students were living in on-campus residences. Data was correspondingly provided for our 10<sup>th</sup> day Spring Housing History in January.

In 2018, there were a total of 607 dorm residents.  
In 2019, there were a total of 552 dorm residents.  
In 2021, there were a total of 488 dorm residents.  
In 2022, there were a total of 540 dorm residents.

Once the mandated closures were lifted the number of on-campus residence has been steadily increasing to pre-pandemic numbers. Residency for the 2023/2024 school year 10 day Fall Housing survey amounted to 544 residents living in SMSU housing within the city of Marshall. Based on these numbers and trends, the reported 253 students living in the dormitories and Foundation Residence Apartments is an inconsistent error with our enrollment history and dorm resident population data and would not have reflected an accurate April 1 Census Day number for Block 2010 and Block 2014, Block Group 2, Census Tract 3605, Lyon County, Minnesota.

Sincerely,

  
Kumara Jayasuriya  
President

Applicant Name	Location Address	Description of Work	Valuation
JM DEVELOPMENT LLC	1104 STOCKHOLM AVE	New Building/House	\$ 194,100.00
JILL VROMAN	1113 DAVID DR	Doors	\$ 10,980.00
Independent Lumber Co.	219 MAIN ST W	Re-Siding	\$ 1,500.00
		If You Do Not See Your Work Listed Above, Please Check Here	\$ 2,500.00
OWEN & DANIELLE R MARCUS JT	103 KATHRYN AV	Re-Roofing	\$ 361,961.28
Angie Olson	112 6TH ST S	Windows	\$ 4,200.00
GESKE BUILDING & SUPPLY COMPAN	218 LEGION FIELD RD		
	609 SOUTHVIEW DR W, 609 SOUTHVIEW DR		
BABCOCK JIM SCHMIDT JOHN	W, 609 SOUTHVIEW DR W	Doors, Re-Siding, Windows	\$ 26,154.00
		If You Do Not See Your Work Listed Above, Please Check Here, Modular/Prefabricated	
Emily Jakubiak	1604 SUPERIOR RD, 1604 SUPERIOR RD	Building	\$ 550,000.00

Applicant Name	Location	Description of Work	Valuation
WESTERN PRINT GROUP	219 MAIN ST W	Wall Mounted Sign	\$ 2,500.00

# 2022 Regular Council Meeting Dates

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

5:30 P.M.

City Hall, 344 West Main Street

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## January

1. January 11, 2022
2. January 25, 2022

## February

1. February 08, 2022
2. February 22, 2022

## March

1. March 08, 2022
2. March 22, 2022

## April

1. April 12, 2022
2. April 26, 2022

## May

1. May 10, 2022
2. May 24, 2022

## June

1. June 14, 2022
2. June 28, 2022

## July

1. July 12, 2022
2. July 26, 2022

## August

1. August 08, 2022 *(Monday)*
2. August 23, 2022

## September

1. September 13, 2022
2. September 27, 2022

## October

1. October 11, 2022
2. October 25, 2022

## November

1. November 07, 2022 *(Monday)*
2. November 22, 2022

## December

1. December 13, 2022
2. December 27, 2022

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## 2022 Uniform Election Dates

- February 08, 2022
- April 12, 2022
- May 10, 2022
- August 09, 2022
- November 08, 2022

### 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

### November

- 11/07 Regular Meeting, 5:30 PM, City Hall
  - Note this meeting is on a Monday
  - Tuesday the 8<sup>th</sup> is the General Election
- 11/15 Ways and Means Committee, 11:30 AM, City Hall
- 11/17 Special Council Meeting, 8:00 AM, City Hall
  - Canvass Election Results
- 11/22 Special Council Meeting, 4:45 PM, City Hall
  - Admin Review
- 11/22 Regular Meeting, 5:30 PM, City Hall
- 11/22 Budget Work Session, 7:00 PM, City Hall

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### December

- 12/06 Truth in Taxation Meeting, 6:00 PM, City Hall
- 12/07 Diversity, Equity, and Inclusion Commission, 3:00 PM, City Hall
- 12/13 Regular Meeting, 5:30 PM, City Hall
- 12/27 Regular Meeting, 5:30 PM, City Hall