



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

**Tuesday, January 25, 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 work session and regular meeting held on January 11, 2022.

**PUBLIC HEARING**

2. 311 Brussels Ct. – 1) Public Hearing regarding a home property tax abatement request 2) Consideration of a resolution approving home property tax abatement.
3. 1204 Stockholm Ave. – 1) Public Hearing regarding a home property tax abatement request 2) Consideration of a resolution approving home property tax abatement.
4. 1304 Stockholm Ave. – 1) Public Hearing regarding a home property tax abatement request 2) Consideration of a resolution approving home property tax abatement.
5. Public Hearing Regarding Proposed Commercial Property Tax Abatement at 1604 E. College Dr.

**AWARD OF BIDS**

6. Awards of Bids for Ash Tree Removals in Various Parks.

**CONSENT AGENDA**

7. Consider approval of a resolution to authorize the Finance Director to pay certain claims.
8. Consider Engagement Letter for Audit Services for 2021 Financial Statements.
9. Call for Public Hearing on the Establishment of TIF District 15-1.
10. Project ST-001-2022: Chip Sealing on Various City Streets – Consider Authorization to Advertise for Bids.
11. Wastewater Treatment Facilities Improvement Project – Consider Payment of Invoice 0281969 to Bolton & Menk, Inc.
12. Consider Purchase of GPS receiver for Engineering Department.
13. Project ST-006: SRTS School Pedestrian Crossing Improvements Project – Grant of Temporary Construction Easement.
14. Consider approval of a Temporary On-Sale Intoxicating Liquor License for the Convention and Visitors Bureau.
15. Consider authorization to declare vehicles as surplus property for the Marshall Police Department.
16. Consider approval of the bills/project payments.

**APPROVAL OF ITEMS PULLED FROM CONSENT**

**NEW BUSINESS**

17. Appoint E.J. Moberg as Director of Administrative Services.
18. Request for Conditional Use Permit / Apartment in B-2 Central Business District at 103 W Lyon Street.
19. ST-006: RRFB School Pedestrian Crossing Improvements Project – Establish School Speed Limits.
20. Resolution to supporting the extension of the authority to impose a local sales tax to fund specific capital improvements providing regional benefit, to establish the duration of the tax and the revenue to be raised by the tax, and to authorize the city to issue bonds supported by the sales tax revenue.
21. Approve Agreement for Legislative Services with Flaherty and Hood.

**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.**

**COUNCIL REPORTS**

- 22. Councilmember Individual Items
- [23.](#) Commission/Board Liaison Reports

**STAFF REPORTS**

- 24. City Administrator
- 25. Director of Public Works
- 26. City Attorney

**INFORMATION ONLY**

- [27.](#) Information Only

**MEETINGS**

- [28.](#) Upcoming Meetings

**ADJOURN**



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Meeting Date:</b>	Tuesday, January 25, 2022
<b>Category:</b>	APPROVAL OF MINUTES
<b>Type:</b>	ACTION
<b>Subject:</b>	Consider approval of the minutes from the work session and regular meeting held on January 11, 2022.
<b>Background Information:</b>	Enclosed are the minutes from the work session and regular meeting held on January 11, 2022.
<b>Fiscal Impact:</b>	None
<b>Alternative/ Variations:</b>	Staff encourages City Council Members to provide any suggested corrections to the minutes in writing to City Clerk Kyle Box, prior to the meeting.
<b>Recommendations:</b>	That the minutes from the work session and regular meeting held on January 11, 2022 be approved as filed with each member and that the reading of the same be waived.

**CITY OF MARSHALL  
WORK SESSION  
M I N U T E S  
Tuesday, January 11, 2022**

The work session of the Common Council of the City of Marshall was held January 11, 2022, at City Hall, 344 West Main Street. The meeting was called to order at 4:30 P.M. by Mayor Robert Byrnes. In addition to Byrnes the following members were in attendance: Steve Meister, Don Edblom, John DeCramer, Russ Labat, and James Lozinski. Absent: Craig Schafer. Staff present included: Sharon Hanson, City Administrator; Dennis Simpson, City Attorney; Annette Storm, Director of Administrative Services; Scott VanDerMillen, Director of Community Services; Karla Drown, Finance Director; Preston Stensrud, Parks Superintendent, and Kyle Box, City Clerk.

**2021 Community Survey Summary of Results**

City Administrator Sharon Hanson introduced the agenda item and provided background information via PowerPoint. Administrator Hanson reviewed the survey results with the Council with a focus on Park/Recreational expansion areas and new project areas, sales tax extension of .5%, and the potential projects and estimated costs.

Terri Heaton with Baker Tilly provided information on bonding requirements that would be needed if the council chooses to move forward with projects and sales tax extension.

Administrator Hanson discussed the sales tax extension process and the timeline in order to have it submitted to the State Legislator. Administrator Hanson asked the council for their input and level of support.

Councilmember Lozinski commented in support of the aquatic center and additional projects that support the entire community, not ones for specific sports or entities.

Councilmember DeCramer commented in support of the aquatic center and referenced the survey results for the most favored projects. DeCramer discussed that future projects/ facilities can be used by the entire community.

Councilmember Meister commented in favor of the sales tax extension for the aquatic center and supports additional park and recreation projects that can include members of the community.

Councilmember Edblom commented that future facilities will have a regional draw and supports the sales tax extension over property tax increases. Member Edblom also commented in favor of using up to \$20 million of sales tax for the aquatic center and additional projects.

Councilmember Labat commented in favor of the aquatic center but not in support of the listed additional projects at this time. Member Labat requested that an indoor facility that can be used year-round be added to the project list.

Mayor Byrnes commented in favor of the aquatic center and sales tax extension. Voters will need to vote on each item with the Aquatic Center being the City number 1 goal. Byrnes would like to see if any of the survey results can be combined with the YMCA's projects.

There was a consensus from the Council for support of the following:

- Sales tax extension of 0.5%
- Aquatic Center
- Indoor/ Multipurpose facility
- Further discussion on support of YMCA capital projects.

**Adjourn**

At 5:16 PM, Mayor Byrnes declared the meeting adjourned.

Attest:

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

\_\_\_\_\_  
Mayor

**CITY OF MARSHALL  
CITY COUNCIL MEETING  
M I N U T E S  
Tuesday, January 11, 2022**

The regular meeting of the Common Council of the City of Marshall was held January 11, 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: Steve Meister, Don Edblom, John DeCramer, Russ Labat, and James Lozinski. Absent: Craig Schafer. Staff present included: Sharon Hanson, City Administrator; Dennis Simpson, City Attorney; Jason Anderson, Director of Public Works/ City Engineer; Annette Storm, Director of Administrative Services; Jim Marshall, Director of Public Safety ;Lauren Deutz, Economic Development Director; Karla Drown, Finance Director; Jessie Dehn, Assistant City Engineer; Ilya Gutman, Plan Examiner/ Assistant Zoning Administrator; Addy Wolbaum, Diversity, Equity, and Inclusion Assistant, and Kyle Box, City Clerk.

The Pledge of Allegiance was recited at this time.

There was a general consensus to operate under the amended agenda.

**Introduction of Staff**

Mayor Byrnes introduced Addy Wolbaum, Diversity, Equity & Inclusion Assistant.

**Consider approval of the minutes from the regular meeting held on December 14, 2021.**

Motion made by Councilmember Edblom, Seconded by Councilmember Meister that the minutes from the regular meeting held on December 14, 2021 be approved as filed with each member and that the reading of the same be waived. Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

**Public Hearing and Adoption of Amendments and Revisions to Various Ordinance Sections.**

These revisions were inspired by zoning issues and are related to them. Lack of building numbers (addresses) is a big problem for the City Fire Department and, most likely, for other emergency services, let alone pizza delivery. An amendment will require an address at the back of the building facing an alley, which will provide a helpful reference point. Staff is trying to encourage address numbers placement on all buildings and requires them with all building permits. When sign ordinance revisions are adopted in the near future, it will be easier to complete this work.

The street names come up often in the permitting process. Proposed changes will make the naming system more consistent and easier to implement in the future for new subdivisions. Of course, all existing names will stay and will not be changed.

Parking regulations for trailers and boats are always a point of contention. These provisions overlapped with similar zoning regulations, which have been recently changed to just referencing Article V of Chapter 74 Stopping, Standing, and Parking to avoid duplication and possible inconsistency. The proposed changes are relaxing some requirements for RV's parking in residential areas by allowing to park them on the street for 48 hours rather than 24 hours, while extending their use season deeper into fall and spring; they will also allow parking in the front yard on one's driveway provided an RV doesn't project into public right of way.

Additionally, staff recommends removing several locations from the winter parking regulations and other parking regulations section as identified in Sec. 74-130 (b) and (c). These proposed parking regulation adjustments were presented to PI/T on 11/22/2021 and L&O on 12/07/2021. Are changes to parking regulations were also reviewed with, and approved by, the City Police Department and Street Department.

Finally, a new section is added that requires that dead and damaged trees be removed and gives the city the right to remove them if the owner refuses to do it, similar to the ordinance about tall grass.

At the meeting on December 7, 2021, these changes were presented to L&O, which recommended approval to the Council with a couple minor revisions.

The Ordinance amending Sec. 18-1 Building numbers, Sec. 66-104 Street names and subdivision names, Sec. 74-118 Overnight parking in residential area, Sec. 74-130 Snow emergency routes, winter parking regulations, and other parking regulations, and Sec. 74-131 Parking and storage of boats, trailers, recreational vehicles, and others on residential lots, and adding Sec. 82-2 Dead trees was introduced at the December 14, 2021, City Council meeting.

Motion made by Councilmember Edblom, Seconded by Councilmember Lozinski that the Council close the public hearing on the Ordinance amending Sec. 18-1 Building numbers, Sec. 66-104 Street names and subdivision names, Sec. 74-118 Overnight parking in residential area, Sec. 74-130 Snow emergency routes, winter parking regulations, and other parking regulations, and Sec. 74-131 Parking and storage of boats, trailers, recreational vehicles, and others on residential lots, and adding Sec. 82-2 Dead trees. Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

Motion made by Councilmember DeCramer, Seconded by Councilmember Labat that the Council adopt Ordinance No. 22-001, amending Sec. 18-1 Building numbers, Sec. 66- 104 Street names and subdivision names, Sec. 74-118 Overnight parking in residential area, Sec. 74-130 Snow emergency routes, winter parking regulations, and other parking regulations, and Sec. 74-131 Parking and storage of boats, trailers, recreational vehicles, and others on residential lots, and adding Sec. 82-2 Dead trees. Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

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

Member Lozinski requested that item number 6, Consider Resolution designating the Official Depositories for City Funds for 2022, be removed from the consent agenda for further discussion.

Member Labat requested that item number 8, Consider approval of 2022 Workers Compensation Insurance, be removed from the consent agenda for further discussion.

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

Approval of employee retirement resolution, Resolution Number 22-001, 22-002, 22-003, and 22-004.

Approval of Resolution Number 22-005, a resolution designating the Official Newspaper.

Approval of Resolution Number 22-007, a resolution delegating authority to the city to make electronic fund transfers

Approval of a Temporary On-Sale Intoxicating Liquor License for SMSU Foundation.

Approval of Quit Claim Deed and Exterior Wall Maintenance Agreement regarding transfer of property between the City of Marshall and Carmel Properties, LLC.

Approval of the MERIT Center/State of Minnesota Amendment of Lease No. 5

Approval for the Authorization of acceptance of a Hazardous Materials Emergency Preparedness (HMEP) Grant for the Southwest Chemical Assessment Team and to authorize the Director of Public Safety Jim Marshall to administer the grant.

Call for a Public Hearing Regarding Proposed Commercial Property Tax Abatement at 1604 E. College Dr.

Project ST-002-2022: Bituminous Overlay Project – Consider Authorization to Advertise for Bids.

Approval of the bills/project payments

**Consider Resolution Number 22-006, a resolution designating the Official Depositories for City Funds for 2022.**

State Statutes requires that the City designates general depositories for the City monies. The resolution designates Bremer Bank, N.A. as the official general depository for 2022.

Councilmember Lozinski pulled the item to discuss bank fees with Bremer Bank. Director of Administrative Services, Annette Storm commented that fees will fluctuate depending on the number of services we have.

Motion made by Councilmember Lozinski, Seconded by Councilmember DeCramer.

Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski

**Consider approval of 2022 Workers Compensation Insurance.**

The renewal is effective January 1, 2022 with the League of Minnesota Cities Insurance Trust.

The workers compensation insurance covers City employees, elected and appointed officials, volunteer firefighters, all other volunteers, Library employees and Marshall Municipal Utilities employees.

Workers' compensation rates for 2022 have risen for a second consecutive year as a result of costs incurred from the increasing number and size of Post-Traumatic Stress Disorder (PTSD)- related claims. The document describes the nature of the rate increases, concerns about PTSD trends, steps taken by LMCIT to address the trends. The City of Marshall has not experienced PTSD claims, however, at any time, it may affect our community.

The city's experience modifier has increased from 0.60 in 2021 to 0.76 in 2022. The city has experienced a high claims payout year in 2020. There is a three (3) year look back period to set premiums, therefore, affecting the 2022 experience modifier.

The Safety Committee continues to meet and discuss safety improvements and/or changes on a regular basis. Along with the continued safety training required for staff on an annual basis, creates a safe workplace environment for staff.

Staff recommends keeping the deductible at \$5,000, which is a middle of the road approach to the risk assessment of insurance claims. This approach has worked well for the city in the past for managing claim payouts. This will be an additional \$20,934 credit amount to the standard premium of \$418,679 for a total premium of \$350,797 in 2022.



This is a \$108,469 or 45% increase from 2021 to 2022. Again, this is a result of a higher experience modifier based on the cities claims, current payroll, and rate increases taken by the LMCIT.

The estimated annual 2022 premium for the city portion is \$300,348.

Councilmember Labat pulled the item for further clarification on the modifier increase from 2021 to 2022. Finance Director Karla Drown provided the history on the 3-year lookback period that is used by LMCIT. The modifier increase is based on claims, current payroll, and rate increased taken by LMCIT.

Motion made by Councilmember Labat, Seconded by Councilmember Lozinski Approve renewal of the 2022 City's Workers Compensation Insurance with the League of Minnesota Cities Insurance Trust. Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

### **Consideration of renewal for Red Baron Arena & Expo Sponsorship Agreements**

Lockwood Motors, Inc., and Alota Action, LLC., DBA Action Manufacturing, are founding sponsors of the Red Baron Arena & Expo. The original agreements have expired at the end of 2021. Each of these entities have generously agreed to renew their agreements.

Cassi Weiss, Visit Marshall Director, provided background information on the sponsorship renewal agreements.

Motion made by Councilmember Labat, Seconded by Councilmember DeCramer to approve the Red Baron Arena & Expo sponsorship renewal agreements as presented. Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

### **Economic Development Authority Projects Update**

#### **Block 11**

The EDA has received a proposal from CBC Fischer Group for a three-phase redevelopment project on Block 11. The project phases are as follows: CBC Fischer Group has proposed a three-phase in-fill development on Block 11 located in Downtown Marshall. The project phases are as follows: Phase 1: Three-story building with 33 one-bedroom units and six two-bedroom units (Corner of Lyon St and 1st St) Phase 2: Three-story building with 18 one-bedroom units and four two-bedroom units plus 4,420 sq ft of first floor commercial. (Corner of 1st and Main St) Phase 3: Three-story building with 18 one-bedroom units and four two-bedroom units plus 4,420 sq ft of first floor commercial. (Corner of College and Main St) The project includes 83 parking units with anticipated additional on-street parking on Lyon Street. According to our most recent Housing Study, Marshall has a need for 124 new market-rate apartment units. In addition, there is a need for 665 general occupancy housing units within the City. The additional commercial space would also be beneficial to the Downtown District as vacancy rates are low and interest has been shown for retail and office space in the district. The City of Marshall is considering the establishment of a Tax Increment Financing (TIF) Redevelopment District to assist with financing a portion of the costs associated with construction of the development. TIF districts are used to fund the revitalization of deteriorating or distressed areas. The City anticipates using tax increment revenue to finance eligible costs associated with redevelopment of the site including acquisition, site improvements, parking improvements (public and private), and public improvements, as well as related administrative expenses. Tax increment from a redevelopment TIF cannot be used to construct buildings. Construction of Phase I is expected to start Spring of 2022. CBC Fischer Group previously signed a Predevelopment Agreement for the property which expired on December 31st. The project will be presented to the Planning Commission on January 12th for both a Conditional Use Permit (for the housing portion of the project) and for adherence to the City's current Comprehensive Plan.

### **Home Tax Abatement**

Per recommendation from Council, the EDA Board recently discussed the Home Tax Abatement Policy which is set to expire at the end of 2022. The program was designed to incentivize the construction of new homes. Although we did see a large increase in the construction of new homes, the EDA board did not feel the program is being used as intended. The board is bringing forth a recommendation for an early termination of the home tax abatement program in June of 2022.

### **Façade Improvement**

The EDA recently relaunched its Façade Improvement program which allows business to apply for up to \$10,000 in matching funds for projects that improve the appearance and functionality of their buildings. The board has designated \$100,000 towards the program. Since launching in mid-December, we have received two applications.

### **Comprehensive Plan Update**

The EDA is currently assisting with the Comprehensive Plan update being conducted by SRF Consulting. Currently, we are seeking public feedback to help shape future goal areas for the plan. There are two ways for the public to provide input including an online survey, available on the City website, and an Open House which will be hosted at City Hall on January 13th from 4:00 pm – 6:00 pm. As of January 6th, SRF has had 291 respondents to the survey with a goal of 300 completed surveys. The survey will close on January 17th .

### **Consider Authorization for Professional Services with TKDA for Airport Zoning Ordinance Update.**

TKDA has prepared the proposed Authorization for services to update the airport zoning ordinance for the Southwest Minnesota Regional Airport. This project is identified for State FY2022 grant funding.

The project will be split into Base Services and Optional Services.

- Base Services: Provide assistance to develop an ordinance to the Commissioner's standards following Chapter 360. The intent is for the City to request a State grant for Base Services in SFY 2022. The cost is \$49,500 and would be part of the Authorization.
- Optional Services: Optional services are possible additional services to craft a custom airport zoning ordinance if the Joint Airport Zoning Board (JAZB) opts for it. TKDA would better define this scope and fee at a later time in a future Authorization. The intent is for the City to request a grant amendment for MnDOT to participate in the cost of the additional services needed to complete a custom airport zoning ordinance. This work presented in the Authorization is for information purposes only.

MnDOT Aeronautics confirmed they are comfortable moving forward with base services for a SFY2022 grant. State funding for this project will be provided at a 70% funding rate, with the remaining 30% funded locally. The optional services were included for reference for city staff to understand costs for a future grant request. At this point we do not have a State grant to cover these costs and city staff is not proposing to consider these services at this time.

\$49,500 –State funding for this project will be provided at a 70% funding rate, with the remaining 30% funded locally. The 30% local cost share equates to \$14,850.

Motion made by Councilmember Edblom, Seconded by Councilmember DeCramer that the Council authorize execution of the Authorization for Professional Services with TKDA for update to the Airport Zoning Ordinance.

Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

### **Wastewater Treatment Facilities Improvement Project – 1) Consider Change Order No. 2 (Final); 2) Consider Application for Payment No. 28 to Magney Construction, Inc.**

- 1) Change Order No. 2 (Final) with Magney Construction, Inc. of Chanhassen, Minnesota, for a contract decrease in the amount of (\$26,609.74)
- 2) Application for Payment No. 28 (Final) to Magney Construction, Inc. of Chanhassen, Minnesota, in the amount of \$140,476.90

Per the City's consultant, Bolton & Menk:

- Change Order No. 2 (Final) results in a contract deduct in the amount of (\$26,609.74). This deduct amount represents the amount of cash allowances included in the contract which were not utilized under the contract. For reference, Change Order No. 1 was for a time extension only, and was not brought forward to Council as PFA does not require Council approval for time extension.
- Application for Payment No. 28 covers work completed on the project through November 30, 2021. At this time, work has been completed for the project, and the contractor has submitted Consent of Surety, MN State IC-134 (Withholding Affidavit) Forms, and Lien Waivers to the City. After processing of this Payment No. 28 (Final), Magney Construction, Inc. will have been paid in full, including all retainage.

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.

This project is financed with a Public Facilities Authority low interest loan through the State of Minnesota.

Motion made by Councilmember Meister, Seconded by Councilmember Lozinski that the Council approve Change Order No. 2 (Final) with Magney Construction, Inc. of Chanhassen, Minnesota, for a contract decrease in the amount of (\$26,609.74) and that the Council authorize Application for Payment No. 28 (Final), per the recommendation of the City's consultant, Bolton & Menk, Inc., to Magney Construction, Inc. of Chanhassen, Minnesota, in the amount of \$140,476.90. Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. the motion **Carried. 6-0**

**Project ST-003: South 1<sup>st</sup> Street/Greeley Street/Williams Street Reconstruction Project - Consider Resolution Approving Plans and Specifications and Ordering Advertisement for Bids.**

This project consists of reconstruction and utility replacement on South 1st Street from George Street to Greeley Street, on Greeley Street from West College Drive to Saratoga Street, and on Williams Street from Maple Street to George Street; sanitary sewer, watermain, and storm sewer will be replaced. This project will also include new curb & gutter, new 5-ft. sidewalk on one or both sides of the streets, driveway aprons, water services, and sewer services to the right-of-way.

The proposed project is included in the 2022 capital improvement plan (CIP) for complete reconstruction of the street, curb, driveways, water system, storm water system, and sanitary sewer collection system. This project will tie-in near George Street where the 2020 South 1st Street project finished.

Nearly the entire project area consists of 4" ductile iron water main, which is undersized and does not provide adequate fire protection. The sanitary sewer reconstruction will replace clay sewer pipe with PVC pipe, and the storm water reconstruction will largely consist of replacing inlets at existing capture points. It is likely that the number and size of inlets will be increased to help improve storm water intake due to large contributing drainage areas.

The street width of South 1st and Greeley Street is proposed to be 38-FT as measured from back of curb; this is equivalent to the 2020 South 1st Street project. The street width of Williams is proposed to be 29-FT as measured from back of curb; this matches the existing width.

The plans and specifications have been prepared by City staff for the above-referenced project. If the City Council decides to proceed with this project, a resolution has been prepared approving the plans and specifications and ordering advertisement for bids.

The engineer's estimate for the construction portion of the project is \$1,930,000. The total estimated project cost, including 10% allowance for contingencies and 16% for engineering and administrative costs is \$2,463,000. All improvements will be assessed according to the current Special Assessment Policy, including but not limited to participation from Marshall Municipal Utilities, Wastewater Department, Surface Water Management Utility Fund and Ad Valorem. Final approval of the project must include determination of funding sources.

Motion made by Councilmember DeCramer, Seconded by Councilmember Lozinski that the Council adopt the Resolution 22-008, which is the "Resolution Approving Plans and Specifications and Ordering Advertisement for Bids" for Project ST-003: South 1st Street/Greeley Street/Williams Street Reconstruction Project. Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Lozinski  
Voting Nay: Councilmember Labat. The motion **Carried. 6-0**

**Project ST-004: Halbur Road Reconstruction Project - Consider Resolution Approving Plans and Specifications and Ordering Advertisement for Bids.**

This project consists of reconstruction and utility replacement on Halbur Road from Michigan Street to Erie Road (CR 33); sanitary sewer and storm sewer will be replaced with a concrete paved surfacing. This project will also include new curb & gutter, driveway aprons, and sewer services to the right-of-way.

The proposed project is included in the 2022 capital improvement plan (CIP) for complete reconstruction of the street, curb, driveways, storm water system, and sanitary sewer collection system. The street pavement condition is poor and City staff believes a reconstruction is necessary. A street section consisting of 7" concrete is being proposed, equivalent to the Michigan and Superior Road projects. Sanitary sewer reconstruction will replace clay sewer pipe with PVC pipe, and the storm water reconstruction will largely consist of replacing inlets at existing capture points. It is likely that the number and size of inlets will be increased to help improve intake due to large contributing drainage areas with significant impervious ground cover. There is no sidewalk in this area currently and none being proposed; in fact, there is no sidewalk north of the Diversion Channel in Marshall.

The street width of Halbur Road is proposed to be 38.34-FT as measured from back of curb. The existing street width is 43-FT. The purpose of the narrowing is to reduce costs for this assessment project. This road is a "destination" street in that it carries limited through traffic. Because the traffic volumes are low, staff believes we can narrow this street significantly. Staff considered even further narrowing, but it is important to ensure that semi-truck traffic can negotiate turning movements into and out of each driveway to reach loading and unloading areas.

The plans and specifications have been prepared by City staff for the above-referenced project. If the City Council decides to proceed with this project, a resolution has been prepared approving the plans and specifications and ordering advertisement for bids.

The engineer's estimate for the construction portion of the project is \$1,145,000. The total estimated project cost, including 10% allowance for contingencies and 16% for engineering and administrative costs is \$1,462,000. All improvements will be assessed according to the current Special Assessment Policy, including but not limited to participation from Marshall Municipal Utilities, Wastewater Department, Surface Water Management Utility Fund and Ad Valorem. Final approval of the project must include determination of funding sources.

Motion made by Councilmember DeCramer, Seconded by Councilmember Labat that the Council adopt the Resolution 22-009, which is the "Resolution Approving Plans and Specifications and Ordering Advertisement for Bids" for

Project ST-004: Halbur Road Reconstruction Project. Voting Yea: Mayor Byrnes, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. Voting Nay: Councilmember Meister. The motion **Passed. 5-1**

**E. Lyon Street Trail Project – 1) Consider Resolution Authorizing Agent of Sponsoring Agency for Transportation Alternatives Project; 2) Consider Resolution Identifying Responsibility for Operation and Maintenance for Transportation Alternatives Project.**

MnDOT District 8 is currently soliciting for 2026 Transportation Alternatives (TA) grant applications. The TA grant is an 80-20 grant to match program that provides funds for pedestrian and bike facilities, historic preservation, Safe Routes to School, and more. The last two projects that the City had funded through this program was the RRFB school crossings project which is scheduled for construction in 2022 and the C St.-Southview Trail project which is scheduled for construction in 2025.

The proposed trail would replace existing sidewalk adjacent to the south side of E. Lyon Street between Bruce Street and MN Highway 23. The new trail would be a 10-foot-wide concrete multi-use trail. This proposed trail would allow the removal of the on-street bike trail from E. Lyon Street in this segment by providing an off-street trail alternative. In coordination with the Community Services Division, staff has identified this segment of trail as a need for connectivity between Parkside Elementary School, the trails at Independence Park, the trail on Jewett Street, and the trail on the other side of Highway 23. This would also set up for a potential future connection to the trail adjacent to Avera hospital and the Holy Redeemer School.

Included with the Council packet are Exhibits A, E, and G from the grant application. Exhibits A & E visually identify the project and Exhibit G is the preliminary cost estimates.

To complete the grant application process, staff would like the City Council to offer their support for our grant application and we will need two resolutions to be approved. One resolution identifies the City as the grant sponsoring agency and the entity responsible for managing the grant. The other resolution identifies the City as the responsible party for continued operation and maintenance of the shared use path.

There is no fiscal impact today. If we are awarded a grant, we will be notified in Spring 2022. In today's dollars, our cost estimate for City participation is \$115,000 in cash with the City also providing the services for grant application, project design, project permitting, and construction administration. These engineering services are valued at \$92,000.

Motion made by Councilmember Lozinski, Seconded by Councilmember DeCramer that the Council adopt RESOLUTION NUMBER 22-010, which is the Resolution Authorizing Agent of Sponsoring Agency for Transportation Alternatives Project and that the Council adopt RESOLUTION NUMBER 22-011, which is the Resolution Identifying Responsibility for Operation and Maintenance for Transportation Alternatives Project. Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Lozinski. Voting Nay: Councilmember Labat. The motion **Passed. 5-1**

**Project Z82: North 1<sup>st</sup> Street / West Redwood Street / West Marshall Street Reconstruction Project - 1) Resolution Declaring Cost to Be Assessed and Ordering Preparation of Proposed Assessment. 2) Resolution for Hearing on Proposed Assessment.**

This project consisted of reconstruction and utility replacement on North 1st Street from East Main Street to West Marshall Street, on West Redwood Street from East College Drive to North 1st Street, and on West Marshall Street from East College Drive to North 1st Street; sanitary sewer, watermain, and storm sewer replacement. This project also included new curb & gutter, new 5-ft. sidewalk on both sides of the streets, driveway aprons, water services, and sewer services to the right-of-way.

A “Resolution Declaring Cost to be Assessed and Ordering the Preparation of the Proposed Assessment” for the project. The following is a breakdown of the proposed project funding. The costs shown below include 16% for engineering and administrative costs, for a total project cost of \$1,226,760.56. The following is a proposed breakdown of the project funding:

Wastewater Fund	\$161,451
MMU	\$271,687
Surface Water Management Utility	\$210,851
City Participation (Ad Valorem)	\$304,316
Assessed to Property Owners	\$278,455
<b>Total Project Amount</b>	<b>\$1,226,760</b>

“Resolution for Hearing on Proposed Assessment,” setting the hearing date for the proposed assessments on February 8, 2022, for the above-referenced project.

Per the current Fee Schedule, the assessment interest rate is calculated using the most recent bond interest rate and adding 2% for administrative costs. The 2021 GO Bond interest rate was 0.80% plus 2% results in a 2.80% assessment interest rate.

The term of the assessment repayment is proposed by staff to be 8 years. The City has no formal written policy on the term but has followed an administrative past practice to generally match the assessment repayment to the bond repayment term assuming a typical reconstruction project with assessments reaching near the maximum of the residential assessment rate. If the assessment is substantially higher in cases such as commercial assessments the term may be appropriate to increase. Alternatively, on smaller assessment projects consideration could be made to shorten the assessment term. One other item to note is that if additional principal is paid each year the interest is recalculated annually to address the payments. Therefore, there is no penalty for individuals to repay on a more accelerated schedule if they so choose.

Motion made by Councilmember Edblom, Seconded by Councilmember DeCramer that the Council adopt RESOLUTION NUMBER 22-012, which provides for the “Resolution Declaring Cost to be Assessed and Ordering the Preparation of the Proposed Assessment” for Project Z82: North 1st Street / West Redwood Street / West Marshall Street Reconstruction Project and that the Council adopt RESOLUTION NUMBER 22-013, which provides for the “Resolution for Hearing on Proposed Assessment” for Project Z82: North 1st Street / West Redwood Street / West Marshall Street Reconstruction Project setting the hearing date on the proposed assessments for February 8, 2022. Voting Yea: Mayor Byrnes, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski

Voting Nay: Councilmember Meister. The motion **Carried. 6-0**

**Projects Z88/SAP 139-103-004: 2021 State Aid Overlay Project and Project ST-006/SP 139-591-001: SRTS School Pedestrian Crossing Improvements Project – Consider Resolution for Municipal State Aid Street System (MSAS) 2022 Advance Funds.**

The 2021 State Aid Overly Project (Z88) was substantially completed this past summer. The project was financed through municipal bonds that were issued locally, with the intent of utilizing Municipal State Aid System (MSAS) funds to make bond payments.

The Safe Routes to School Pedestrian Crossing Improvements Project (ST-006) is included in the Capital Improvement Plan (CIP) for 2022 construction. This project is proposed to utilize MSAS funds to finance the local portion of the project costs. The majority of the project costs (80%) are funded by a Transportation Alternatives (TA) Grant, with the 20% local match being split by participating schools and the City of Marshall.

The current MSAS construction account balance as of 01/05/2022 is (\$2,915,531). Because we have “advanced” future years of funding to finance past projects, we have a negative account balance. The total maximum MSAS advance, set by Minnesota Commissioner of Transportation is the lesser of \$4,000,000 or five (5) times the City annual construction apportionment. The 2022 City of Marshall annual construction apportionment is estimated at \$759,352, which times 5 results in an amount of \$3,796,760. Therefore, the maximum amount of MSAS advance for the City is \$3,796,760.

The resolution is required in order to allow MSAS advance funding. The resolution identifies a request to advance funds for Z88 bond principal payment and ST-006 city construction costs.

Total State Aid advance is requested in an amount up to \$2,562,138 required to be repaid in accordance with the regulations established by Mn/DOT from future MSAS disbursements.

Motion made by Councilmember Labat, Seconded by Councilmember DeCramer that the Council adopt RESOLUTION NUMBER 22-014, which is the “Resolution for Municipal State Aid Street Funds Advance” requesting an advance of Municipal State Aid System (MSAS) funding in the amount of up to \$2,562,138. Voting Yea: Mayor Byrnes, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski  
Voting Nay: Councilmember Meister. The motion **Passed. 5-1**

**Call for a Public Hearing Regarding Proposed Property Tax Abatement at 1204 Stockholm.**

Motion made by Councilmember Meister, Seconded by Councilmember Edblom to call for a public hearing for the proposed property tax abatement. Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer. Voting Nay: Councilmember Labat. Voting Abstaining: Councilmember Lozinski. The motion **Passed. 4-1-1**

**Call for a Public Hearing Regarding Proposed Property Tax Abatement at 1304 Stockholm.**

Motion made by Councilmember DeCramer, Seconded by Councilmember Labat to call for a public hearing for the proposed property tax abatement. Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat. Voting Abstaining: Councilmember Lozinski. The motion **Passed. 5-0-1**

**Call for a Public Hearing Regarding Proposed Property Tax Abatement at 311 Brussels Ct.**

Motion made by Councilmember Meister, Seconded by Councilmember Labat to call for a public hearing for the proposed property tax abatement. Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat. Voting Abstaining: Councilmember Lozinski. The motion **Passed. 5-0-1**

**Commission/Board Liaison Reports**

Byrnes            No Report

Meister           No Report

Edblom           Public Housing Commission met and discussed its yearly apartment inspections.

DeCramer        Marshall Municipal Utilities met and passed their 2022 budget.

Labat            Library Board met and adopted the 2022 budget. The Marshall branch may consider closing a couple of hours earlier in the summer months

Lozinski        No Report

### **Councilmember Individual Items**

Councilmember Labat discussed a letter received from Greg Taylor requesting city assistance for blighted housing. Member Labat discussed shipping containers throughout the city and if conditional use permits have been applied for. Director Anderson mentioned that letters will be sent out to these property owners.

Mayor Byrnes discussed a meeting with the school district with city staff regarding pedestrian crossing signs. Byrnes also listed his goals for 2022.

- Aquatic Center replacement plan
- Appealing the 2020 census results
- 150<sup>th</sup> Celebration for the City of Marshall
- Downtown Plaza construction
- Completion and adoption of the Comprehensive Plan
- Economic Development
  - Block 11 Development
  - Ralco Corporate Center Downtown
  - Redevelopment of the Shopko building
  - Development of Commerce Park
- Consideration given to tax abatements giving to first time home buyers.

### **City Administrator**

City Administrator Sharon Hanson commented that interviews will be held for the Director of Administrative Services position. Administrator Hanson commented on the review of the MNOSHA compliance policy regarding COVID testing and collection of vaccination status.

### **Director of Public Works**

Director of Public Works/ City Engineer Jason Anderson discussed the rescheduling of the comprehensive plan open house for February 16. Director Anderson commented on additional airport funding that will be received from the federal government. Anderson commented that MnDOT is open to expanding the College drive project to include the Bruce Street intersection.

### **City Attorney**

City Attorney Dennis Simpson commented on the review of the Red Baron Sponsorship Agreements and the transfer of property for the Main Stay Wall. Simpson discussed an upcoming mediation between the city of Marshall and owner of Broadmoor Valley.

### **Information Only**

were no questions on the information items.



**Upcoming Meetings**

There were no questions on the upcoming meetings.

**ADJOURN**

At 6:50 P.M., Motion made by Councilmember Meister, Seconded by Councilmember Lozinski to adjourn. Voting Yea: Mayor Byrnes, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

---

Mayor

Attest:

---

City Clerk

**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Meeting Date:</b>	Tuesday, January 25, 2022																					
<b>Category:</b>	PUBLIC HEARING																					
<b>Type:</b>	ACTION																					
<b>Subject:</b>	311 Brussels Ct.. – 1) Public Hearing regarding a home property tax abatement request 2) Consideration of a resolution approving home property tax abatement.																					
<b>Background Information:</b>	<p>On January 11, 2022 a public hearing was called for and to be held on January 25, 2022 regarding a home property tax abatement request. Per M.S 469.1813 sub 5 The governing body of the political subdivision may approve an abatement under sections 469.1812 to 469.1815 only after holding a public hearing on the abatement. The property is located at 311 Brussels Ct. with an estimated market value of \$257,200 with the difference of improvement being \$243,200.</p> <p style="text-align: center;"><b>27-711030-0</b>                      JM Development                      <b>311 Brussels Court</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #76b82a; color: white;"> <th colspan="3" style="text-align: center;">HOMESTEAD TAX RATE</th> </tr> <tr style="background-color: #d9e1f2;"> <th style="width: 33%;"></th> <th style="width: 33%; text-align: center;">2021 post build total value</th> <th style="width: 33%; text-align: center;">Difference of improvement</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">2021 prebuild raw land value</td> <td style="text-align: center;">14,000 \$</td> <td style="text-align: center;">257,200 \$</td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">\$ 243,200.00</td> </tr> <tr style="background-color: #d9e1f2;"> <td style="text-align: center;">taxes @ 2021 rates</td> <td style="text-align: center;">taxes @ 2021 rates</td> <td></td> </tr> <tr> <td style="text-align: center;">\$ 83.00</td> <td style="text-align: center;">\$ 1,435.00</td> <td style="text-align: center; background-color: #ffcc00;"><b>\$ 1,352.00</b></td> </tr> <tr> <td colspan="3" style="text-align: center;"><i>city portion only</i></td> </tr> </tbody> </table>	HOMESTEAD TAX RATE				2021 post build total value	Difference of improvement	2021 prebuild raw land value	14,000 \$	257,200 \$			\$ 243,200.00	taxes @ 2021 rates	taxes @ 2021 rates		\$ 83.00	\$ 1,435.00	<b>\$ 1,352.00</b>	<i>city portion only</i>		
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\$ 83.00	\$ 1,435.00	<b>\$ 1,352.00</b>																				
<i>city portion only</i>																						
<b>Fiscal Impact:</b>	The approximate amount of assistance is \$1,352 a year or \$2,704 over a maximum period of 2 years as a Homestead.																					
<b>Alternative/ Variations:</b>	None Recommended.																					
<b>Recommendations:</b>	Recommendation #1- To Close the Public Hearing Recommendation #2- To approve the resolution approving home property tax abatement																					

Resolution Number 22-015

RESOLUTION RELATING TO A TAX ABATEMENT ON PROPERTY BY JM DEVELOPMENT; GRANTING THE ABATEMENT

BE IT RESOLVED by the Common Council of the City of Marshall, Minnesota, as follows:

Section 1. AUTHORIZATION AND RECITALS.

- 1.01. The City, pursuant to Minnesota Statutes, Sections 469.1812 to 469.1815, as amended (the "Act"), is authorized to grant an abatement of the property taxes imposed by the County on a parcel of property (Property Tax Abatement) if certain conditions are met, through the adoption of a resolution specifying the terms of the abatement.
- 1.02. The City has adopted the City of Marshall Tax Abatement Policy which further stipulates requirements before an abatement of taxes will be granted for residential development.
- 1.03. JM DEVELOPMENT; have applied for a Home Tax Abatement pursuant to the City's Home Tax Abatement Policy on property legally described as: Parcel ID: 27-711031-0, 311 Brussels Ct., Marshall, MN 56258.
- 1.04. Pursuant to the Act, this Common Council on January 25, 2022 conducted a public hearing on the desirability of granting the abatement. Notice of the public hearing was duly published as required by law in the Marshall Independent, the official newspaper of the City.

Section 2. FINDINGS. On the basis of information compiled by the City and elicited at the public hearing referred to in Section 1.04, it is hereby found, determined and declared:

- 2.01. There is a need for new development on the Property to increase the tax base of the City and to improve the general economy of the state.
- 2.02. The granting of the proposed abatement is in the public interest because it will increase or preserve the tax base of the City.
- 2.03. The Property is not located in a tax increment financing district.
- 2.04. The granting of the proposed abatement will not cause the aggregate amount of abatements granted by the City under the Act to exceed the greater of ten percent (10.00%) of the County's current property tax levy, or \$200,000.

2.05. It is in the best interests of the City to grant the tax abatement authorized in this Resolution.

Section 3. GRANTING OF TAX ABATMENT

3.01. A property tax abatement (the "Abatement") is hereby granted in respect of property taxes levied by the City on the Property for two (2) years, commencing with taxes payable for the assessed value related to the capital improvements outlined in 1.03.

3.02. The City shall provide the awarded abatement payment following payment of due real estate taxes annually. One single payment shall be made to the owner of record by December 30<sup>th</sup> of that calendar year.

3.03 The tax abatement shall be for the residential capital improvements only. Land values and the current base value are not eligible and will not be abated.

3.04 The tax abatement period will commence with receipt of the Certificate of Occupancy, or not more than one year following approval of the taxing authority's resolution, whichever is first.

3.05. The Abatement may be modified or terminated at any time by the Common Council in accordance with the Act.

Passed by the Common Council of the City of Marshall, this 25<sup>th</sup> day of January, 2022.

\_\_\_\_\_  
Mayor

ATTEST:

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

Application Review and Approval Process shall be followed as specified in Tax Abatement Policy as specified herein.

**Property Information:**

Location: 311 Brussels CT Access Road: \_\_\_\_\_  
Section: 5 Township: 111 Range: 41 Property Identification Number: 27-711 031-0  
Legal Description: \_\_\_\_\_  
(attach if needed)  
Parcel Width: \_\_\_\_\_ (feet) Length: \_\_\_\_\_ (feet) Acres: \_\_\_\_\_

**Applicant Information:**

Applicant Name: Mike Fox Phone: 401-6158 (h) \_\_\_\_\_ (w) \_\_\_\_\_  
Mailing Address: 1203 Morning side Cir  
Applicant Signature: [Signature]

**Owner Information:**

Owner Name: JM Development Phone: \_\_\_\_\_ (h) \_\_\_\_\_ (w) \_\_\_\_\_  
Mailing Address: 401 E Marshall St  
Owner Signature: [Signature]

Contractors or Contract for Deed Holders – owner must sign the application.

**Company Information:**

Owner Name: Jm Development Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Location: \_\_\_\_\_  
Type of Company: \_\_\_\_\_ Service Provided: \_\_\_\_\_

Please attach the following documentation:

- Map or site plan, prepared by an architect or engineer, showing the boundaries of the proposed development, the size and location of the building(s) and parking areas.
- Written narrative describing the project, the size and type of building(s), business type and use, traffic information (parking capacity, vehicle counts, traffic flow, pedestrian facilities), project timing, and estimated market value.
- A statement identifying the public benefits of the proposal, including estimated increase in property valuation, and other community benefits.
- Statement showing the private investment and any public investment dollars for the project
- Financial information including past performance and pro forma future projections for the project.
- Application Fee (please see City of Marshall Fee Schedule for current fee amount).
- Other information as requested.

**Return Completed Applications to:**

City Clerk  
City of Marshall  
344 West Main St.  
Marshall, MN 56258



MARSHALL

CITY OF MARSHALL
344 WEST MAIN
MARSHALL, MN 56258-1313
(507) 537-6773 FAX: (507) 537-6830



DATE ISSUED:09/13/2021

BUILDING PERMIT

PERMIT NUMBER : 2021-00396
ADDRESS : 311 BRUSSELS CT
PIN : 27-711031-0
LEGAL DESC : PARKWAY II ADDITION
PERMIT TYPE : BUILDING
PROPERTY TYPE : SINGLE FAMILY
CONSTRUCTION TYPE : NEW BUILDING
VALUATION : \$ 204,400.00
NOTE: NEW BUILDING

APPLICANT

JM DEVELOPMENT LLC
401 MARSHALL ST E
MARSHALL, MN 56258-0000

Table with permit fees: PERMIT FEE 1,408.25, PLAN REVIEW RESIDENTIAL 492.89, STATE SURCHARGE BLDG VAL 102.20, TOTAL 2,003.34, CHECK 261713 4851 2,003.34

OWNER

JM DEVELOPMENT LLC
401 MARSHALL ST E
MARSHALL, MN 56258-0000

AGREEMENT

All provisions of law and ordinances governing this type of work shall be complied with whether specified herein or not. Separate application must be secured for plumbing work and all electrical work must be inspected by the State Electrical Inspector.

No work shall begin until the Building Permit is signed and issued by the Building Official.

PERMIT: In consideration of the statements and representations made in the above application filed with the Office of the City Engineer, Marshall, Minnesota, this Permit is hereby granted to the applicant. This Permit is granted upon the expressed conditions that said owner and his agents, workmen and employees shall comply in all respects with the ordinances and regulations of the City of Marshall and the State of Minnesota. The granting of a permit does not give authority to violate any provisions of State or Local Law regulating building. Not all deficiencies in documents may have been addressed and/or noted and that shall not be construed as an approval of such code deficiencies. Review for code compliance will continue during inspections as construction progresses. This Permit expires if work is not commenced within 180 days or if work is suspended for 180 days.

Building Official signature

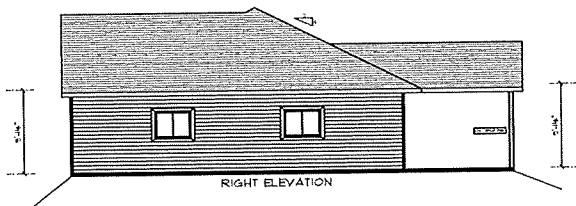
9-13-21
Date

JM development LLC is requesting abatement on a house it is building at 311 Brussels Ct to sell. The home is a single-family residence, with approximately 1500 sq ft of living area. The house has a large 2 stall attached insulated garage. This will significantly increase the value of the property. This will benefit the community by adding more housing.

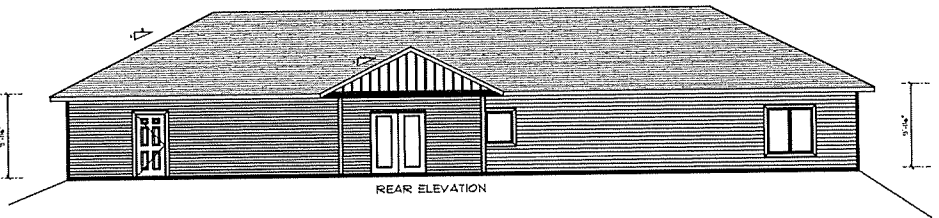


Mike Fox

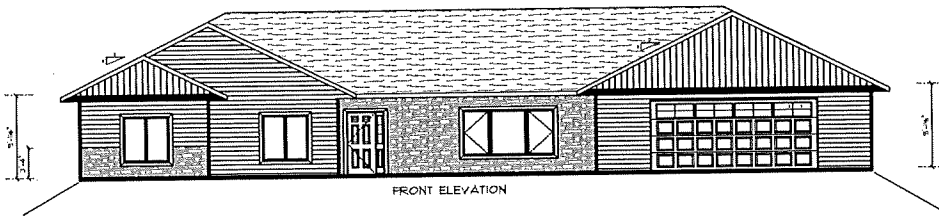
JM Development



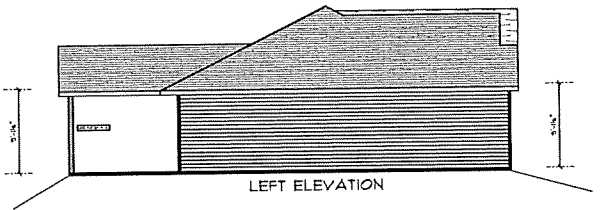
RIGHT ELEVATION



REAR ELEVATION

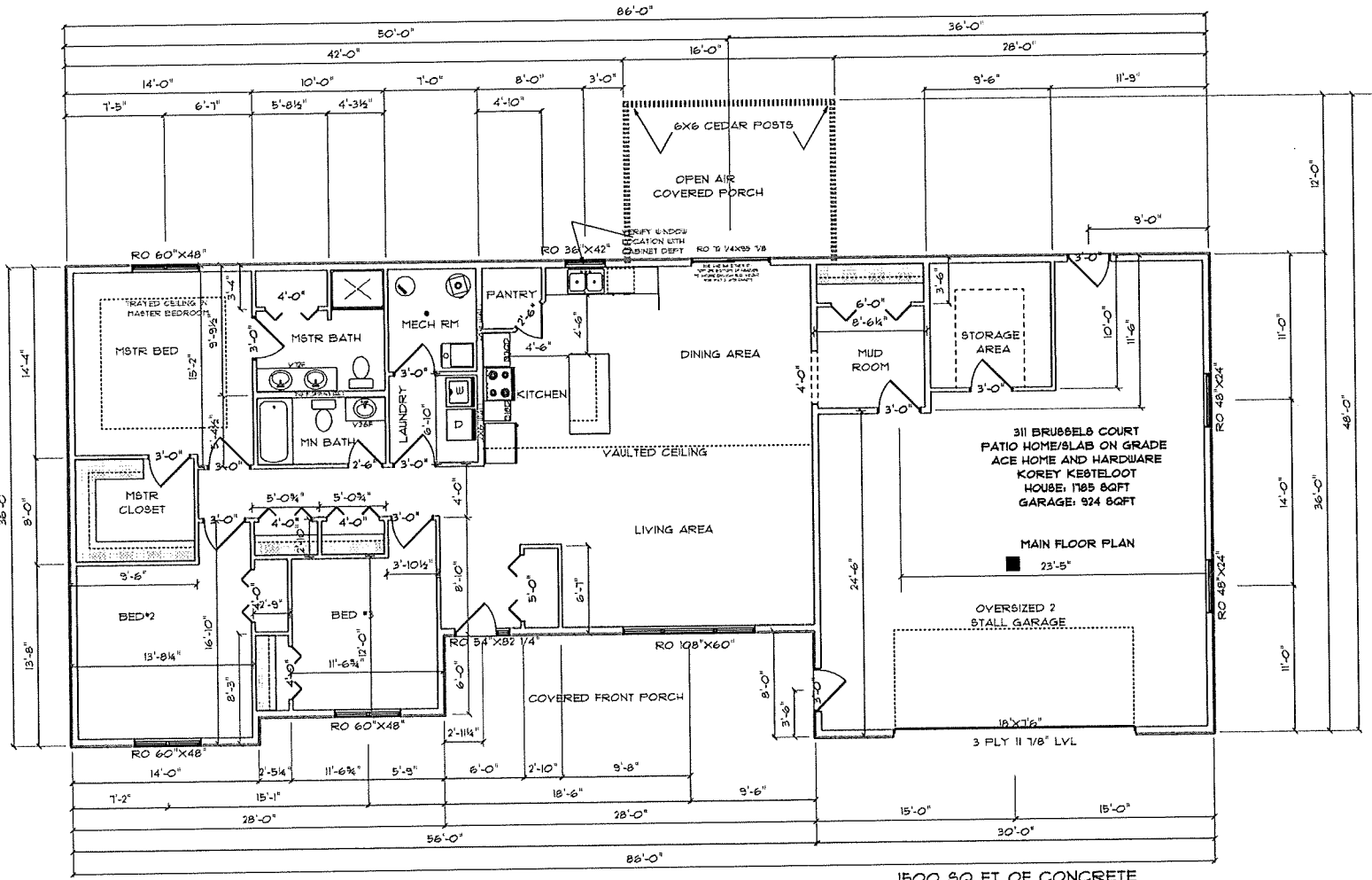


FRONT ELEVATION

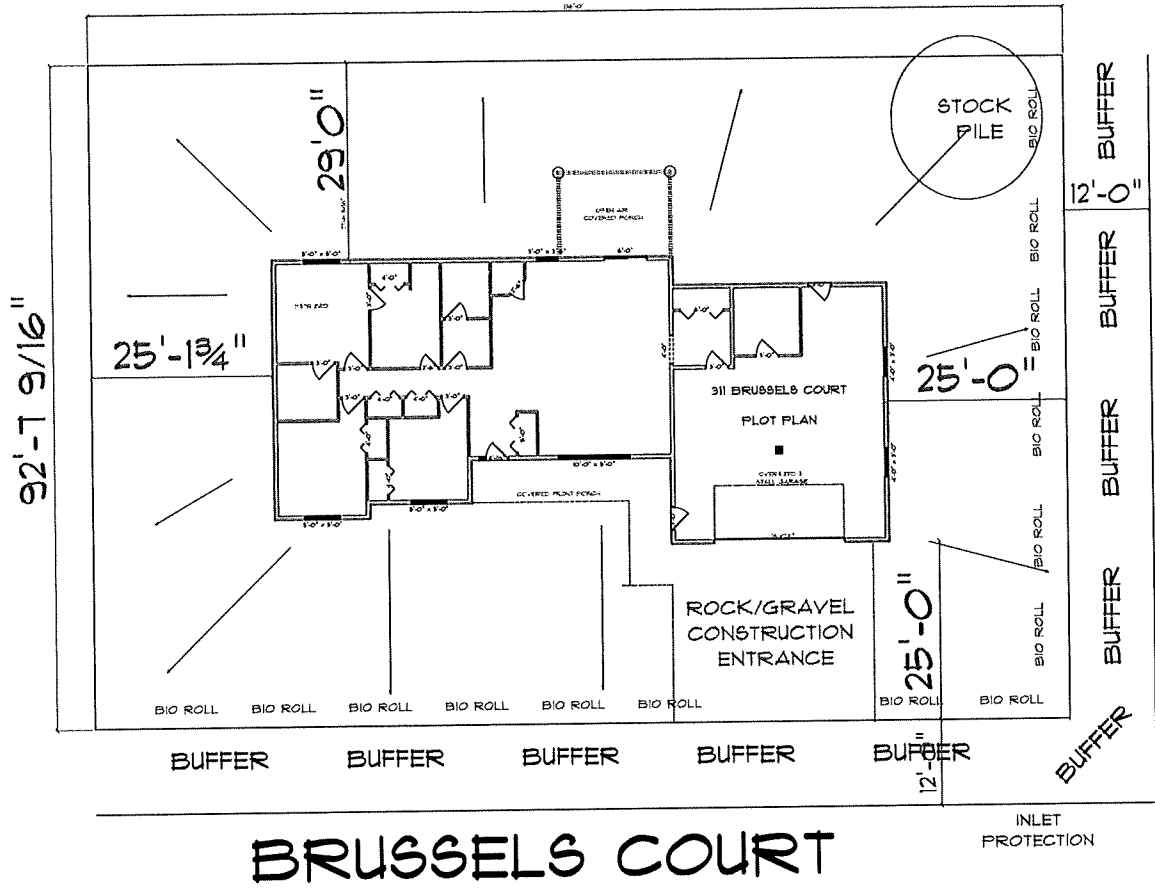


LEFT ELEVATION





1500 SQ FT OF CONCRETE  
 FOR DRIVEWAY, FRONT STOOP  
 AND BACK COVERED PORCH



**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Meeting Date:</b>	Tuesday, January 25, 2022																					
<b>Category:</b>	PUBLIC HEARING																					
<b>Type:</b>	ACTION																					
<b>Subject:</b>	1204 Stockholm Ave. – 1) Public Hearing regarding a home property tax abatement request 2) Consideration of a resolution approving home property tax abatement.																					
<b>Background Information:</b>	<p>On January 11, 2022 a public hearing was called for and to be held on January 25, 2022 regarding a home property tax abatement request. Per M.S 469.1813 sub 5 The governing body of the political subdivision may approve an abatement under sections 469.1812 to 469.1815 only after holding a public hearing on the abatement. The property is located at 1204 Stockholm Ave. with an estimated market value of \$235,300 with the difference of improvement being \$224,700.</p> <p style="text-align: center;"><b>27-711046-0</b>                      JM Development                      <b>1204 Stockholm</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #76b82a; color: white;"> <th colspan="3" style="text-align: center;">HOMESTEAD TAX RATE</th> </tr> <tr style="background-color: #d9e1f2;"> <th style="width: 33%;"></th> <th style="width: 33%; text-align: center;">2021 post build total value</th> <th style="width: 33%; text-align: center;">Difference of improvement</th> </tr> </thead> <tbody> <tr> <td style="text-align: right;">2021 prebuild raw land value</td> <td style="text-align: right;">10,600 \$</td> <td style="text-align: right;">235,300.00</td> </tr> <tr> <td></td> <td></td> <td style="text-align: right;">\$ 224,700.00</td> </tr> <tr style="background-color: #d9e1f2;"> <td style="text-align: right;">taxes @ 2021 rates</td> <td style="text-align: right;">taxes @ 2021 rates</td> <td></td> </tr> <tr> <td style="text-align: right;">\$ 63.00</td> <td style="text-align: right;">\$ 1,294.00</td> <td style="text-align: right; background-color: #ffc000;"><b>\$ 1,231.00</b></td> </tr> <tr> <td colspan="3" style="text-align: center;"><i>city portion only</i></td> </tr> </tbody> </table>	HOMESTEAD TAX RATE				2021 post build total value	Difference of improvement	2021 prebuild raw land value	10,600 \$	235,300.00			\$ 224,700.00	taxes @ 2021 rates	taxes @ 2021 rates		\$ 63.00	\$ 1,294.00	<b>\$ 1,231.00</b>	<i>city portion only</i>		
HOMESTEAD TAX RATE																						
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taxes @ 2021 rates	taxes @ 2021 rates																					
\$ 63.00	\$ 1,294.00	<b>\$ 1,231.00</b>																				
<i>city portion only</i>																						
<b>Fiscal Impact:</b>	The approximate amount of assistance is \$1,231 a year or \$2,462 over a maximum period of 2 years as a Homestead.																					
<b>Alternative/ Variations:</b>	None Recommended.																					
<b>Recommendations:</b>	Recommendation #1- To Close the Public Hearing Recommendation #2- To approve the resolution approving home property tax abatement																					

Resolution Number 22-016

RESOLUTION RELATING TO A TAX ABATEMENT ON PROPERTY BY JM  
DEVELOPMENT; GRANTING THE ABATEMENT

BE IT RESOLVED by the Common Council of the City of Marshall, Minnesota, as follows:

Section 1. AUTHORIZATION AND RECITALS.

- 1.01. The City, pursuant to Minnesota Statutes, Sections 469.1812 to 469.1815, as amended (the "Act"), is authorized to grant an abatement of the property taxes imposed by the County on a parcel of property (Property Tax Abatement) if certain conditions are met, through the adoption of a resolution specifying the terms of the abatement.
- 1.02. The City has adopted the City of Marshall Tax Abatement Policy which further stipulates requirements before an abatement of taxes will be granted for residential development.
- 1.03. JM DEVELOPMENT; have applied for a Home Tax Abatement pursuant to the City's Home Tax Abatement Policy on property legally described as: Parcel ID: 27-711046-0, 1204 Stockholm Ave., Marshall, MN 56258.
- 1.04. Pursuant to the Act, this Common Council on January 25, 2022 conducted a public hearing on the desirability of granting the abatement. Notice of the public hearing was duly published as required by law in the Marshall Independent, the official newspaper of the City.

Section 2. FINDINGS. On the basis of information compiled by the City and elicited at the public hearing referred to in Section 1.04, it is hereby found, determined and declared:

- 2.01. There is a need for new development on the Property to increase the tax base of the City and to improve the general economy of the state.
- 2.02. The granting of the proposed abatement is in the public interest because it will increase or preserve the tax base of the City.
- 2.03. The Property is not located in a tax increment financing district.
- 2.04. The granting of the proposed abatement will not cause the aggregate amount of abatements granted by the City under the Act to exceed the greater of ten percent (10.00%) of the County's current property tax levy, or \$200,000.

2.05. It is in the best interests of the City to grant the tax abatement authorized in this Resolution.

Section 3. GRANTING OF TAX ABATMENT

3.01. A property tax abatement (the “Abatement”) is hereby granted in respect of property taxes levied by the City on the Property for two (2) years, commencing with taxes payable for the assessed value related to the capital improvements outlined in 1.03.

3.02. The City shall provide the awarded abatement payment following payment of due real estate taxes annually. One single payment shall be made to the owner of record by December 30<sup>th</sup> of that calendar year.

3.03 The tax abatement shall be for the residential capital improvements only. Land values and the current base value are not eligible and will not be abated.

3.04 The tax abatement period will commence with receipt of the Certificate of Occupancy, or not more than one year following approval of the taxing authority’s resolution, whichever is first.

3.05. The Abatement may be modified or terminated at any time by the Common Council in accordance with the Act.

Passed by the Common Council of the City of Marshall, this 25<sup>th</sup> day of January, 2022.

\_\_\_\_\_  
Mayor

ATTEST:

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

Application Review and Approval Process shall be followed as specified in Tax Abatement Policy as specified herein.

**Property Information:**

Location: 1204 Stockholm Access Road: \_\_\_\_\_  
Section: 5 Township: 111 Range: 41 Property Identification Number: 27-711048-0  
Legal Description: \_\_\_\_\_  
(attach if needed)  
Parcel Width: \_\_\_\_\_ (feet) Length: \_\_\_\_\_ (feet) Acres: \_\_\_\_\_

**Applicant Information:**

Applicant Name: Mike Fox Phone: 401-6158 (h) \_\_\_\_\_ (w) \_\_\_\_\_  
Mailing Address: 1203 Morningside Cir  
Applicant Signature: [Signature]

**Owner Information:**

Owner Name: Im Development Phone: \_\_\_\_\_ (h) \_\_\_\_\_ (w) \_\_\_\_\_  
Mailing Address: 401 E Marshall St  
Owner Signature: [Signature]  
Contractors or Contract for Deed Holders – owner must sign the application.

**Company Information:**

Owner Name: Im Development Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Location: \_\_\_\_\_  
Type of Company: \_\_\_\_\_ Service Provided: \_\_\_\_\_

Please attach the following documentation:

- Map or site plan, prepared by an architect or engineer, showing the boundaries of the proposed development, the size and location of the building(s) and parking areas.
- Written narrative describing the project, the size and type of building(s), business type and use, traffic information (parking capacity, vehicle counts, traffic flow, pedestrian facilities), project timing, and estimated market value.
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- Statement showing the private investment and any public investment dollars for the project
- Financial information including past performance and pro forma future projections for the project.
- Application Fee (please see City of Marshall Fee Schedule for current fee amount).
- Other information as requested.

**Return Completed Applications to:**

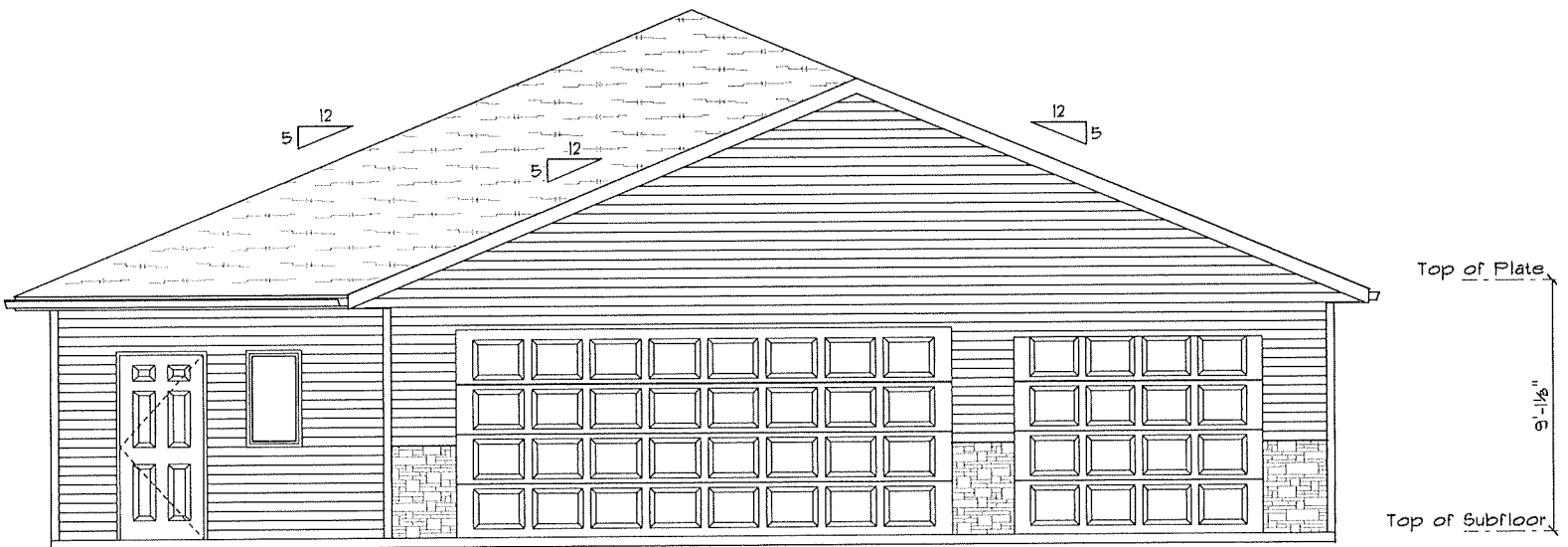
City Clerk  
City of Marshall  
344 West Main St.  
Marshall, MN 56258

JM development LLC is requesting abatement on a house it is building at 1204 Stockholm to sell. (Parcel #27-711046-0) The home is a single-family residence, with approximately 1743 sq f of living area. The house has a large 3 stall attached insulated garage. This will significantly increase the value of the property. This will benefit the community by adding more housing.

A handwritten signature in black ink, appearing to read 'Mike Fox', written in a cursive style.

Mike Fox

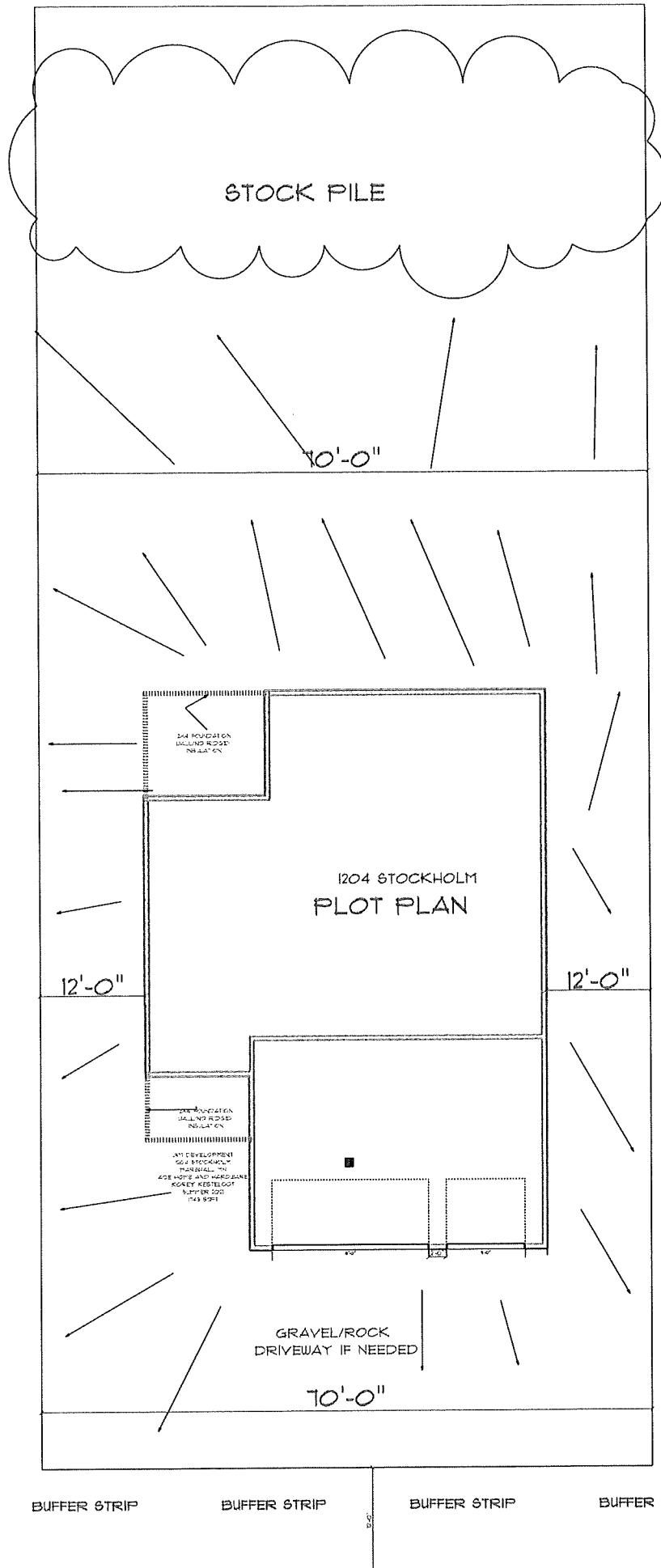
JM Development



FRONT ELEVATION







Item 3.

INLET PROTECTION WHERE REQUIRED **STOCKHOLM** INLET PROTECTION WHERE REQUIRED



MARSHALL

CITY OF MARSHALL
344 WEST MAIN
MARSHALL, MN 56258-1313
(507) 537-6773 FAX: (507) 537-6830



DATE ISSUED:07/30/2021

BUILDING PERMIT

PERMIT NUMBER : 2021-00315
ADDRESS : 1204 STOCKHOLM AVE
PIN : 27-711046-0
LEGAL DESC : PARKWAY II ADDITION
PERMIT TYPE : BUILDING
PROPERTY TYPE : SINGLE FAMILY
CONSTRUCTION TYPE : NEW BUILDING
VALUATION : \$ 204,400.00
NOTE: NEW BUILDING

Table with 2 main columns: Applicant/Owner/Agreement and Fees/Permit Details. Includes sections for APPLICANT, OWNER, AGREEMENT, and a fee schedule table.

**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Meeting Date:</b>	Tuesday, January 25, 2022																					
<b>Category:</b>	PUBLIC HEARING																					
<b>Type:</b>	ACTION																					
<b>Subject:</b>	1304 Stockholm Ave. – 1) Public Hearing regarding a home property tax abatement request 2) Consideration of a resolution approving home property tax abatement.																					
<b>Background Information:</b>	<p>On January 11, 2022 a public hearing was called for and to be held on January 25, 2022 regarding a home property tax abatement request. Per M.S 469.1813 sub 5 The governing body of the political subdivision may approve an abatement under sections 469.1812 to 469.1815 only after holding a public hearing on the abatement. The property is located at 1304 Stockholm Ave. with an estimated market value of \$268,900 with the difference of improvement being \$257,500.</p> <p style="text-align: center;"><b>27-711032-0</b>                      JM Development                      <b>1304 Stockholm</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #76b82a; color: white;"> <th colspan="3" style="text-align: center;">HOMESTEAD TAX RATE</th> </tr> <tr style="background-color: #d9e1f2;"> <th style="width: 33%;"></th> <th style="width: 33%; text-align: center;">2021 post build total value</th> <th style="width: 33%; text-align: center;">Difference of improvement</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">2021 prebuild raw land value</td> <td style="text-align: center;">11,400 \$</td> <td style="text-align: center;">268,900.00 \$</td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">\$ 257,500.00</td> </tr> <tr style="background-color: #d9e1f2;"> <td style="text-align: center;">taxes @ 2021 rates</td> <td style="text-align: center;">taxes @ 2021 rates</td> <td></td> </tr> <tr> <td style="text-align: center;">\$ 67.00</td> <td style="text-align: center;">\$ 1,510.00</td> <td style="text-align: center;"><b>\$ 1,443.00</b></td> </tr> <tr> <td colspan="3" style="text-align: center;"><i>city portion only</i></td> </tr> </tbody> </table>	HOMESTEAD TAX RATE				2021 post build total value	Difference of improvement	2021 prebuild raw land value	11,400 \$	268,900.00 \$			\$ 257,500.00	taxes @ 2021 rates	taxes @ 2021 rates		\$ 67.00	\$ 1,510.00	<b>\$ 1,443.00</b>	<i>city portion only</i>		
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\$ 67.00	\$ 1,510.00	<b>\$ 1,443.00</b>																				
<i>city portion only</i>																						
<b>Fiscal Impact:</b>	The approximate amount of assistance is \$1,443 a year or \$2,886 over a maximum period of 2 years as a Homestead.																					
<b>Alternative/ Variations:</b>	None Recommended.																					
<b>Recommendations:</b>	Recommendation #1- To Close the Public Hearing Recommendation #2- To approve the resolution approving home property tax abatement																					

Resolution Number 22-017

RESOLUTION RELATING TO A TAX ABATEMENT ON PROPERTY BY JM DEVELOPMENT; GRANTING THE ABATEMENT

BE IT RESOLVED by the Common Council of the City of Marshall, Minnesota, as follows:

Section 1. AUTHORIZATION AND RECITALS.

- 1.01. The City, pursuant to Minnesota Statutes, Sections 469.1812 to 469.1815, as amended (the "Act"), is authorized to grant an abatement of the property taxes imposed by the County on a parcel of property (Property Tax Abatement) if certain conditions are met, through the adoption of a resolution specifying the terms of the abatement.
- 1.02. The City has adopted the City of Marshall Tax Abatement Policy which further stipulates requirements before an abatement of taxes will be granted for residential development.
- 1.03. JM DEVELOPMENT; have applied for a Home Tax Abatement pursuant to the City's Home Tax Abatement Policy on property legally described as: Parcel ID: 27-711032-0, 1304 Stockholm Ave., Marshall, MN 56258.
- 1.04. Pursuant to the Act, this Common Council on January 25, 2022 conducted a public hearing on the desirability of granting the abatement. Notice of the public hearing was duly published as required by law in the Marshall Independent, the official newspaper of the City.

Section 2. FINDINGS. On the basis of information compiled by the City and elicited at the public hearing referred to in Section 1.04, it is hereby found, determined and declared:

- 2.01. There is a need for new development on the Property to increase the tax base of the City and to improve the general economy of the state.
- 2.02. The granting of the proposed abatement is in the public interest because it will increase or preserve the tax base of the City.
- 2.03. The Property is not located in a tax increment financing district.
- 2.04. The granting of the proposed abatement will not cause the aggregate amount of abatements granted by the City under the Act to exceed the greater of ten percent (10.00%) of the County's current property tax levy, or \$200,000.

2.05. It is in the best interests of the City to grant the tax abatement authorized in this Resolution.

Section 3. GRANTING OF TAX ABATMENT

3.01. A property tax abatement (the “Abatement”) is hereby granted in respect of property taxes levied by the City on the Property for two (2) years, commencing with taxes payable for the assessed value related to the capital improvements outlined in 1.03.

3.02. The City shall provide the awarded abatement payment following payment of due real estate taxes annually. One single payment shall be made to the owner of record by December 30<sup>th</sup> of that calendar year.

3.03 The tax abatement shall be for the residential capital improvements only. Land values and the current base value are not eligible and will not be abated.

3.04 The tax abatement period will commence with receipt of the Certificate of Occupancy, or not more than one year following approval of the taxing authority’s resolution, whichever is first.

3.05. The Abatement may be modified or terminated at any time by the Common Council in accordance with the Act.

Passed by the Common Council of the City of Marshall, this 25<sup>th</sup> day of January, 2022.

\_\_\_\_\_  
Mayor

ATTEST:

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

Application Review and Approval Process shall be followed as specified in Tax Abatement Policy as specified herein.

**Property Information:**

Location: 1304 Stockholm Access Road: \_\_\_\_\_  
Section: 5 Township: 111 Range: 41 Property Identification Number: 27-711032-0  
Legal Description: \_\_\_\_\_  
(attach if needed)  
Parcel Width: \_\_\_\_\_ (feet) Length: \_\_\_\_\_ (feet) Acres: \_\_\_\_\_

**Applicant Information:**

Applicant Name: Mike Fox Phone: 401-6158 (h) \_\_\_\_\_ (w)  
Mailing Address: 1203 Morning side Cir  
Applicant Signature: [Signature]

**Owner Information:**

Owner Name: Jm Development Phone: 530-4480 (h) \_\_\_\_\_ (w)  
Mailing Address: 401 E Marshall St  
Owner Signature: [Signature]  
Contractors or Contract for Deed Holders – owner must sign the application.

**Company Information:**

Owner Name: Jm Development Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Location: \_\_\_\_\_  
Type of Company: \_\_\_\_\_ Service Provided: \_\_\_\_\_

Please attach the following documentation:

- Map or site plan, prepared by an architect or engineer, showing the boundaries of the proposed development, the size and location of the building(s) and parking areas.
- Written narrative describing the project, the size and type of building(s), business type and use, traffic information (parking capacity, vehicle counts, traffic flow, pedestrian facilities), project timing, and estimated market value.
- A statement identifying the public benefits of the proposal, including estimated increase in property valuation, and other community benefits.
- Statement showing the private investment and any public investment dollars for the project
- Financial information including past performance and pro forma future projections for the project.
- Application Fee (please see City of Marshall Fee Schedule for current fee amount).
- Other information as requested.

**Return Completed Applications to:**

City Clerk  
City of Marshall  
344 West Main St.  
Marshall, MN 56258



MARSHALL

CITY OF MARSHALL
344 WEST MAIN
MARSHALL, MN 56258-1313
(507) 537-6773 FAX: (507) 537-6830



\* 2 0 2 1 - 0 0 0 4 4 \*

DATE ISSUED:03/09/2021

BUILDING PERMIT

PERMIT NUMBER : 2021-00044
ADDRESS : 1304 STOCKHOLM AVE
PIN : 27-711032-0
LEGAL DESC : PARKWAY II ADDITION
PERMIT TYPE : BUILDING
PROPERTY TYPE : SINGLE FAMILY
CONSTRUCTION TYPE : NEW BUILDING
VALUATION : \$ 204,400.00
NOTE: NEW BUILDING

Table with columns for APPLICANT, OWNER, AGREEMENT, and fee breakdown. Includes permit details, applicant information (JM DEVELOPMENT LLC), owner information, agreement text, and a fee table with a total of 1,862.51. Includes a signature and date (3-9-21) for the Building Official.

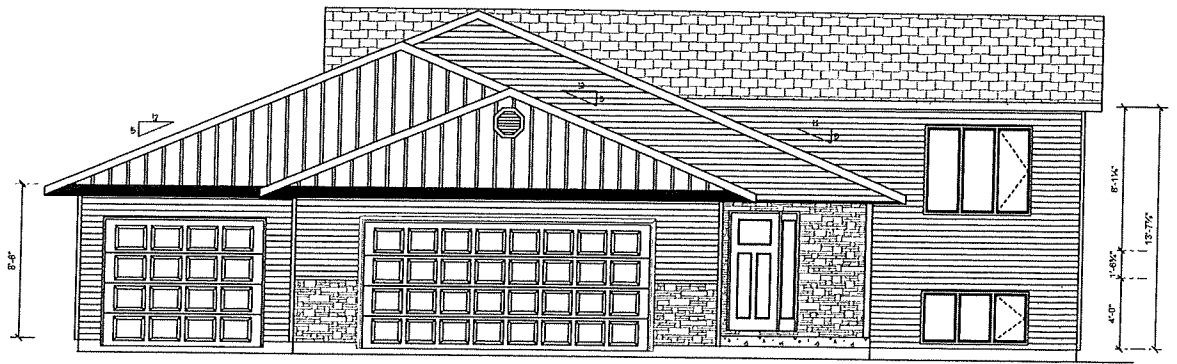


JM development LLC is requesting abatement on a house it is building at 1304 Stockholm to sell. (Parcel #27-711032-0) The home is a single-family residence, with approximately 2548 sq f of living area. The house has a large 3 stall attached insulated garage. This will significantly increase the value of the property. This will benefit the community by adding more housing.

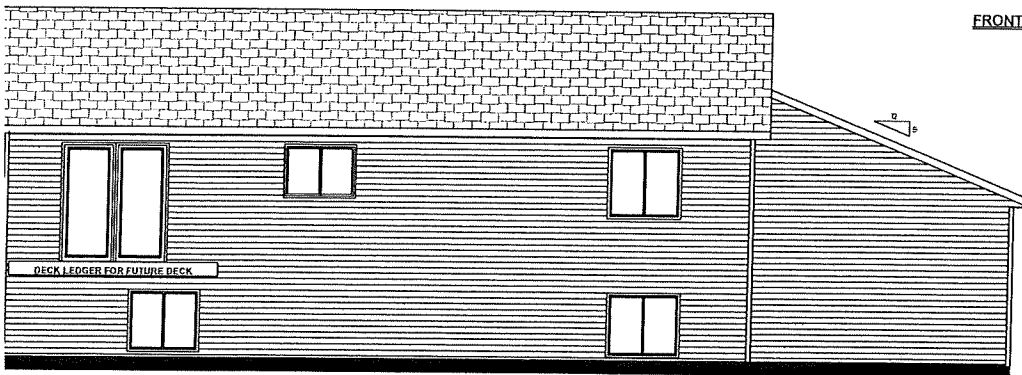


Mike Fox

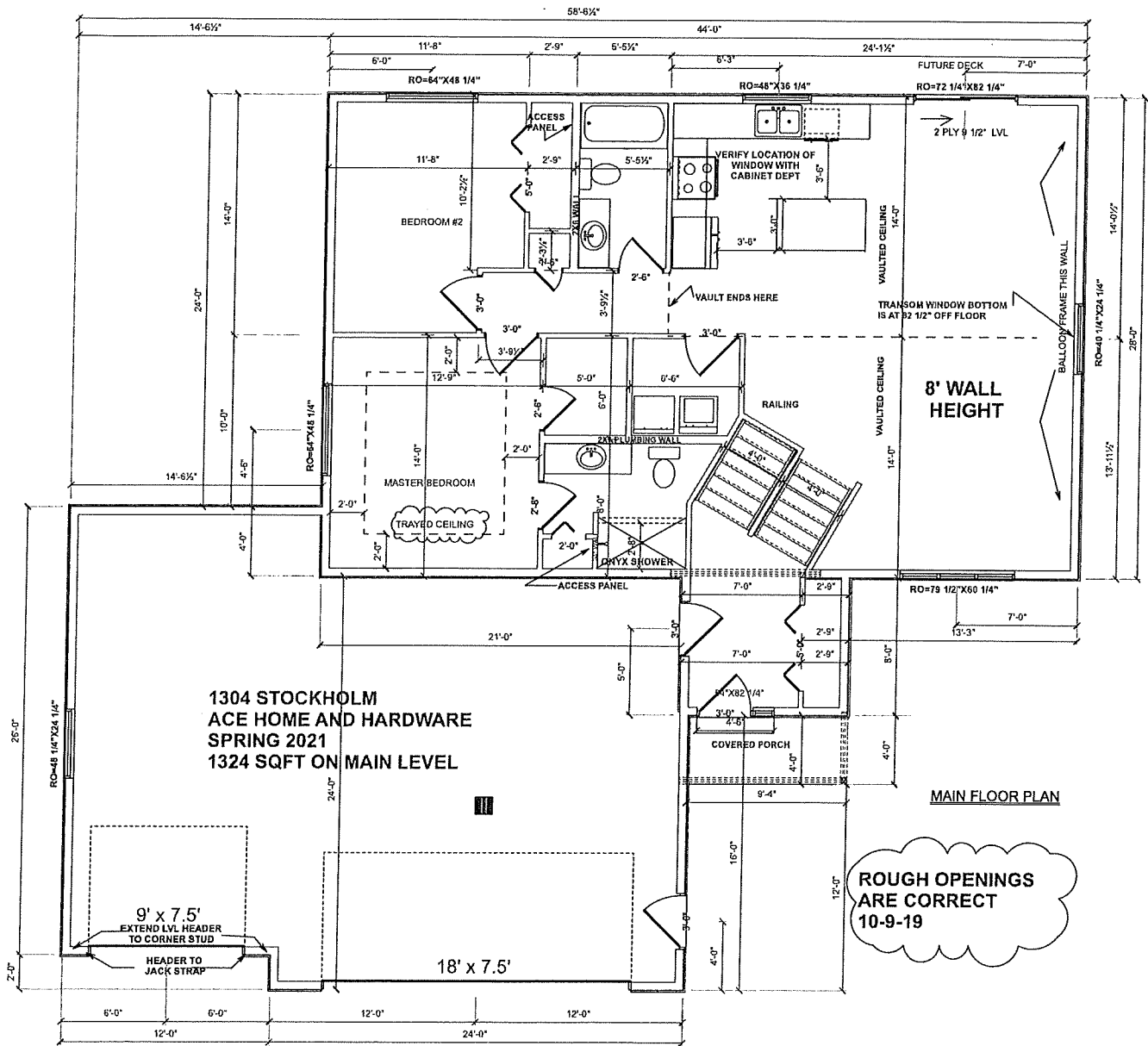
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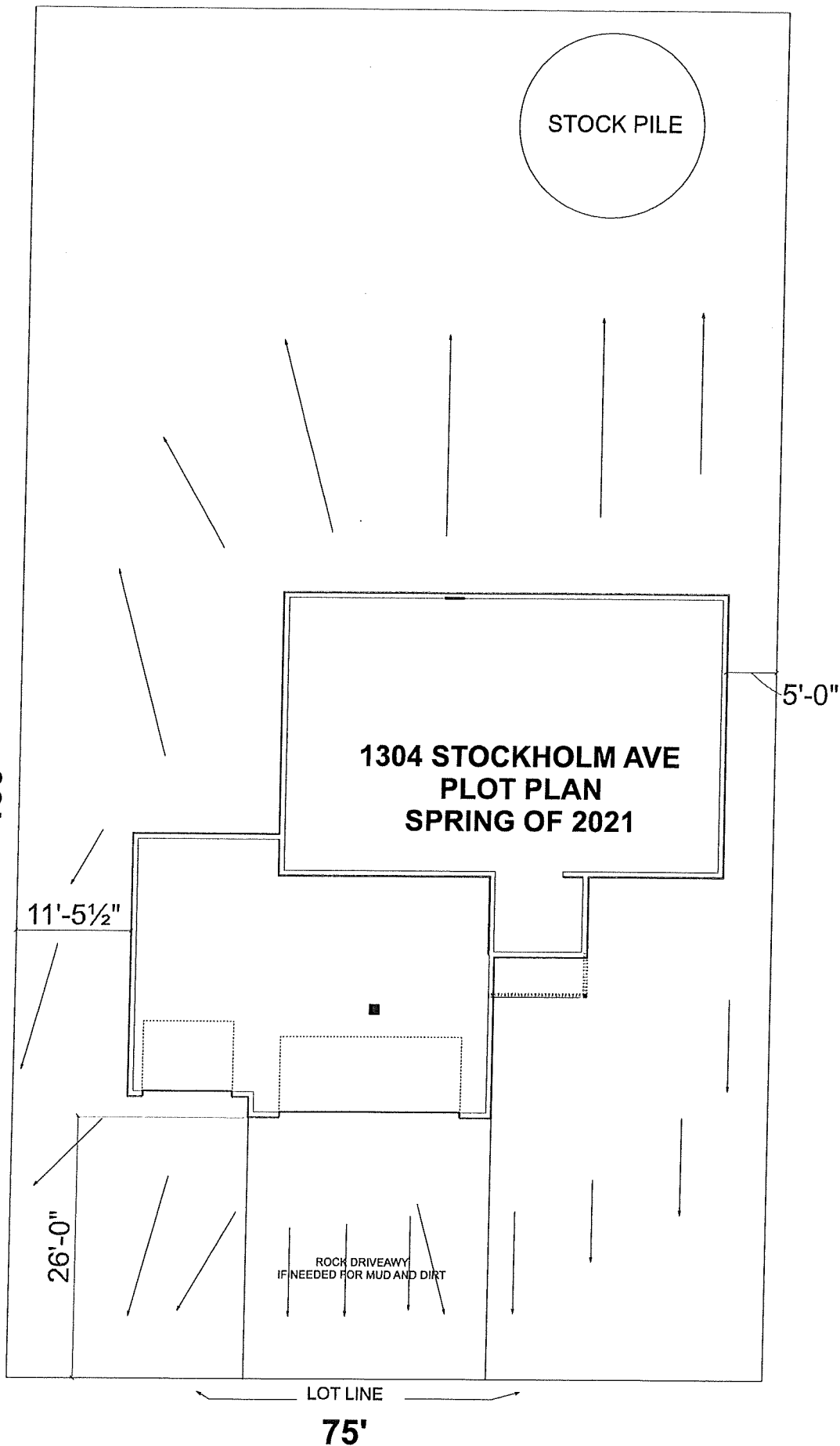


FRONT ELEVATION



REAR ELEVATION





LEAVE BUFFER STRIP ALONG SIDE WALK FOR ERROSION CONTROL

**STOCKHOLM AVE.**

IN LET PROTECTION WHERE NEEDED  
ALONG CURBING

**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Meeting Date:</b>	Tuesday, January 25, 2022																																																																																								
<b>Category:</b>	PUBLIC HEARING																																																																																								
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<b>Background Information:</b>	<p>Per M.S 469.1813 sub 5 The governing body of the political subdivision may approve an abatement under sections 469.1812 to 469.1815 only after holding a public hearing on the abatement.</p> <p><b>27-597001-0</b>                      <b>Wayne's Tractor Repair</b>                      <b>1604 E College Drive</b></p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p style="text-align: center;"><b>Wayne's Tractor</b></p> <p style="text-align: center;">CALCULATING 2021 EMV AS BASE - ONLY HAVING ABATEMENT ON IMPROVEMENT EMV</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>EMV</th> <th>City Taxes</th> <th>County Taxes</th> <th>TOTAL TAX BILL</th> </tr> </thead> <tbody> <tr> <td>Base EMV</td> <td>\$ 316,300.00</td> <td>\$ 3,291.00</td> <td>\$ 2,092.00</td> <td>\$ 9,109.00</td> </tr> <tr> <td>Improvement EMV</td> <td>\$ 307,700.00</td> <td>\$ 3,631.00</td> <td>\$ 2,308.00</td> <td>\$ 10,590.00</td> </tr> <tr> <td><b>Total EMV</b></td> <td><b>\$ 624,000.00</b></td> <td><b>\$ 6,922.00</b></td> <td><b>\$ 4,400.00</b></td> <td><b>\$ 19,699.00</b></td> </tr> </tbody> </table>   <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #e0e0e0;">BASED ON OFFICE ESTIMATE</th> <th>1</th> <th>2</th> <th>3</th> <th>4</th> <th></th> </tr> <tr> <th style="background-color: #e0e0e0;">year</th> <th>2024</th> <th>2025</th> <th>2026</th> <th>2027</th> <th></th> </tr> </thead> <tbody> <tr> <td style="background-color: #e0e0e0;"><i>ENTER % OF ABATEMENT HERE</i></td> <td style="background-color: #e0e0e0;">80%</td> <td style="background-color: #e0e0e0;">60%</td> <td style="background-color: #e0e0e0;">40%</td> <td style="background-color: #e0e0e0;">20%</td> <td></td> </tr> <tr> <td>Base EMV Captured Taxes</td> <td>\$ 3,291.00</td> <td>\$ 3,291.00</td> <td>\$ 3,291.00</td> <td>\$ 3,291.00</td> <td></td> </tr> <tr> <td>Improvement EMV Abated Taxes</td> <td>\$ 2,904.80</td> <td>\$ 2,178.60</td> <td>\$ 1,452.40</td> <td>\$ 726.20</td> <td></td> </tr> <tr> <td>Improvement EMV Captured Taxes</td> <td>\$ 726.20</td> <td>\$ 1,452.40</td> <td>\$ 2,178.60</td> <td>\$ 2,904.80</td> <td></td> </tr> <tr> <td></td> <td colspan="4" style="text-align: right;"><b>TOTAL (10 Year)</b></td> <td></td> </tr> <tr> <td>Amount of Abatement</td> <td>\$ 2,904.80</td> <td>\$ 2,178.60</td> <td>\$ 1,452.40</td> <td>\$ 726.20</td> <td>\$ 7,262.00</td> </tr> <tr> <td>Amount of Taxes the City receives</td> <td>\$ 4,017.20</td> <td>\$ 4,743.40</td> <td>\$ 5,469.60</td> <td>\$ 6,195.80</td> <td>\$ 61,958.00</td> </tr> <tr> <td>Total Tax Bill (city)</td> <td>\$ 6,922.00</td> <td>\$ 6,922.00</td> <td>\$ 6,922.00</td> <td>\$ 6,922.00</td> <td>\$ 69,220.00</td> </tr> </tbody> </table>   <table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr> <td>REQUESTED \$\$\$</td> <td>\$ -</td> </tr> <tr> <td>BALANCE OF SPECIALS FORGAVE</td> <td>\$ -</td> </tr> <tr> <td>TAX ABATEMENT</td> <td>\$ -</td> </tr> <tr> <td></td> <td style="text-align: right; background-color: #f4a460;"><b>\$ 7,262.00</b></td> </tr> </tbody> </table> </div>		EMV	City Taxes	County Taxes	TOTAL TAX BILL	Base EMV	\$ 316,300.00	\$ 3,291.00	\$ 2,092.00	\$ 9,109.00	Improvement EMV	\$ 307,700.00	\$ 3,631.00	\$ 2,308.00	\$ 10,590.00	<b>Total EMV</b>	<b>\$ 624,000.00</b>	<b>\$ 6,922.00</b>	<b>\$ 4,400.00</b>	<b>\$ 19,699.00</b>	BASED ON OFFICE ESTIMATE	1	2	3	4		year	2024	2025	2026	2027		<i>ENTER % OF ABATEMENT HERE</i>	80%	60%	40%	20%		Base EMV Captured Taxes	\$ 3,291.00	\$ 3,291.00	\$ 3,291.00	\$ 3,291.00		Improvement EMV Abated Taxes	\$ 2,904.80	\$ 2,178.60	\$ 1,452.40	\$ 726.20		Improvement EMV Captured Taxes	\$ 726.20	\$ 1,452.40	\$ 2,178.60	\$ 2,904.80			<b>TOTAL (10 Year)</b>					Amount of Abatement	\$ 2,904.80	\$ 2,178.60	\$ 1,452.40	\$ 726.20	\$ 7,262.00	Amount of Taxes the City receives	\$ 4,017.20	\$ 4,743.40	\$ 5,469.60	\$ 6,195.80	\$ 61,958.00	Total Tax Bill (city)	\$ 6,922.00	\$ 6,922.00	\$ 6,922.00	\$ 6,922.00	\$ 69,220.00	REQUESTED \$\$\$	\$ -	BALANCE OF SPECIALS FORGAVE	\$ -	TAX ABATEMENT	\$ -		<b>\$ 7,262.00</b>
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<b>Recommendations :</b>	<ol style="list-style-type: none"> <li>1. Close the public hearing for the proposed commercial tax abatement.</li> <li>2. Consider the approval of resolution _____.</li> </ol>																																																																																								

Resolution Number 22-018

RESOLUTION RELATING TO A TAX ABATEMENT ON PROPERTY BEING DEVELOPED BY  
Wayne's Tractor Repair; GRANTING THE ABATEMENT

BE IT RESOLVED by the Common Council of the City of Marshall, Minnesota, as follows:

Section 1. AUTHORIZATION AND RECITALS.

- 1.01. The City, pursuant to Minnesota Statutes, Sections 469.1812 to 469.1815, as amended (the "Act"), is authorized to grant an abatement of the property taxes imposed by the County on a parcel of property (Property Tax Abatement) if certain conditions are met, through the adoption of a resolution specifying the terms of the abatement.
- 1.02. The City has adopted the City of Marshall Tax Abatement Policy which further stipulates requirements before an abatement of taxes will be granted for residential development.
- 1.03. Wayne's Tractor Repair has applied for a Business Tax Abatement pursuant to the City's Tax Abatement Policy on property legally described as: Parcel ID: 27-597001-0, 1604, College Dr E., Marshall, MN 56258.
- 1.04. Pursuant to the Act, this Common Council on January 25, 2022, conducted a public hearing on the desirability of granting the abatement. Notice of the public hearing was duly published as required by law in the Marshall Independent, the official newspaper of the City.

Section 2. FINDINGS. On the basis of information compiled by the City and elicited at the public hearing referred to in Section 1.04, it is hereby found, determined and declared:

- 2.01. There is a need for new development on the Property to increase the tax base of the City and to improve the general economy of the state.
- 2.02. The granting of the proposed abatement is in the public interest because it will increase or preserve the tax base of the City.
- 2.03. The Property is not located in a tax increment financing district.
- 2.04. The granting of the proposed abatement will not cause the aggregate amount of abatements granted by the City under the Act to exceed the greater of ten percent (10.00%) of the County's current property tax levy, or \$200,000.
- 2.05. It is in the best interests of the City to grant the tax abatement authorized in this Resolution.

Section 3. GRANTING OF TAX ABATMENT

3.01. A property tax abatement (the "Abatement") is hereby granted in respect of property taxes levied by the City on the Property for four (4) years, commencing with taxes payable for the assessed value related to the capital improvements on said parcel. The tax abatement period will commence with receipt of the Certificate of Occupancy, or not more than one year following approval of the taxing authority's resolution, whichever is first.

3.02. The City shall provide the awarded abatement payment following payment of due real estate taxes annually. One single payment shall be made to the owner of record by December 30<sup>th</sup> of that calendar year.

3.03 The tax abatement shall be for the commercial capital improvements only. Land values and the current base value are not eligible and will not be abated.

3.04. The Abatement may be modified or terminated at any time by the Common Council in accordance with the Act.

3.05. The Abatement total is estimated to be approximately \$7,262 and should not exceed that amount. The Abatement scale approved is as follows:

Year 1	80% Abatement
Year 2	60% Abatement
Year 3	40% Abatement
Year 4	20% Abatement

Passed by the Common Council of the City of Marshall, this 25<sup>th</sup> day of January, 2022.

---

Mayor, City of Marshall

ATTEST:

---

City Clerk

# Wayne's Tractor

## CALCULATING 2021 EMV AS BASE - ONLY HAVING ABATEMENT ON IMPROVEMENT EMV

	EMV	City Taxes	County Taxes	TOTAL TAX BILL
Base EMV	\$ 316,300.00	\$ 3,291.00	\$ 2,092.00	\$ 9,109.00
Improvement EMV	\$ 307,700.00	\$ 3,631.00	\$ 2,308.00	\$ 10,590.00
<b>Total EMV</b>	<b>\$ 624,000.00</b>	<b>\$ 6,922.00</b>	<b>\$ 4,400.00</b>	<b>\$ 19,699.00</b>

BASED ON OFFICE ESTIMATE	1	2	3	4		
year	2024	2025	2026	2027		
<i>ENTER % OF ABATEMENT HERE</i> →	80%	60%	40%	20%		
Base EMV Captured Taxes	\$ 3,291.00	\$ 3,291.00	\$ 3,291.00	\$ 3,291.00		
Improvement EMV Abated Taxes	\$ 2,904.80	\$ 2,178.60	\$ 1,452.40	\$ 726.20		
Improvement EMV Captured Taxes	\$ 726.20	\$ 1,452.40	\$ 2,178.60	\$ 2,904.80		
	<b>TOTAL (10 Year)</b>					
Amount of Abatement	\$ 2,904.80	\$ 2,178.60	\$ 1,452.40	\$ 726.20	<b>\$ 7,262.00</b>	REQUESTED \$\$\$ \$ -
Amount of Taxes the City receives	\$ 4,017.20	\$ 4,743.40	\$ 5,469.60	\$ 6,195.80	<b>\$ 61,958.00</b>	BALANCE OF SPECIALS FORGAVE \$ -
Total Tax Bill (city)	\$ 6,922.00	\$ 6,922.00	\$ 6,922.00	\$ 6,922.00	\$ 69,220.00	TAX ABATEMENT \$ - <b>\$ 7,262.00</b>



# Wayne's Tractor

Application Review and Approval Process shall be followed as specified in Tax Abatement Policy as specified herein.

## Property Information:

Location: 1604 College Dr E Access Road: Hwy 19 - service Road  
Section: 2 Township: 111 Range: 41 Property Identification Number: 27-597001-0  
Legal Description: 2.3 Acres PT NW4 SW4  
(attach if needed)  
Parcel Width: \_\_\_\_\_ (feet) Length: \_\_\_\_\_ (feet) Acres: 2.30

## Applicant Information:

Applicant Name: Shawna Allan Phone: 337-2016 (h) \_\_\_\_\_ (w)  
Mailing Address: 1604 College Dr E  
Applicant Signature: Shawna Allan

## Owner Information:

Owner Name: Wayne Erbes Phone: \_\_\_\_\_ (h) \_\_\_\_\_ (w)  
Mailing Address: 35 Northwood Dr Cottonwood, MN 56229  
Owner Signature: Wayne Erbes  
Contractors or Contract for Deed Holders – owner must sign the application.

## Company Information:

Owner Name: Wayne's Tractor Repair Phone: 337-2016 Fax: -  
Location: 1604 College Dr E  
Type of Company: Retail/service Service Provided: tractor sales & repair

Please attach the following documentation:

- Map or site plan, prepared by an architect or engineer, showing the boundaries of the proposed development, the size and location of the building(s) and parking areas.
- Written narrative describing the project, the size and type of building(s), business type and use, traffic information (parking capacity, vehicle counts, traffic flow, pedestrian facilities), project timing, and estimated market value.
- A statement identifying the public benefits of the proposal, including estimated increase in property valuation, and other community benefits.
- ~~Statement showing the private investment and any public investment dollars for the project~~
- ~~Financial information including past performance and pro forma future projections for the project.~~
- Application Fee (please see City of Marshall Fee Schedule for current fee amount). **\$750**
- Other information as requested.

### Return Completed Applications to:

City Clerk  
City of Marshall  
344 West Main St.  
Marshall, MN 56258



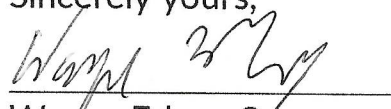
Wayne's Tractor Repair, LLC  
1604 E College Drive  
Marshall MN 56255


In recent years, there has been an increasing need for service on larger units of equipment. Currently, our facility is used for projects that span from older model () tractor revamps, to quad trac tractor maintenance, to DOT on fleet trucks, to a mower oil change, all the way down to a chainsaw grease. We have had great repeat business but with inflation and recent changes around town, our customers needed more from us. They requested multiple units to be worked on at once and even asked for combine service. The building operating today, is not capable to house a modern combine. After much contemplation, expansion was the right thing to do. The work and parts are nothing vastly different than services already offered. Adding another building would not only allow a larger unit to be worked on, but it would also allow more room to have multiple projects going on, which is a problem that we face with the current delay of parts in the market.

The \$600k project expands operation with a 66' x 75' stand-alone steel frame building. It will be furnished with overhead doors allowing 18' clearance. Current building spans 100' x 75' with only a 14' clearance. This addition would need to be furnished not only with an additional mechanic but require an additional office assistant to handle billing and part orders/ payment. We are happy to report that currently, both of those positions have been filled and being trained.

Dirt work was started in November of 2021. Building is ordered and projected to be delivered February 2022. We are excited and hopeful to be up and fully running come Spring 2022. This project, along with the recent updates to the street facing exterior of the original building, will not only appeal to residents of the area, but those just passing through. With our business spanning sales and service, customers come from near and far and with this project we will be better suited to complete all of their diesel and gas repair, parts and sales needs.

Sincerely yours,

  
Wayne Erbes, Owner

  
Shawna Allan, Business Mgr

**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Meeting Date:</b>	Tuesday, January 25, 2022
<b>Category:</b>	AWARD OF BIDS
<b>Type:</b>	INFO/ACTION
<b>Subject:</b>	Awards of Bids for Ash Tree Removals in Various Parks
<b>Background Information:</b>	<p>As Emerald Ash Borer continues to get closer to Marshall and it's potentially devastating change to the landscape of Marshall, the city needs to be prepared for the potential costs associated with removing Ash Trees as well as continue to plant new trees to allow them time to grow before EAB get to Marshall, helping us diversify our trees species and populations.</p> <p>This fall a grant was received thru the MN DNR to provide \$93,390 in funding to be used for removing Ash trees in our parks and replacing each Ash tree with 2 new trees. The first step of this grant is to mark ash trees and bid for removal within the parks of Independence, Legion Field, Victory, Freedom and Channel Parkway Softball Complex.</p> <p>On January 20, 2022, quotes were received for this work – 5 contractors submitted proposals for the work at each park. Staff is recommending the approval to the respective low bidder for each park – bid tabulation attached.</p> <p>This grant requires a 25% match via cash match (\$15,090) and/or in-kind match (\$8,960) bringing the total project to \$117,440.00 and the City's contribution to \$24,050. The project deadline for completion is June 30, 2023.</p> <p>All expenses for the project will need to be paid by the city and then reimbursed by the MN DNR.</p> <p>Total costs for removals if awarded to each respective bidder is \$55,226.00 with a deadline of April 1, 2023, to complete the removals. \$72,000 was budgeted in the grant for tree removals. Parks Superintendent, Preston Stensrud, would like to utilize the remaining funds for additional removals not to exceed the \$72,000 total as budgeted per that grant agreement to capitalize on the full amount of grant funding.</p>
<b>Fiscal Impact:</b>	\$55,226.00 is current total cost per attached bids with project total for removals not to exceed \$72,000 per the Grant agreement. This will be paid out of Parks Department Budget 101-45200-53425 and the city being reimbursed by MN DNR in the amount of \$61,500 after the removals are complete for a net cost to the City of Marshall of \$10,500.
<b>Alternative/Variations:</b>	N/A
<b>Recommendations:</b>	Award bids for Ash Tree Removals for Independence Park to Brian's Tree Service, Legion Field to Scott's Tree Service, Victory Park to Action Company LLC, Channel Parkway Softball Complex to TSL Tree Service, and Freedom Park to Herigon's Tree Service.

**BID TABULATION**  
**ASH TREE AND STUMP REMOVALS AT CHANNEL PARKWAY SOFTBALL COMPLEX,**  
**INDEPENDENCE, LEGION FIELD, VICTORY, AND FREEDOM PARK**

**DATE: JANUARY 20, 2022**  
**TIME: 10:00 A.M.**

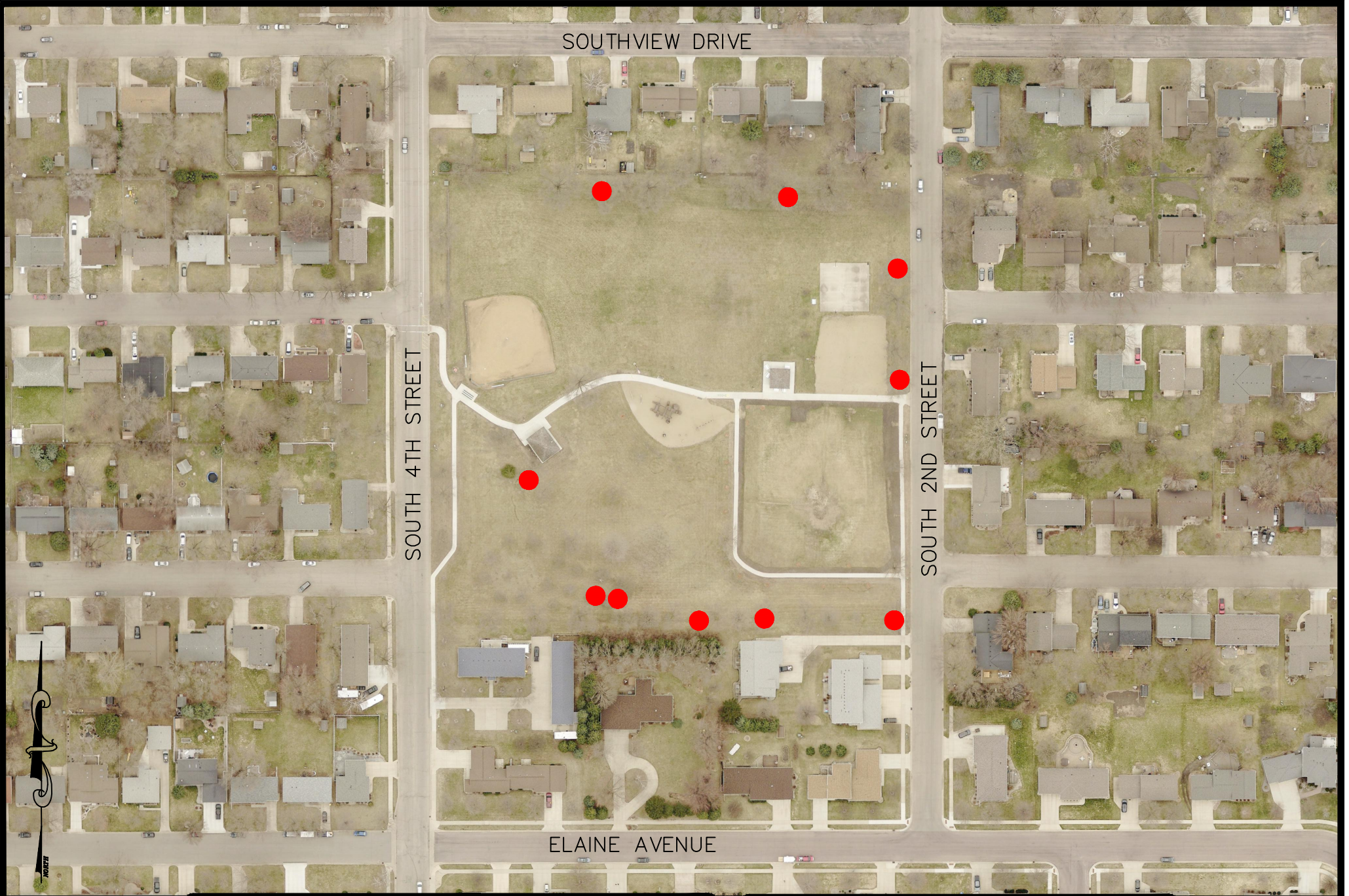
BIDDER	Independence Park 23 Trees				Freedom Park 10 Trees
		Legion Field 40 Trees	Victory Park 10 Trees	Channel Parkway Softball Complex 13 Trees	
Action Company LLC	\$16,947	\$49,880	\$8,987	\$9,711	\$8,987
Brian's Tree Service	\$6,289	No bid	\$12,889	\$6,789	\$7,689
Herigon's Tree Service	\$10,150	\$36,000	\$9,250	\$7,700	\$5,450
Scott's Tree Service	\$7,500	\$28,500	\$9,000	\$8,500	\$8,000
TSL Tree Service	\$6,850	No bid	No bid	\$6,000	No bid

2021 Preparing for EAB Grants  
Attachment A. Budget Form



**Directions:** Complete this form in detail. Common line items are indicated for eligible expenses. Add or change categories and add rows as necessary. Be specific about expenses. A successful budget form will be detailed, financially realistic, and cost effective. A 25% match of total project costs is required. This form has formulas; double check that totals are accurate. Direct questions about the budget form to the DNR Urban and Community Forestry Team at [ucf.dnr@state.mn.us](mailto:ucf.dnr@state.mn.us).

<b>Local Unit of Government</b>		City of Marshall				
<b>Project Coordinator</b>		Preston Stensrud				
<u>Expense</u>	<u>Description</u>	<u>Hourly Rate/ Cost per Item</u>	<u>Number Hours or Items</u>	<u>Funds Requested</u>	<u>Cash Match</u>	<u>In Kind Match</u>
<b>1. Contractor costs (ex. labor, services, supplies, and equipment)</b>	Contracted bid pricing for removal of ash trees	\$750 per tree	96 tree removals	\$ 61,500.00	\$ 10,500.00	
<b>2. Trees</b>	Purchasing of new trees	\$180 per tree	192 new trees	\$ 30,240.00	\$ 4,320.00	
<b>3. Planting supplies (ex. water bags, grow tubes, bark protection, compost, etc.)</b>	Mulch compost for root ball protection and moisture retention	\$30 per yard	64 yards	\$ 1,650.00	\$ 270.00	
<b>4. Site preparation</b>						
<b>5. Equipment (up to \$5,000 in total that are necessary to complete the project )</b>						
<b>6. Hired Staff or Consultant time</b>	Staff planting, water, mulch	\$40 per hour	224 hours total - 6 staff			\$ 8,960.00
				\$ 93,390.00	\$ 15,090.00	\$ 8,960.00



SOUTHVIEW DRIVE

SOUTH 4TH STREET

SOUTH 2ND STREET

ELAINE AVENUE

GRAPHIC SCALE  
NOT TO SCALE

Item 6.



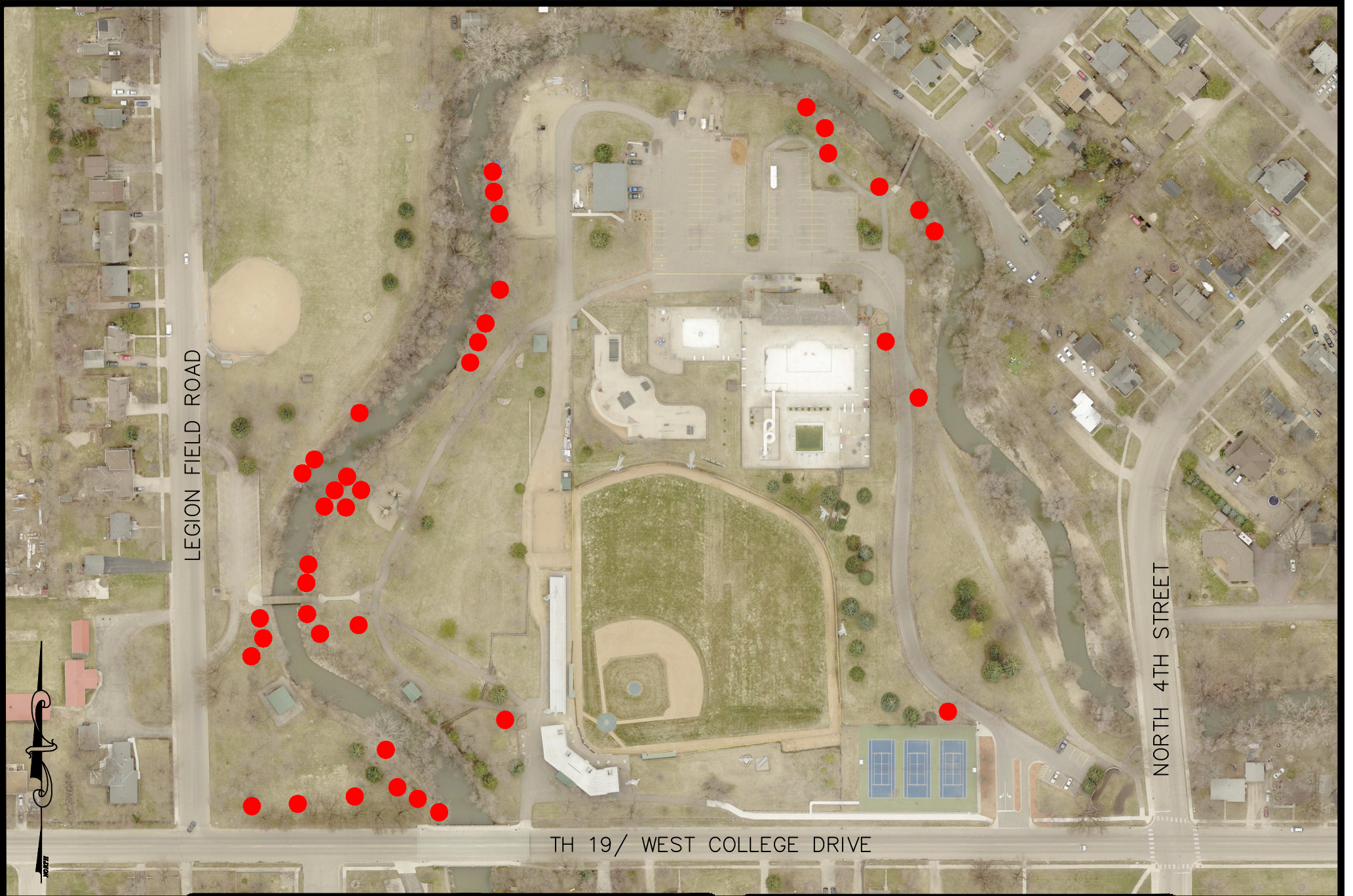
CITY ENGINEERS OFFICE  
344 WEST MAIN STREET  
MARSHALL, MINNESOTA  
56258

Tree Removal Plan

Freedom Park

DATE  
01/11/2022

SHEET NO Page 54  
2 OF 5



LEGION FIELD ROAD

NORTH 4TH STREET

TH 19/ WEST COLLEGE DRIVE



GRAPHIC SCALE  
NOT TO SCALE

Item 6.



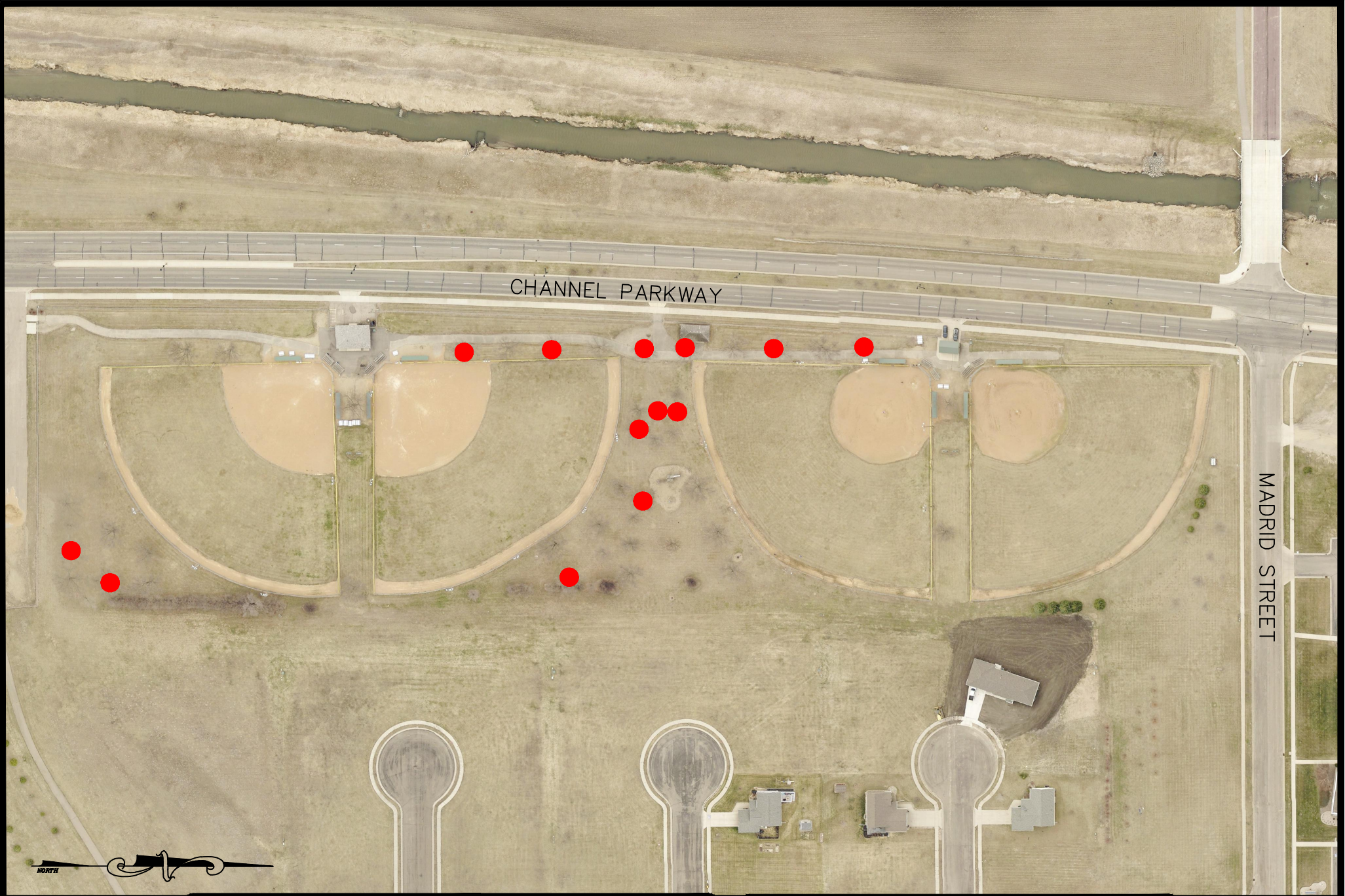
CITY ENGINEERS OFFICE  
344 WEST MAIN STREET  
MARSHALL, MINNESOTA  
56258

Tree Removal Plan

Legion Field Park

DATE  
01/11/2022

SHEET NO Page 55  
1 OF 5



CHANNEL PARKWAY

MADRID STREET



GRAPHIC SCALE  
NOT TO SCALE

Item 6.



CITY ENGINEERS OFFICE  
344 WEST MAIN STREET  
MARSHALL, MINNESOTA  
56258

Tree Removal Plan

Independence Park

DATE  
01/11/2022

SHEET NO Page 56  
5 OF 5





GRAPHIC SCALE  
NOT TO SCALE

Item 6.



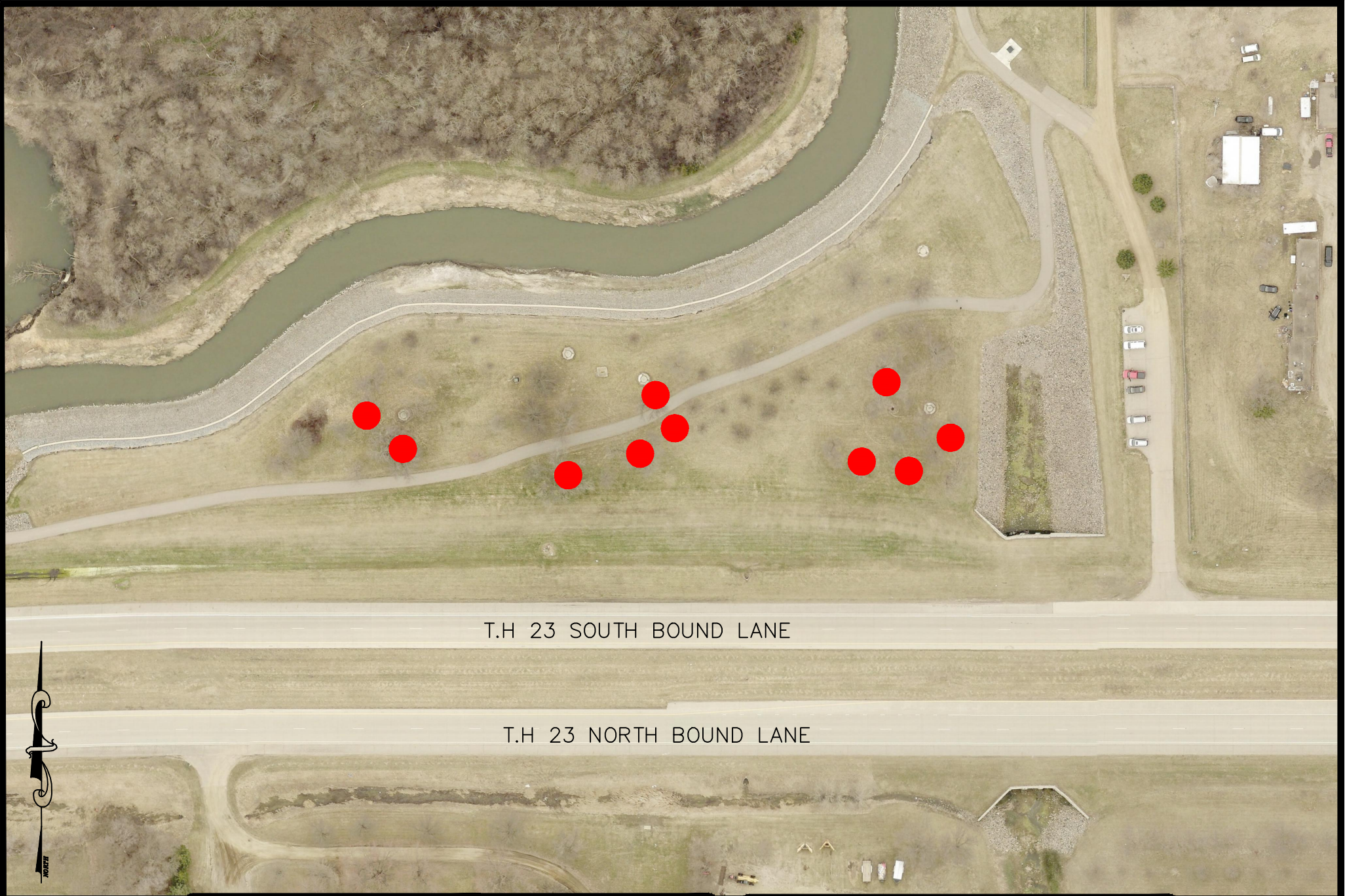
CITY ENGINEERS OFFICE  
344 WEST MAIN STREET  
MARSHALL, MINNESOTA  
56258

Tree Removal Plan

Independence Park

DATE  
01/11/2022

SHEET NO Page 57  
4 OF 5



T.H 23 SOUTH BOUND LANE

T.H 23 NORTH BOUND LANE

GRAPHIC SCALE  
NOT TO SCALE

Item 6.



CITY ENGINEERS OFFICE  
344 WEST MAIN STREET  
MARSHALL, MINNESOTA  
56258

Tree Removal Plan

Victory Park

DATE  
01/11/2022

SHEET NO Page 58  
3 OF 5



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Meeting Date:</b>	Tuesday, January 25, 2022
<b>Category:</b>	CONSENT AGENDA
<b>Type:</b>	ACTION
<b>Subject:</b>	Consider approval of a resolution to authorize the Finance Director to pay certain claims
<b>Background Information:</b>	Minnesota State Statute §412.271 Subd. 8 authorizes the council to delegate the authority to pay certain claims made against the city to a city administrative official. Minnesota State Statute §471.425 requires Minnesota cities to pay bills within 35 days from the “date of receipt”. With the council only meeting twice a month this deadline is not often met. To have the City operate more efficiently and ensure the 35-day requirement is met, delegating the authority to pay certain claims prior to council approval is recommended. This resolution will be renewed on an annual basis.
<b>Fiscal Impact:</b>	
<b>Alternative/ Variations:</b>	
<b>Recommendations:</b>	Approve the resolution authorizing the Finance Director to pay certain claims.

**RESOLUTION NUMBER 22-019**

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

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

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

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

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

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

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

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

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

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

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

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

Passed and adopted by the Council this 25<sup>th</sup> day of January 2022.

Attest:

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

\_\_\_\_\_  
Mayor

**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Meeting Date:</b>	Tuesday, January 25, 2022
<b>Category:</b>	CONSENT AGENDA
<b>Type:</b>	ACTION
<b>Subject:</b>	Consider Engagement Letter for Audit Services for 2021 Financial Statements
<b>Background Information:</b>	<p><u>Summary of Engagement Terms:</u>  <b>Level of Attest Service:</b> Audit in accordance with Governmental Auditing Standards (Governmental Yellow Book Audit) and Federal Single Audit</p> <p><b>Financial Statements:</b> Governmental activities, business-type activities, the discretely presented component units, each major fund, and the aggregate remaining fund information</p> <p><b>Financial Reporting Framework:</b> Accounting principles generally accepted in the United States of America</p> <p><b>Period:</b> As of and for the Year Ended December 31, 2021</p> <p><b>Required Supplementary Information:</b> Management's Discussion and Analysis (MD&amp;A), Schedule of Changes in Total OPEB Liability and Related Ratios, Schedule of City's and Non-employer's Proportionate Share of Net Pension Liability - Minnesota PERA Retirement Funds, Schedule of City Contributions - Minnesota PERA Plans</p> <p><u>Supplementary Information:</u></p> <ul style="list-style-type: none"> <li>• <b>Combining and Individual Fund Financial Statements and Schedules/Supplemental Schedules:</b> Opinion in relation to the financial statements as a whole</li> <li>• <b>Introductory Section and Statistical Section of the Comprehensive Annual Financial Report:</b> N/A</li> </ul> <p><b>Engagement Partner:</b> Nancy Schulzetenberg</p> <p><b>Fees:</b> We estimate our fees for services will be \$36,170 for the audit of the City's Basic Financial Statements, and the Single Audit if necessary.</p>
<b>Fiscal Impact:</b>	
<b>Alternative/Variations:</b>	
<b>Recommendations:</b>	Approve the Engagement Letter for BerganKDV to perform the audit services for the City of Marshall's 2021 Financial Statements and Single Audit.

Sent via electronic mail.

January 8, 2022

City of Marshall  
The Honorable Mayor and City Council  
Annette Storm  
344 W Main Street  
Marshall, MN 56258

Dear Honorable Mayor and City Council:

This letter is to confirm and summarize our understanding of the terms and objectives of our engagement and the nature and limitations of the services we will provide.

### Summary of Engagement Terms:

**Level of Attest Service:** Audit in accordance with *Government Auditing Standards* (Government Yellow Book Audit) and Federal Single Audit

**Financial Statements:** Governmental activities, business-type activities, the discretely presented component units, each major fund, and the aggregate remaining fund information

**Financial Reporting Framework:** Accounting principles generally accepted in the United States of America

**Period:** As of and for the Year Ended December 31, 2021

**Required Supplementary Information:** Management's Discussion and Analysis (MD&A), Schedule of Changes in Total OPEB Liability and Related Ratios, Schedule of City's and Non-employer's Proportionate Share of Net Pension Liability - Minnesota PERA Retirement Funds, Schedule of City Contributions - Minnesota PERA Plans

#### Supplementary Information:

- **Combining and Individual Fund Financial Statements and Schedules/Supplemental Schedules:** Opinion in relation to the financial statements as a whole
- **Introductory Section and Statistical Section of the Comprehensive Annual Financial Report:** N/A

**Attest Engagement Partner:** Nancy Schulzetenberg

**Fees:** We estimate our fees for services will be \$36,170 for the audit of the City's Basic Financial Statements, and the Single Audit if necessary.

**Non-attest Services:** N/A

We appreciate the opportunity to be of service to you and believe this letter and the attached **audit engagement agreement** accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter and as further detailed in the attached **audit engagement agreement**, please acknowledge your acceptance by signing and returning it to us.

I have read, and I agree to the summary of engagement terms listed above and the terms in the attached audit engagement agreement.

Sincerely,

*Nancy Schulzetenberg*

Nancy Schulzetenberg, Certified Public Accountant  
BerganKDV

Acknowledged by:

Title:

|



This agreement is to confirm our understanding of the terms and objectives of our engagement and the nature and limitations of the services we are to provide.

### AUDIT SCOPE AND OBJECTIVES

We will audit the financial statements as identified in the summary of engagement terms, including the related notes to the financial statements, which collectively comprise the basic financial statements of the governmental entity. Accounting standards generally accepted in the United States of America (GAAP) provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the governmental entity's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the governmental entity's RSI in accordance with auditing standards generally accepted in the United States of America (GAAS). These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The required RSI is identified in the summary of engagement terms and will be subjected to certain limited procedures but will not be audited.

We may also be engaged to report on supplementary information other than RSI, including the schedule of expenditures of federal awards, that accompanies the governmental entity's financial statements. If we opine on the supplementary information, accompanying the financial statements as identified in the summary of engagement terms, we will subject the supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with GAAS, and we will provide an opinion on it in relation to the financial statements as a whole.

If we do not provide an opinion or any assurance on the supplementary information other than RSI as identified in the summary of engagement terms, the other information accompanying the financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements and our auditor's report will not provide an opinion or any assurance on that other information. We will read the other supplementary information and consider whether a material inconsistency exists between the other supplementary information and the basic financial statements, or the other supplementary information otherwise appears to be materially misstated. If, based on the work performed, we conclude that an uncorrected material misstatement of the other supplementary information exists, we are required to describe it in our report.

The objectives of our audit are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and issue an auditor's report that includes our opinions about whether your financial statements are fairly presented, in all material respects, in conformity with the financial reporting framework identified in the summary of engagement terms and report on the fairness of the supplementary information for which we opine on as identified in the summary of engagement terms when considered in relation to the financial statements as a whole. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and *Government Auditing Standards* will always detect a material misstatement when it exists. Misstatements, including omissions, can arise from fraud or error and are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment of a reasonable user made based on the financial statements. The objectives also include reporting on:

- Internal control over financial reporting and compliance with provisions of laws, regulations, contracts, and award agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control over compliance related to major programs and an opinion (or disclaimer of opinion) on compliance with federal statutes, regulations, and the terms and conditions of federal awards that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and Title 2 U.S. Code of Federal Regulations (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance).

**AUDITOR'S RESPONSIBILITIES FOR THE AUDIT OF THE FINANCIAL STATEMENTS AND SINGLE AUDIT**

We will conduct our audit in accordance with GAAS; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of the Uniform Guidance, and will include tests of accounting records, a determination of major program(s) in accordance with Uniform Guidance, and other procedures we consider necessary to enable us to express such opinions. As part of an audit in accordance with GAAS and *Government Auditing Standards*, we exercise professional judgment and maintain professional skepticism throughout the audit.

We will evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management. We will also evaluate the overall presentation of the financial statements, including the disclosures, and determine whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government. Because the determination of waste and abuse is subjective, *Government Auditing Standards* do not expect auditors to perform specific procedures to detect waste or abuse in financial audits nor do they expect auditors to provide reasonable assurance of detecting waste or abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is an unavoidable risk that some material misstatements or noncompliance may not be detected by us, even though the audit is properly planned and performed in accordance with GAAS and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or on major programs. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. We will include such matters in the reports required for a single audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

We will also conclude, based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the government's ability to continue as a going concern for a reasonable period of time.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We may also request written representations from your attorneys as part of the engagement.

We have identified significant risk(s) of material misstatement as part of our audit planning, which are communicated to you in our required communications in the communications letter.

**THIRD-PARTY SERVICE PROVIDERS**

We may, from time to time and depending on the circumstances, use third-party service providers, some of whom may be in the cloud, in serving your account. We may share confidential information about you with these service providers but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality terms with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure appropriate confidentiality terms, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers. Although we will use our best efforts to make the sharing of your information with such third parties secure from unauthorized access, no completely secure system for electronic data transfer exists. As such, by your signature on this agreement, you understand that the firm makes no warranty, expressed or implied, on the security of electronic data transfers.

**AUDIT PROCEDURES – INTERNAL CONTROL**

We will obtain an understanding of the government and its environment, including internal control relevant to the audit, sufficient to identify and assess the risks of material misstatement of the financial statements, whether due to error or fraud, and to design and perform audit procedures responsive to those risks and obtain evidence that is sufficient and appropriate to provide a basis for our opinions. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentation, or the override of internal control. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by the Uniform Guidance, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to the Uniform Guidance.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. Accordingly, we will express no such opinion. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards, *Government Auditing Standards*, and the Uniform Guidance.

**AUDIT PROCEDURES – COMPLIANCE**

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the governmental entity's compliance with provisions of applicable laws, regulations, contracts, and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance, and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

The Uniform Guidance requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with federal statutes, regulations, and the terms and conditions of federal awards applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the OMB Compliance Supplement for the types of compliance requirements that could have a direct and material effect on each of the governmental entity's major programs. For federal programs that are included in the Compliance Supplement, our compliance and internal control procedures will relate to the compliance requirements that the Compliance Supplement identifies as being subject to audit. The purpose of these procedures will be to express an opinion on the governmental entity's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to the Uniform Guidance.

**OTHER SERVICES**

We will also assist in preparing the financial statements, schedule of expenditures of federal awards, and related notes of the governmental entity in conformity with the financial reporting framework identified in the summary of engagement terms and the Uniform Guidance based on information provided by you. These non-attest services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*.

We may provide other non-attest services, as identified in the summary of engagement terms. These services may not be fully covered under this engagement agreement and may be billed separately under other agreements with you.

We will perform the services in accordance with applicable professional standards. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

**RESPONSIBILITIES OF MANAGEMENT FOR THE FINANCIAL STATEMENTS AND SINGLE AUDIT**

Our audit will be conducted on the basis that you acknowledge and understand your responsibility for (1) designing, implementing, establishing, and maintaining effective internal controls relevant to the preparation and fair presentation of

financial statements that are free from material misstatement, whether due to fraud or error, including internal controls over federal awards, and for evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met; (2) following laws and regulations; (3) ensuring that there is reasonable assurance that government programs are administered in compliance with compliance requirements; and (4) ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles; for the preparation and fair presentation of the financial statements, schedule of expenditures of federal awards, and all accompanying information in conformity with the financial reporting framework identified in the summary of engagement terms and for compliance with applicable laws and regulations (including federal statutes) and the provisions of contracts and grant agreements (including award agreements). Your responsibilities also include identifying significant contractor relationships in which the contractor has responsibility for program compliance and for the accuracy and completeness of that information.

You are also responsible for making drafts of financial statements, schedule of expenditures of federal awards, all financial records and related information available to us and for the accuracy and completeness of that information (including information from outside of the general and subsidiary ledgers). You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, such as records, documentation, identification of all related parties and all related-party relationships and transactions, and other matters; (2) access to personnel, accounts, books, records, supporting documentation, and other information as needed to perform an audit under the Uniform Guidance; (3) additional information that we may request for the purpose of the audit; and (4) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence. At the conclusion of our audit, we will require certain written representations from you about the financial statements; schedule of expenditures of federal awards; federal award programs; compliance with laws, regulations, contracts, and grant agreements; and related matters.

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements of each opinion unit taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws, regulations, contracts, agreements, and grants. You are also responsible for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts, and grant agreements, that we report. Additionally, as required by the Uniform Guidance, it is management's responsibility to evaluate and monitor noncompliance with federal statutes, regulations, and the terms and conditions of federal awards; take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings; promptly follow up and take corrective action on reported audit findings; and prepare a summary schedule of prior audit findings and a separate corrective action plan. The summary schedule of prior audit findings should be available for our review during our fieldwork.

You are responsible for identifying all federal awards received and understanding and complying with the compliance requirements and for the preparation of the schedule of expenditures of federal awards (including notes and noncash assistance received, and COVID-19-related concepts, such as lost revenues, if applicable) in conformity with the Uniform Guidance. You agree to include our report on the schedule of expenditures of federal awards in any document that contains and indicates that we have reported on the schedule of expenditures of federal awards. You also agree to include the audited financial statements with any presentation of the schedule of expenditures of federal awards that includes our report thereon or make the audited financial statements readily available to intended users of the schedule of expenditures of federal awards no later than the date the schedule of expenditures of federal awards is issued with our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the schedule of expenditures of federal awards in accordance with the Uniform Guidance; (2) you believe the schedule of expenditures of federal awards, including its form and content, is stated fairly in accordance with the Uniform Guidance; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the schedule of expenditures of federal awards.

You are also responsible for the preparation of the other supplementary information, which we have been engaged to report on, in conformity with the financial reporting framework identified in the summary of engagement terms. You agree to include our report on the supplementary information in any document that contains, and indicates that we have reported on, the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon or make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with the financial reporting framework identified in the summary of engagement terms; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with the financial reporting framework identified in the summary of engagement terms; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing report copies of previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the Audit Scope and Objectives section of this agreement. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

You agree to assume all management responsibilities for the non-attest services, as identified in the summary of engagement terms, financial statements, schedule of expenditures of federal awards, and related notes, and any other non-attest services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements, the schedule of expenditures of federal awards, and related notes and that you have evaluated the adequacy of our services and have reviewed and approved the results of the services, the financial statements, the schedule of expenditures of federal awards, and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the non-attest services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

### REPORTING

We will issue written reports upon completion of our Single Audit. Circumstances may arise in which our report may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstances, it may be necessary for us to modify our opinions, add a separate section, or add an emphasis-of-matter or other-matter paragraph to our auditor's report, or if necessary, withdraw from this engagement. If our opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue reports, or we may withdraw from this engagement.

The *Government Auditing Standards* report on internal control over financial reporting and on compliance and other matters will state that (1) the purpose of the report is solely to describe the scope of testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance, and (2) the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. The Uniform Guidance report on internal control over compliance will state that the purpose of the report on internal control over compliance is solely to describe the scope of testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Both reports will state that the report is not suitable for any other purpose.

### ENGAGEMENT ADMINISTRATION, FEES, AND OTHER

We understand that your employees will prepare all cash, accounts receivable, and other confirmations we request and will locate any documents selected by us for testing.

At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form that summarizes our audit findings. It is management's responsibility to electronically submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditors' reports, and corrective action plan) along with the Data Collection Form to the federal audit clearinghouse. We will coordinate with you the

## AUDIT ENGAGEMENT AGREEMENT | GOVERNMENTAL WITH FEDERAL SINGLE AUDIT

electronic submission and certification. The Data Collection Form and the reporting package must be submitted within the earlier of 30 calendar days after receipt of the auditors' reports or nine months after the end of the audit period.

We will provide copies of our reports to the governmental entity; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of BergankDV and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to oversight, regulatory, state agencies or their designees pursuant to authority given to them by law or regulation, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of BergankDV personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the oversight, regulatory or state agencies. If we are aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the parties contesting the audit finding for guidance prior to destroying the audit documentation.

The attest engagement partner, as identified in the summary of engagement terms, is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them.

Our fees for these services are detailed in the summary of engagement terms. The fee estimate is based on anticipated cooperation from your personnel, the assumption that all requested information will be provided timely and accurately, and we will not encounter any significant or unusual circumstances which will affect the scope of our engagement, including unforeseen changes in operations or federal awards, or disruptions in providing our services. If significant additional time is necessary, we will keep you informed of any problems we encounter, and our fees will be adjusted accordingly. Additional time incurred for assistance with implementation of new accounting standards (ASU) will be billed separately and will be based in part upon the amount of time required at our standard billing rates, plus out-of-pocket expenses.

Our invoices for these services will be billed with up to a 50% advance retainer due when work commences, and the remaining amounts rendered as work progresses. All invoices are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes 60 days or more overdue and will not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our reports. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket expenses through the date of termination. A service charge of 1% per month, which is an annual rate of 12%, will be added to all accounts unpaid 30 days after billing date. If collection action is necessary, expenses and reasonable attorney's fees will be added to the amount due.

Should any litigation or adverse action (such as audits by outside organizations and/or threatened litigation, etc.), by third parties arise against the governmental entity or its officers subsequent to this engagement, which results in the subpoena of documents from our firm and/or requires additional assistance from us to provide information, depositions or testimony, the governmental entity hereby agrees to compensate our firm (at our standard hourly rates then in effect) for additional time charges and other costs (copies, travel, etc.), and to indemnify us for any attorney's fees we may incur.

You may request that we perform additional services not contemplated by this engagement agreement or summary of engagement terms. If this occurs, we will communicate with you regarding the scope of the additional services and the estimated fee. We also may issue a separate engagement agreement and summary of engagement terms covering the additional services. In the absence of any other written communication from us documenting such additional services, our services will continue to be governed by the terms of this engagement agreement and summary of engagement terms.

During the course of our engagement, we may accumulate records containing data which should be reflected in your books and records. You will determine that all such data will be so reflected. Accordingly, you understand that our firm does not accept responsibility for hosting client information; therefore, you have the sole responsibility for ensuring you retain and maintain in your possession all your financial and non-financial information, data and records.

This engagement agreement and summary of engagement terms includes your authorization for us to supply you with electronically formatted financial statements or drafts of financial statements, financially sensitive information, spreadsheets, trial balances or other financial data from our files, upon your request.

If you intend to publish or otherwise reproduce the financial statements and make reference to our Firm name, you agree to provide us with printers' proofs or masters for our review and approval before printing. You also agree to provide us with a copy of the final reproduced material for our approval before it is distributed. Additionally, if you include our report or a reference to our Firm name in an electronic format, you agree to provide the complete electronic communication using or referring to our name to us for our review and approval prior to distribution.

During the course of our engagement, we will request information and explanations from management regarding the entity's operations, internal controls, future plans, specific transactions, and accounting systems and procedures. At the conclusion of our engagement, we will require, as a precondition to the issuance of our report, that management provide certain representations in a written representation letter. The procedures we will perform in our engagement and the conclusions we reach as a basis for our report will be heavily influenced by the written and oral representations that we receive from management. Accordingly, false representations could cause us to expend unnecessary efforts or could cause a material error or a fraud to go undetected by our procedures. In view of the foregoing, you agree that we shall not be responsible for any misstatements in the entity's financial statements that we may fail to detect as a result of false or misleading representations that are made to us by management.

Any disputes between us that arise under this agreement, or for a breach of this agreement, or that arise out of any other services performed by us for you, must be submitted to nonbinding mediation before either of us can start a lawsuit against the other. To conduct mediation, each of us shall designate a representative with authority to fully resolve any and all disputes, and those representatives shall meet and attempt to negotiate a resolution of the dispute. If that effort fails, then a competent and impartial third party acceptable to each side shall be appointed to hold and conduct a nonbinding mediation proceeding. You and we will equally share in the expenses of the mediator and each of us will pay for our own attorneys' fees, if any. No lawsuit or legal process shall be commenced until at least 60 days after the mediator's first meeting with the parties.

The nature of our engagement makes it inherently difficult, with the passage of time, to present evidence in a lawsuit that fully and fairly establishes the facts underlying any dispute that may arise between us. We both agree that notwithstanding any statute of limitation that might otherwise apply to a claim or dispute, including one arising out of this agreement or the services performed under this agreement, or for breach of contract, fraud or misrepresentation, a lawsuit must be commenced within 24 months after the date of our report. This 24-month period applies and starts to run on the date of each report, even if we continue to perform services in later periods and even if you or we have not become aware of the existence of a claim or the basis for a possible claim. In the event that a claim or dispute is not asserted at least 60 days before the expiration of this 24-month period, then the period of limitation shall be extended by 60 days, to allow the parties to conduct nonbinding mediation.

Our role is strictly limited to the engagement described in this agreement and summary of engagement terms, and we offer no assurance as to the results or ultimate outcomes of this engagement or of any decisions that you may make based upon our communications with, or our reports to you. Your entity will be solely responsible for making all decisions concerning the contents of our communications and reports, for the adoption of any plans and for implementing any plans you may develop, including any that we may discuss with you.

### LIMITATION OF LIABILITY

You agree that it is appropriate to limit the liability of BerganKDV, its shareholders, directors, officers, employees and agents to the fullest extent permitted by applicable law.

You further agree that you will not hold us liable for any claim, cost or damage, whether based on warranty, tort, contract or other law, arising from or related to this agreement, the services provided under this agreement, the work product, or for any plans, actions or results of this engagement, except to the extent authorized by this agreement. In no event shall we be liable to you for any indirect, special, incidental, consequential, punitive or exemplary damages, or for loss of profits or loss of goodwill, costs or attorney's fees. Because of the importance of oral and written management representations to the effective performance of our services, you agree to hold us harmless and to release, indemnify, and defend us from any liability or costs, including attorney's fees, resulting from management's knowing misrepresentations to us.

The exclusive remedy available to you shall be the right to pursue claims for actual damages that are directly caused by acts or omissions that are breaches by us of our duties under this agreement.

**SEVERABILITY**

If any portion of this engagement agreement and summary of engagement terms is held to be void, invalid, or otherwise unenforceable in whole or in part, for any reason whatsoever, such portion of this engagement agreement and summary of engagement terms shall be amended to the minimum extent required to make the provision enforceable and the remaining portions of the engagement agreement and summary of engagement terms shall remain in full force and effect.

**POWER AND AUTHORITY**

Each of the parties hereto has all requisite power and authority to execute and deliver this engagement agreement and summary of engagement terms and to carry out and perform its respective obligations hereunder. This agreement constitutes the legal, valid and binding obligations of each party, enforceable against such party in accordance with its terms.

**PEER REVIEW REPORT**

*Government Auditing Standards* require that we provide you with a copy of our most recent external peer review report and any letter of comment, and any subsequent peer review reports and letters of comment received during the period of contract. Our peer review report can be downloaded from our website at [www.BerganKDV.com](http://www.BerganKDV.com) or will be provided in alternate formats upon request.



<b>Meeting Date:</b>	Tuesday, January 25, 2022
<b>Category:</b>	CONSENT AGENDA
<b>Type:</b>	ACTION
<b>Subject:</b>	Call for Public Hearing on the Establishment of TIF District 15-1
<b>Background Information:</b>	<p><b>Project Details</b>  CBC Fischer Group has proposed a three-phase in-fill development on Block 11 located in Downtown Marshall. The project phases are as follows:  Phase 1: Three-story building with 33 one-bedroom units and six two-bedroom units (Corner of Lyon St and 1<sup>st</sup> St)  Phase 2: Three-story building with 18 one-bedroom units and four two-bedroom units plus 4,420 sq ft of first floor commercial. (Corner of 1<sup>st</sup> and Main St)  Phase 3: Three-story building with 18 one-bedroom units and four two-bedroom units plus 4,420 sq ft of first floor commercial. (Corner of College and Main St)</p> <p>The project includes 83 parking units with anticipated additional on-street parking on Lyon Street.</p> <p>According to our recent Housing Study, Marshall has a need for 124 new market rate apartment units. In addition, there is a need for 665 general occupancy housing units within the City.</p> <p>The additional commercial space would also be beneficial to the Downtown District as vacancy rates are low and interest has been shown for retail and office space in the district.</p> <p><b>TIF Background</b>  The City of Marshall is considering the establishment of a Tax Increment Financing (TIF) Redevelopment District to assist with financing a portion of the costs associated with construction of a three-phase housing and mixed-use commercial development on Block 11. TIF districts are used to fund the revitalization of deteriorating or distressed areas.</p> <p>"Redevelopment district" means a type of tax increment financing district consisting of a project, or portions of a project, within which the authority finds by resolution that one or more of the following conditions, reasonably distributed throughout the district, exists:</p> <ol style="list-style-type: none"> <li>a. parcels consisting of 70 percent of the area of the district are occupied by buildings, streets, utilities, paved or gravel parking lots, or other similar structures and more than 50 percent of the buildings, not including outbuildings, are structurally substandard to a degree requiring substantial renovation or clearance;</li> <li>b. the property consists of vacant, unused, underused, inappropriately used, or infrequently used rail yards, rail storage facilities, or excessive or vacated railroad rights-of-way;</li> <li>c. tank facilities, or property whose immediately previous use was for tank facilities, as defined in section <a href="#">115C.02, subdivision 15</a>,</li> <li>d. a qualifying disaster area, as defined in subdivision 10b.</li> </ol>

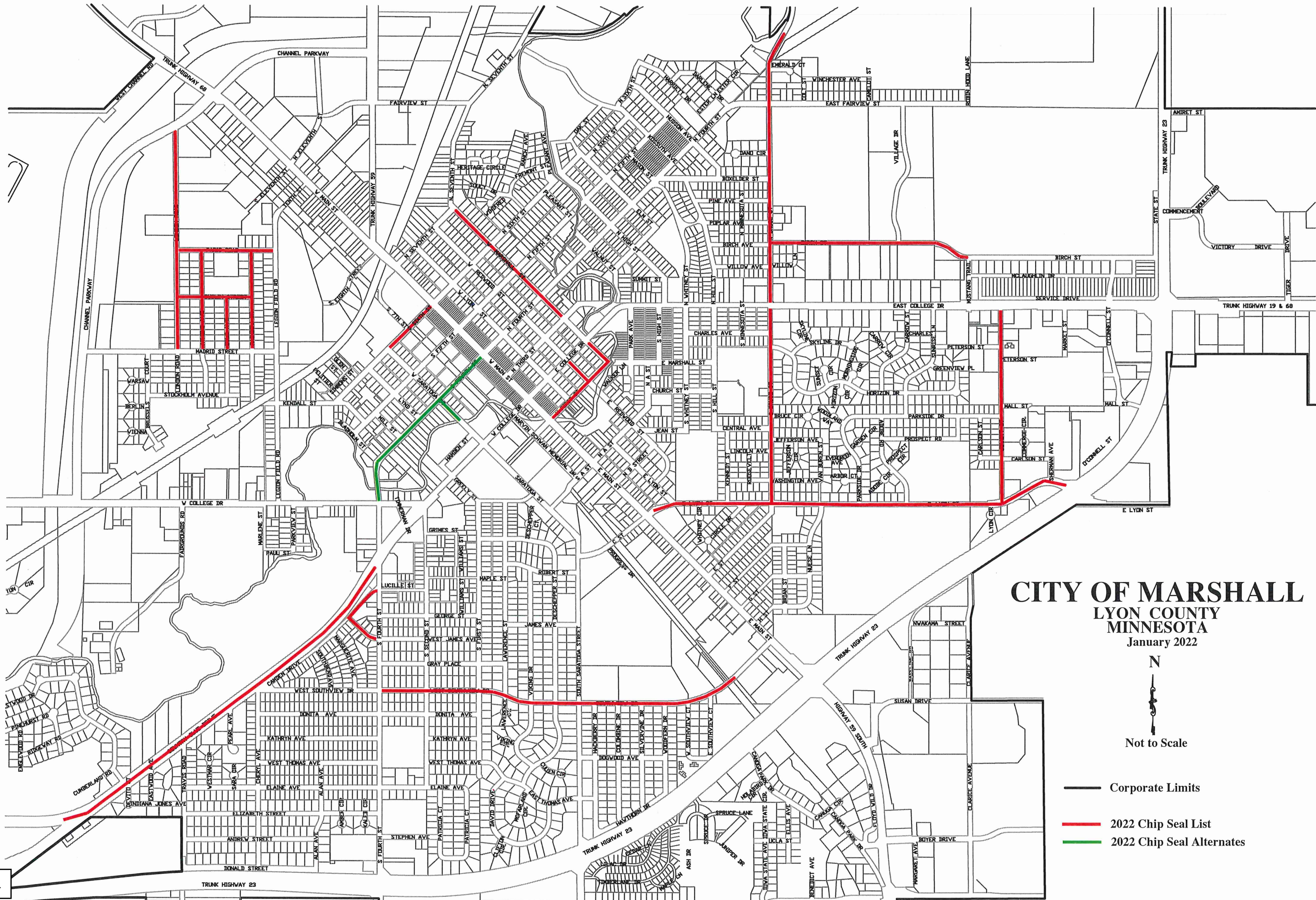
	<p>The City anticipates using tax increment revenue to finance eligible costs associated with redevelopment of the site including acquisition, site improvements, parking improvements (public and private), and public improvements, as well as related administrative expenses. Tax increment from a redevelopment TIF cannot be used to construct buildings.</p> <p>Construction of Phase I is expected to start Spring of 2022. Phase I will include 33 one-bedroom apartments and 6 two-bedroom apartments.</p>
<b>Fiscal Impact:</b>	-
<b>Alternative/ Variations:</b>	-
<b>Recommendations:</b>	Call for Public Hearing on the Establishment of TIF District 15-1

**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Meeting Date:</b>	Tuesday, January 25, 2022																																																										
<b>Category:</b>	CONSENT AGENDA																																																										
<b>Type:</b>	ACTION																																																										
<b>Subject:</b>	Project ST-001-2022: Chip Sealing on Various City Streets – Consider Authorization to Advertise for Bids.																																																										
<b>Background Information:</b>	<p>City staff has completed plans and specifications for our yearly city street sealcoating project. Attached is map that identifies each street that is proposed for the 2022 project. The table below shows the street segments.</p> <table border="1" data-bbox="483 619 1479 1591"> <thead> <tr> <th>Proposed Streets</th> <th>From-To</th> </tr> </thead> <tbody> <tr><td>Paris Road</td><td>Legion Field Road to London Road</td></tr> <tr><td>London Road</td><td>Channel Parkway to Madrid Street</td></tr> <tr><td>Athens Avenue</td><td>Madrid Street to Paris Road</td></tr> <tr><td>Oslo Avenue</td><td>Madrid Street to Dublin Street</td></tr> <tr><td>Rainbow Drive</td><td>Madrid Street to Paris Road</td></tr> <tr><td>Dublin Street</td><td>Rainbow Drive to London Road</td></tr> <tr><td>Genesis Avenue</td><td>Saratoga Street to Scott Street</td></tr> <tr><td>West Marshall Street</td><td>3<sup>rd</sup> Street to 7<sup>th</sup> Street</td></tr> <tr><td>North 1st Street</td><td>Main Street to Marshall Street</td></tr> <tr><td>Marshall Street</td><td>1st Street to E. College Drive</td></tr> <tr><td>Redwood Street</td><td>1st Street to E. College Drive</td></tr> <tr><td>James Street</td><td>S. 4th Street to Camden Drive</td></tr> <tr><td>Camden Drive</td><td>S. 4th Street to James Avenue</td></tr> <tr><td>South Bruce Street</td><td>E. College Drive to E. Lyon Street</td></tr> <tr><td>South 6th Street</td><td>W. Main Street to Saratoga Street</td></tr> <tr><td>East Lyon Street</td><td>E. Main Street to T.H. 23</td></tr> <tr><td>Southview Drive</td><td>S. 4th Street to Overlay by Hy-Vee Driveway</td></tr> <tr><td>Birch Street</td><td>N. Bruce Street to Mustang Trail</td></tr> <tr><td>North Bruce Street</td><td>E.College Drive to 636' North of Emerald CT</td></tr> <tr><td>Country Club Drive</td><td>S. 4th Street to 316' W. of Westwood Drive</td></tr> <tr><td>Jewett Street</td><td>E. College Drive to E. Lyon Street</td></tr> <tr><td></td><td></td></tr> <tr> <th>Alternate Streets</th> <th>From-To</th> </tr> <tr><td>South 4th Street</td><td>W.Main Street to W.College Drive</td></tr> <tr><td>West Saratoga Street</td><td>S. 4th Street to Bridge</td></tr> <tr><td></td><td></td></tr> <tr><td></td><td></td></tr> <tr><td></td><td></td></tr> </tbody> </table> <p>This memo is intended to introduce the project and authorize staff to advertise for bids. Staff is proposing a February 16, 2022 bid opening date, and staff will bring an award recommendation to Council at the February 22, 2022 meeting.</p>	Proposed Streets	From-To	Paris Road	Legion Field Road to London Road	London Road	Channel Parkway to Madrid Street	Athens Avenue	Madrid Street to Paris Road	Oslo Avenue	Madrid Street to Dublin Street	Rainbow Drive	Madrid Street to Paris Road	Dublin Street	Rainbow Drive to London Road	Genesis Avenue	Saratoga Street to Scott Street	West Marshall Street	3 <sup>rd</sup> Street to 7 <sup>th</sup> Street	North 1st Street	Main Street to Marshall Street	Marshall Street	1st Street to E. College Drive	Redwood Street	1st Street to E. College Drive	James Street	S. 4th Street to Camden Drive	Camden Drive	S. 4th Street to James Avenue	South Bruce Street	E. College Drive to E. Lyon Street	South 6th Street	W. Main Street to Saratoga Street	East Lyon Street	E. Main Street to T.H. 23	Southview Drive	S. 4th Street to Overlay by Hy-Vee Driveway	Birch Street	N. Bruce Street to Mustang Trail	North Bruce Street	E.College Drive to 636' North of Emerald CT	Country Club Drive	S. 4th Street to 316' W. of Westwood Drive	Jewett Street	E. College Drive to E. Lyon Street			Alternate Streets	From-To	South 4th Street	W.Main Street to W.College Drive	West Saratoga Street	S. 4th Street to Bridge						
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Alternate Streets	From-To																																																										
South 4th Street	W.Main Street to W.College Drive																																																										
West Saratoga Street	S. 4th Street to Bridge																																																										
<b>Fiscal Impact:</b>	Current project estimate is \$188,717 for proposed streets, plus \$12,649 for alternate streets, for a total of \$201,366. The 2022 budget for this project is \$210,581. This budget includes \$160,000.00 in line item 101-43300-53425, \$28,298 in MSAS funds, and \$22,283 received from penalties assessed on last year's Z88 MSAS Overlay project.																																																										
<b>Alternative/ Variations:</b>	No alternative actions recommended.																																																										

**Recommendation:**

that the Council authorize advertisement for bids for Project ST-001-2022: Chip Sealing on Various City Streets.



**CITY OF MARSHALL**  
 LYON COUNTY  
 MINNESOTA  
 January 2022



Not to Scale

- Corporate Limits
- 2022 Chip Seal List
- 2022 Chip Seal Alternates

<b>Meeting Date:</b>	Tuesday, January 25, 2022
<b>Category:</b>	CONSENT AGENDA
<b>Type:</b>	ACTION
<b>Subject:</b>	Wastewater Treatment Facilities Improvement Project – Consider Payment of Invoice 0281969 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 0281969 to Bolton &amp; Menk, Inc., of Mankato, Minnesota, in the amount of \$5,617.50</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>
<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 0281969 to Bolton & Menk, Inc., of Mankato, Minnesota, in the amount of \$5,617.50.



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  
 To Ensure Proper Credit, Provide Invoice Numbers with Payment

City of Marshall  
 Wastewater Treatment Facility  
 Bob Van Moer, Wastewater Superintendent  
 600 Erie Street  
 Marshall, MN 56258

December 28, 2021  
 Project No: T22.115360  
 Invoice No: 0281969  
 Client Account: MARS

**Marshall/WWTF Improvements**

Marshall WWTF Improvement

Professional Services per Agreement from November 13, 2021 through December 10, 2021:

Construction Services (004)

**Professional Services**

	Hours	Amount	
Project Management			
Principal	2.50	537.50	
Meetings/Hearing/Presentation			
Principal	16.00	3,040.00	
Design/Plan/Report Review			
Senior Principal	2.00	550.00	
Word Processing/Data Entry			
Administrative	1.00	110.00	
Contract Admin/Construction Engineering			
Design Engineer	5.00	925.00	
Grant/Funding Application			
Specialist	3.50	455.00	
	Totals	30.00	5,617.50
	<b>Total Labor</b>		<b>5,617.50</b>

**Billing Limits**

	Current	Prior	To-Date
Total Billings	5,617.50	704,306.98	709,924.48
Limit			900,000.00
Remaining			190,075.52

**Total this Task \$5,617.50**

**Total this Invoice \$5,617.50**

ENDOR # 0724  
 INVOICE # 0281969  
 \$ AMOUNT 5,617.50  
 DATE 1-10-22  
 ACCT & PROJ # 602-49500-55120/W13  
 DESCRIPTION WWTF Improvements  
 SIGNATURE Scott [Signature]



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Meeting Date:</b>	Tuesday, January 25, 2022
<b>Category:</b>	CONSENT AGENDA
<b>Type:</b>	ACTION
<b>Subject:</b>	Consider Purchase of GPS receiver for Engineering Department.
<b>Background Information:</b>	Attached is a quote for replacement GPS for the Engineering Department.  The GPS receiver and controller is the most critical piece of equipment in the Engineering Department. The GPS units are used to survey and stake for our construction projects and are used on a daily basis during fair weather.
<b>Fiscal Impact:</b>	The 2022 budget included \$25,000 for the purchase of this unit funded from Account #401-43100-55140 (Capital Equipment Fund-Machinery & Equipment).
<b>Alternative/ Variations:</b>	No alternative actions recommended.
<b>Recommendation:</b>	that the Council authorize the purchase of a replacement GPS receiver for the Engineering Department per the attached quote from Frontier Precision, Inc. of Waite Park, Minnesota, in the amount of \$24,689.70.





446 Great Oak Drive  
 Waite Park, MN 56387  
 320-654-6511  
 www.frontierprecision.com

**Quote 57772**  
 Date: Jan 10, 2022 03:30 PM  
 By: Weston Schneider  
[westons@frontierprecision.com](mailto:westons@frontierprecision.com)  
 Minnesota State Contract 171661

**BILL TO:**

City of Marshall  
 Jessie Dehn  
 344 West Main Street  
 Marshall, MN 56258  
 United States  
[jessie.dehn@ci.marshall.mn.us](mailto:jessie.dehn@ci.marshall.mn.us)  
[507-537-6774](tel:507-537-6774)

**SHIP TO:**

City of Marshall  
 Jessie Dehn  
 344 West Main Street  
 Marshall, MN 56258  
 United States  
[jessie.dehn@ci.marshall.mn.us](mailto:jessie.dehn@ci.marshall.mn.us)  
[507-537-6774](tel:507-537-6774)

Product Details	Qty	Price	Total
<b>R12I-101-60-01</b> Trimble R12i, Model 60, ROW	1	\$ 26,455.50	\$ 26,455.50
<b>R12I-CFG-001-40</b> Trimble R12i Configuration Level - R12i Base and Rover Mode Part of R12i Bundle	1	\$ 0.00	\$ 0.00
<b>101070-00-01</b> Trimble Geospatial Accessory - Dual Battery Charger with Power Supply and Power Cord (North America)	1	\$ 567.00	\$ 567.00
<b>89840-00</b> Trimble R10 Accessory - Rechargeable Battery (7.4V, 3700 mAh, 27.3 Wh)	2	\$ 183.60	\$ 367.20
<b>FPI-TRAINING-SURVEY</b> Onsite training or new product installation and training - Daily rate. Setup existing equipment on VRS network. Three Rovers	1	\$ 1,800.00	\$ 1,800.00
<b>FPI-R10-1</b> Trade-in R10-1 - Serial Number Required	1	\$ -4,500.00	\$ -4,500.00

Sub Total: **\$ 24,689.70**

Discount: **\$ 0.00**

Tax: **\$ 0.00**

Shipping: **\$ 0.00**

**Grand Total: \$ 24,689.70**

{{Signature\*}}

{{Signdate\*}}

{{Fullname\*}}

**Valid Until: Feb 10, 2022**

**Special Notes**

Shipping, handling, and applicable sales tax will be added to invoice.

**Terms and Conditions**

All invoices are in U.S. Dollars. Prices are good for 30 days.

Payment terms are net 30 days upon approved credit. We also accept VISA, MasterCard and American Express. Returns- A standard restocking fee of 20% will be charged for any returned equipment.

Shipping and handling charges are prepaid and added to invoice. Shipment will be made by UPS Ground unless otherwise specified, FOB Shipping Point.

<b>Meeting Date:</b>	Tuesday, January 25, 2022
<b>Category:</b>	CONSENT AGENDA
<b>Type:</b>	ACTION
<b>Subject:</b>	Project ST-006: SRTS School Pedestrian Crossing Improvements Project – Grant of Temporary Construction Easement.
<b>Background Information:</b>	Attached is a Grant of Temporary Construction Easement required for the above-referenced project between the City and Grace Life Church. The location of the easement is shown in Exhibit A. The easement is necessary for the construction of the new ADA-compliant pedestrian ramp adjacent to E. College Drive.
<b>Fiscal Impact:</b>	None.
<b>Alternative/ Variations:</b>	No alternative actions recommended.
<b>Recommendation:</b>	that the Council authorize the execution of the attached Grant of Temporary Construction Easement between the City of Marshall and Grace Life Church.

(Top three inches reserved for recording data)

**TEMPORARY CONSTRUCTION EASEMENT**

THIS EASEMENT AGREEMENT made and entered into this 19 day of January, <sup>2022</sup>~~2021~~, by and between Grace Life Church, a non-profit corporation under the laws of the State of Minnesota, (hereinafter referred to as "Owner"), and the City of Marshall, a Minnesota municipal corporation under the laws of the State of Minnesota; and

WHEREAS, the City of Marshall desires to acquire a temporary construction easement over said land as described in Exhibit A and shown on Exhibit B for the purposes of the construction and installation of sidewalk; and

WHEREAS, Owner of said land described in Exhibit A is hereby willing and able to grant said temporary construction easement as requested.

THEREFORE, in consideration of sum of \$1.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. Owner hereby grants to the City of Marshall, for public purposes, a temporary construction easement over and upon the property described in Exhibit A and as shown on the map in Exhibit B.
2. The City of Marshall will be responsible for returning said property to similar conditions as found prior to the construction of said sidewalk, less any required tree removal.
3. Said temporary construction easement will be in effect until the completion of said sidewalk or December 1, 2023, whichever comes first.

**[The rest of this page is left blank intentionally.]**


  
Grace Life Church

By: Doug Wing

Its: President

STATE OF MINNESOTA    )  
  ) ss.  
COUNTY OF LYON        )

The foregoing instrument was acknowledged before me this 19 day of January, 2022 by Doug Wing, the President of Grace Life Church, a nonprofit corporation under the laws of the State of Minnesota, Grantors, on behalf of the nonprofit corporation.

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)  
 AMY JO ROBINSON  
Notary Public  
State of Minnesota  
My Commission Expires  
January 31, 2024

  
\_\_\_\_\_  
Notary Public

[The rest of this page is left blank intentionally.]

CITY OF MARSHALL hereby consents and agrees to be bound by the terms of the grant of this Temporary Construction Easement.

CITY OF MARSHALL

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

STATE OF MINNESOTA    )  
                                  ) ss.  
COUNTY OF LYON        )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by Robert J. Byrnes, the Mayor of The City of Marshall, a municipal corporation under the laws of State of Minnesota, on behalf of the corporation.

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

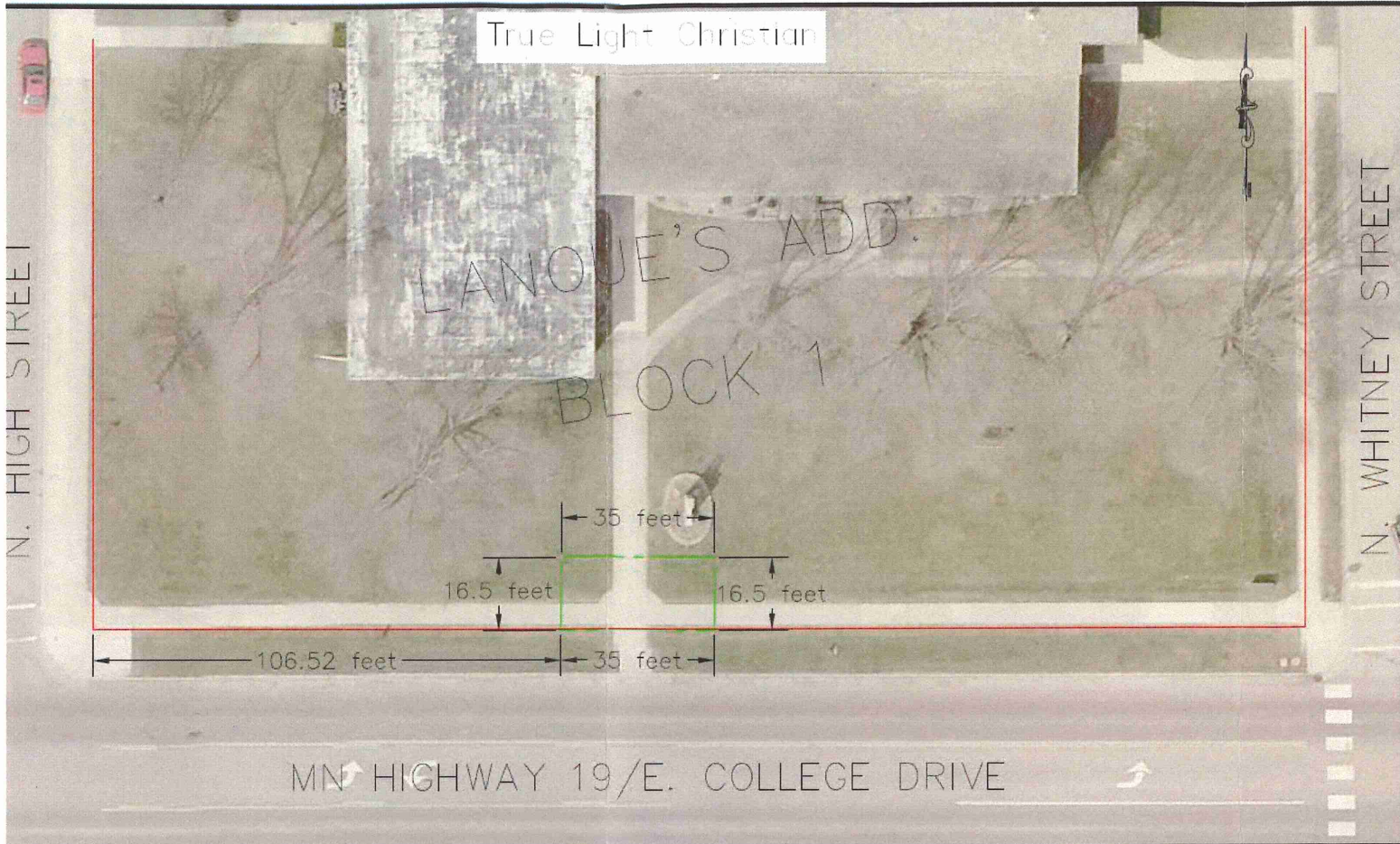
\_\_\_\_\_  
Notary Public

THIS INSTRUMENT WAS DRAFTED BY:  
QUARNSTROM & DOERING, P.A.  
By: Dennis H. Simpson, Marshall City Attorney  
109 South Fourth Street  
Marshall, MN 56258  
(507) 537-1441


## EXHIBIT A

All that part of Block 1, Lanoue's Addition, City of Marshall, County of Lyon, State of Minnesota; as filed and recorded in the office of the County Recorder in and for Lyon County, Minnesota, described as follows:

Commencing at the south-westerly corner of said Block 1; thence due east, bearing based on Lyon County Coordinate System (1996 Adj.), along the southerly line of said Block 1, a distance of 106.52 feet to the point of beginning; thence due east a distance of 35 feet; thence due north a distance of 16.5 feet; thence due west a distance of 35 feet; thence due south a distance of 16.5 feet, to the point of beginning.



5

No. J.L.D. J.L.D. Date Scale: 1" = 20'	<table border="1"> <thead> <tr> <th>DATE</th> <th>REVISIONS</th> <th>INT.</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	DATE	REVISIONS	INT.													 <p><b>MARSHALL</b>          ENGINEERING DEPARTMENT          344 WEST MAIN STREET          MARSHALL, MINNESOTA          56258</p>	PEDESTRIAN CROSSING IMPROVEMENTS  TEMPORARY CONSTRUCTION EASEMENT	<p>I HEREBY CERTIFY THAT THE PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY CREDIT SUPERVISION AND THAT I AM A DULY LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.</p> <p>DATE: 10/29/21 LICENSE NO.: 53332</p>	CITY PROJECT NO. ST-006	DATE 11/23/2021	STATE AND PROJECT NO. 139-591-001	SHEET NO. 10F1
DATE	REVISIONS	INT.																					



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Meeting Date:</b>	Tuesday, January 25, 2022
<b>Category:</b>	CONSENT AGENDA
<b>Type:</b>	ACTION
<b>Subject:</b>	Consider approval of a Temporary On-Sale Intoxicating 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 Convention and Visitors Bureau to use at Southwest Minnesota State University, 1501 State Street on March 11, 2022.
<b>Fiscal Impact:</b>	\$30.00/day
<b>Alternative/ Variations:</b>	None recommended
<b>Recommendations:</b>	To approve a Temporary On-Sale Liquor License for the Convention and Visitors Bureau to use at Southwest Minnesota State University, 1501 State Street on March 11, 2022.





Minnesota Department of Public Safety  
 Alcohol and Gambling Enforcement Division  
 445 Minnesota Street, Suite 1600, St. Paul, MN 55101  
 651-201-7507 Fax 651-297-5259 TTY 651-282-6555  
**APPLICATION AND PERMIT FOR A 1 DAY  
 TO 4 DAY TEMPORARY ON-SALE LIQUOR LICENSE**

Name of organization Marshall Convention & Visitor Bureau		Date organized Mar 11, 2022	Tax exempt number [REDACTED]
Address 1651 Victory Drive	City Marshall	State Minnesota	Zip Code 56258
Name of person making application Cassi Weiss		Business phone 507-537-1865	Home phone [REDACTED]
Date(s) of event March 11th, 2022	Type of organization <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 Cassi Weiss	City Marshall	State Minnesota	Zip Code 56258
Organization officer's name [REDACTED]	City [REDACTED]	State Minnesota	Zip Code [REDACTED]
Organization officer's name [REDACTED]	City [REDACTED]	State Minnesota	Zip Code [REDACTED]

Location where permit will be used. If an outdoor area, describe.  
 SMSU - Lower Ballroom 1501 State Street

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	Date Approved
City or County approving the license	3/11/2022
\$30	Permit Date
Fee Amount	kyle.box@ci.marshall.mn.us
1/19/2022	City or County E-mail Address
Date Fee Paid	507-537-6775
	City or County Phone Number

Signature City Clerk or County Official \_\_\_\_\_ Please Print Name of City Clerk or County Official \_\_\_\_\_

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

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

**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Meeting Date:</b>	Tuesday, January 25, 2022
<b>Category:</b>	CONSENT AGENDA
<b>Type:</b>	ACTION
<b>Subject:</b>	Consider authorization to declare vehicles as surplus property for the Marshall Police Department.
<b>Background Information:</b>	These vehicles have been abandoned or seized by the Marshall Police Department and have gone through the notification processes and required periods for disposal.
<b>Fiscal Impact:</b>	These vehicles will be auctioned on-line at the state site, sold, or will be taken to Alters for disposal.
<b>Alternative/ Variations:</b>	
<b>Recommendations:</b>	That these vehicles be declared as surplus property by the City of Marshall.

21-15462	06 Chevy Impala	EUU 432	2G1WT58K769377243	Abandoned
21-15859	02 Pontiac Bonneville	FFA 290	1G2HX54K824204276	Abandoned
21-17294	84 Cimatti Duster	RW02902	091460031	Abandoned
21-17651	95 Chevy Blazer	ACG 697	1GNDT13W652190853	Abandoned
21-16962	09 Chevy Malibu	879 UTX	1G1ZJ57B19F105304	Abandoned



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Meeting Date:</b>	Tuesday, January 25, 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: 01/14/2022 - 01/25/2022

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
<b>Bank Code: AP-REG AP</b>						
4549	A & B BUSINESS, INC	01/21/2022	EFT	0.00	2,174.37	8695
5813	ACE HOME & HARDWARE	01/14/2022	EFT	0.00	64.99	8650
5813	ACE HOME & HARDWARE	01/21/2022	EFT	0.00	547.93	8696
6128	ACTION CO LLC	01/14/2022	EFT	0.00	1,300.00	8651
6128	ACTION CO LLC	01/21/2022	EFT	0.00	675.00	8697
4487	ADVANCED OPPORTUNITIES-WORKCOMPONENT	01/21/2022	Regular	0.00	88.34	120576
6412	AG PLUS COOPERATIVE	01/14/2022	EFT	0.00	235.74	8652
6412	AG PLUS COOPERATIVE	01/21/2022	EFT	0.00	15.29	8698
0578	AMAZON CAPITAL SERVICES	01/14/2022	EFT	0.00	348.26	8653
0578	AMAZON CAPITAL SERVICES	01/21/2022	EFT	0.00	624.54	8699
5837	ANDERSON, JASON	01/21/2022	EFT	0.00	80.00	8700
0658	AP DESIGN	01/21/2022	EFT	0.00	489.50	8701
5447	ARTISAN BEER COMPANY	01/21/2022	Regular	0.00	644.15	120577
0656	AVERA MARSHALL REGIONAL MED CTR	01/21/2022	Regular	0.00	260.00	120578
5702	B & H PHOTO & ELECTRONICS CORP	01/14/2022	EFT	0.00	226.04	8654
5327	BAUMANN, ADAM	01/21/2022	EFT	0.00	30.00	8702
0688	BELLBOY CORPORATION	01/21/2022	EFT	0.00	8,587.21	8703
0689	BEND RITE FABRICATION INC	01/21/2022	Regular	0.00	1,621.72	120579
0699	BEVERAGE WHOLESALERS	01/21/2022	Regular	0.00	19,184.03	120580
0724	BOLTON & MENK INC	01/21/2022	EFT	0.00	5,617.50	8704
0018	BORDER STATES ELECTRIC SUPPLY	01/14/2022	EFT	0.00	194.64	8655
6231	BOX, KYLE	01/21/2022	EFT	0.00	30.00	8705
4457	BREAKTHRU BEVERAGE	01/21/2022	Regular	0.00	4,434.50	120581
5696	BROTHERS FIRE PROTECTION	01/14/2022	EFT	0.00	1,914.00	8656
3568	BRUNSVOLD, QUENTIN	01/21/2022	EFT	0.00	30.00	8706
0378	BUYSSE, JASON	01/21/2022	EFT	0.00	30.00	8707
4236	C.E. SIGNS & DESIGNS	01/14/2022	EFT	0.00	52.07	8657
0380	CALLENS, DAVID	01/21/2022	EFT	0.00	30.00	8708
6791	CAPITAL ONE	01/21/2022	Regular	0.00	97.60	120583
0815	CATTOOR OIL COMPANY INC	01/14/2022	EFT	0.00	9.46	8658
0818	CAUWELS, ROGER	01/21/2022	EFT	0.00	30.00	8709
0836	CHARTER COMMUNICATIONS	01/14/2022	EFT	0.00	114.47	8659
5733	CLARITY TELECOM, LLC	01/21/2022	EFT	0.00	334.89	8710
0875	COMPUTER MAN INC	01/21/2022	EFT	0.00	5,724.75	8711
0384	COUDRON, DEAN	01/21/2022	EFT	0.00	30.00	8712
3819	DACOTAH PAPER CO	01/21/2022	EFT	0.00	233.51	8713
0950	DAKTRONICS INC	01/21/2022	Regular	0.00	3,090.00	120584
6537	DEHN, JESSIE	01/21/2022	EFT	0.00	70.00	8714
6472	DEUTZ, LAUREN	01/21/2022	EFT	0.00	80.00	8715
5994	DISTRIBUTED WEBSITE CORP	01/21/2022	EFT	0.00	300.00	8716
5731	DOLL DISTRIBUTING	01/14/2022	EFT	0.00	22,487.80	8660
5731	DOLL DISTRIBUTING	01/21/2022	EFT	0.00	2,473.05	8717
0375	DUBS, SHEILA	01/14/2022	EFT	0.00	100.00	8661
1090	FASTENAL COMPANY	01/14/2022	EFT	0.00	370.06	8662
1090	FASTENAL COMPANY	01/21/2022	EFT	0.00	242.44	8718
1158	GALLS INC	01/14/2022	EFT	0.00	387.59	8663
1158	GALLS INC	01/21/2022	EFT	0.00	317.77	8719
6478	GOPHER STATE ONE CALL	01/14/2022	EFT	0.00	39.15	8664
1201	GRAINGER INC	01/14/2022	EFT	0.00	10.26	8665
1271	HENLE PRINTING COMPANY	01/14/2022	EFT	0.00	5,111.25	8666
5515	HOFFMANN, RYAN	01/21/2022	EFT	0.00	30.00	8720
6929	HYDRO TECH SERVICE	01/21/2022	Regular	0.00	1,900.00	120585
1311	HYVEE FOOD STORES INC	01/21/2022	Regular	0.00	48.95	120586
1325	ICMA RETIREMENT TRUST #300877	01/21/2022	Regular	0.00	50.00	120587

Council Check Report

Date Range: 01/14/2022 - 01/25/2022

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
5546	INDIAN ISLAND WINERY	01/21/2022	Regular	0.00	421.92	120588
6936	INTEGRITY EMPLOYEE BENEFITS, LLC	01/21/2022	Regular	0.00	4,410.00	120589
1399	JOHNSON BROTHERS LIQUOR COMPANY	01/21/2022	Regular	0.00	16,557.53	120590
3564	KESTELOOT ENTERPRISES, INC	01/14/2022	EFT	0.00	60.12	8667
5095	KIBBLE EQUIPMENT	01/14/2022	EFT	0.00	46.21	8668
5095	KIBBLE EQUIPMENT	01/21/2022	EFT	0.00	264.06	8721
0450	KOPITSKI, JASON	01/21/2022	EFT	0.00	30.00	8722
5377	KRUK, CHRISTOPHER	01/21/2022	EFT	0.00	30.00	8723
3653	LANGUAGE LINE SERVICES	01/14/2022	EFT	0.00	405.44	8669
1483	LEAGUE OF MINNESOTA CITIES INS TRUST	01/21/2022	Regular	0.00	88,229.39	120593
1481	LEAGUE OF MINNESOTA CITIES	01/21/2022	Regular	0.00	1,890.00	120592
6183	LEE, JERRED	01/21/2022	EFT	0.00	30.00	8724
1507	LOCHER BROTHERS INC	01/21/2022	EFT	0.00	1,004.07	8725
6323	LUTHER, ERIC	01/21/2022	EFT	0.00	75.15	8726
1531	LYON COUNTY AUDITOR-TREASURER	01/21/2022	EFT	0.00	24,021.00	8727
1545	LYON COUNTY HIGHWAY DEPARTMENT	01/14/2022	EFT	0.00	14,256.82	8670
1552	LYON COUNTY RECORDER	01/14/2022	EFT	0.00	106.90	8671
1552	LYON COUNTY RECORDER	01/21/2022	EFT	0.00	148.00	8728
1553	LYON COUNTY SHERIFF'S DEPT.	01/21/2022	Regular	0.00	5.00	120598
1555	LYON LINCOLN ELECTRIC COOPERATIVE INC	01/21/2022	Regular	0.00	41.17	120599
6292	MADDEN, GALANTER, HANSEN, LLP	01/21/2022	EFT	0.00	570.00	8729
1575	MAILBOXES & PARCEL DEPOT	01/21/2022	EFT	0.00	15.87	8730
1604	MARSHALL AREA CHAMBER OF COMMERCE	01/14/2022	EFT	0.00	375.00	8672
1604	MARSHALL AREA CHAMBER OF COMMERCE	01/21/2022	EFT	0.00	15.00	8731
1606	MARSHALL AREA FINE ARTS COUNCIL	01/21/2022	Regular	0.00	6,000.00	120600
1616	MARSHALL CONVENTION & VISITORS BUREAU	01/14/2022	EFT	0.00	19,131.52	8673
1623	MARSHALL INDEPENDENT, INC	01/21/2022	Regular	0.00	196.00	120601
0460	MARSHALL JAMES	01/21/2022	EFT	0.00	80.00	8732
1631	MARSHALL MACHINE SHOP INC	01/14/2022	EFT	0.00	57.60	8674
1633	MARSHALL MUNICIPAL UTILITIES	01/21/2022	EFT	0.00	79,594.65	8733
1635	MARSHALL NORTHWEST PIPE FITTINGS INC	01/14/2022	EFT	0.00	11.63	8675
1635	MARSHALL NORTHWEST PIPE FITTINGS INC	01/21/2022	EFT	0.00	1,290.55	8736
1637	MARSHALL PUBLIC SCHOOLS	01/14/2022	EFT	0.00	10,084.30	8676
1695	MEIER ELECTRIC INC	01/14/2022	EFT	0.00	216.00	8677
6025	MELLENTHIN, CODY	01/21/2022	EFT	0.00	30.00	8737
4980	MENARDS INC	01/21/2022	Regular	0.00	12.55	120602
3971	MEULEBROECK, ANDY	01/21/2022	EFT	0.00	30.00	8738
1859	MOCIC	01/21/2022	Regular	0.00	150.00	120603
1864	MONTES ELECTRIC INC	01/21/2022	Regular	0.00	188.39	120604
1945	NORMS GTC	01/21/2022	Regular	0.00	100.86	120605
1986	NORTH CENTRAL INTERNATIONAL, INC	01/21/2022	EFT	0.00	8.28	8739
1946	NORTH CENTRAL LABS	01/21/2022	EFT	0.00	607.01	8740
6463	OFFICE OF MNIT SERVICES	01/21/2022	Regular	0.00	695.15	120606
5891	ONE OFFICE SOLUTION	01/14/2022	EFT	0.00	17.28	8678
5891	ONE OFFICE SOLUTION	01/21/2022	EFT	0.00	202.37	8741
3809	O'REILLY AUTOMOTIVE STORES, INC	01/14/2022	EFT	0.00	40.30	8679
3809	O'REILLY AUTOMOTIVE STORES, INC	01/21/2022	EFT	0.00	781.68	8742
2026	PEPSI COLA BOTTLING OF PIPESTONE MN INC	01/14/2022	EFT	0.00	59.25	8680
2036	PHILLIPS WINE AND SPIRITS INC	01/21/2022	Regular	0.00	24,134.43	120607
0477	PRZYBILLA, SCOTT	01/21/2022	EFT	0.00	30.00	8743
6166	PULVER MOTOR SVC, LLC	01/14/2022	EFT	0.00	240.00	8681
2096	QUARNSTROM & DOERING, PA	01/14/2022	EFT	0.00	11,369.42	8682
2096	QUARNSTROM & DOERING, PA	01/21/2022	EFT	0.00	3,554.65	8744
6355	REVIZE, LLC	01/21/2022	EFT	0.00	2,400.00	8745
4826	RIEKE, BENJAMIN	01/21/2022	EFT	0.00	30.00	8746
0481	ROKEH, JASON	01/21/2022	EFT	0.00	30.00	8747
5180	RTVISION INC	01/14/2022	EFT	0.00	3,600.00	8683
2201	RUNNINGS SUPPLY INC	01/14/2022	EFT	0.00	54.80	8684
2201	RUNNINGS SUPPLY INC	01/21/2022	EFT	0.00	119.76	8748
5556	SANDGREN, KAYLYNN	01/21/2022	EFT	0.00	30.00	8749
6251	SHRED RIGHT	01/14/2022	EFT	0.00	15.00	8685

Council Check Report

Date Range: 01/14/2022 - 01/25/2022

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
4855	SOUTHERN GLAZER'S OF MN	01/14/2022	EFT	0.00	26,242.80	8686
4855	SOUTHERN GLAZER'S OF MN	01/21/2022	EFT	0.00	24,629.59	8750
2311	SOUTHWEST GLASS CENTER	01/21/2022	EFT	0.00	54.00	8751
2318	SOUTHWEST SANITATION INC.	01/14/2022	EFT	0.00	2,245.57	8687
5922	SRF CONSULTING GROUP, INC.	01/21/2022	Regular	0.00	4,314.17	120609
0491	ST AUBIN, GREGORY	01/21/2022	EFT	0.00	30.00	8752
3808	STELTER, GEOFFREY	01/21/2022	EFT	0.00	30.00	8753
4134	STENSRUD, PRESTON	01/21/2022	EFT	0.00	30.00	8754
5491	STORM, ANNETTE	01/21/2022	EFT	0.00	80.00	8755
0495	SWANSON, GREGG	01/21/2022	EFT	0.00	30.00	8756
4423	TREASURED TIMES SCRAPBOOKING AND GIFTS	01/21/2022	Regular	0.00	465.75	120610
6156	TRUE BRANDS	01/14/2022	EFT	0.00	254.23	8688
6156	TRUE BRANDS	01/21/2022	EFT	0.00	819.45	8757
3342	TRUEDSON, SCOTT	01/21/2022	EFT	0.00	30.00	8758
5106	ULINE	01/14/2022	EFT	0.00	772.11	8689
2511	USA BLUE BOOK	01/14/2022	EFT	0.00	121.59	8690
2511	USA BLUE BOOK	01/21/2022	EFT	0.00	5,096.75	8759
6092	VANDERMILLEN, SCOTT	01/21/2022	EFT	0.00	80.00	8760
0512	VANLEEUWE, SARA J.	01/21/2022	EFT	0.00	70.00	8761
4489	VERIZON WIRELESS	01/21/2022	EFT	0.00	84.05	8762
2538	VIKING COCA COLA BOTTLING COMPANY	01/14/2022	EFT	0.00	200.50	8691
2538	VIKING COCA COLA BOTTLING COMPANY	01/21/2022	EFT	0.00	217.65	8763
4594	VINOUCUPIA	01/21/2022	EFT	0.00	880.26	8764
2545	VOLUNTEER FIREFIGHTERS BENEFIT ASSOC	01/21/2022	Regular	0.00	14.00	120611
0518	WENKER, JEFFREY	01/21/2022	EFT	0.00	30.00	8765
5288	WEST CENTRAL COMMUNICATIONS, INC	01/21/2022	EFT	0.00	203.00	8766
2599	WINE COMPANY	01/14/2022	EFT	0.00	2,044.00	8692
2605	WINE MERCHANTS	01/21/2022	Regular	0.00	24,556.41	120612
6082	ZEUG, THOMAS	01/14/2022	EFT	0.00	287.00	8693
2632	ZIEGLER INC	01/14/2022	EFT	0.00	16,276.98	8694

Bank Code AP Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	53	30	0.00	203,802.01
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	192	115	0.00	317,802.75
	<b>245</b>	<b>145</b>	<b>0.00</b>	<b>521,604.76</b>

### All Bank Codes Check Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	53	30	0.00	203,802.01
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	192	115	0.00	317,802.75
	<b>245</b>	<b>145</b>	<b>0.00</b>	<b>521,604.76</b>

### Fund Summary

Fund	Name	Period	Amount
999	POOLED CASH FUND	1/2022	521,604.76
			<b>521,604.76</b>



**CITY OF MARSHALL, MINNESOTA  
PRIOR AND CURRENT YEARS CONSTRUCTION CONTRACTS**

1/25/2022

PROJECT #:	Coding	DATE	CONTRACTOR:	ORIGINAL CONTRACT AMOUNT:	CHANGE ORDERS	CURRENT CONTRACT AMOUNT	2019 Prior Payments	2020 Prior Payments	2021 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	2,889,023.43	140,476.90	-	-	100.00%
CH1	494-43300-55120	11/12/2019	City Hall Renovation	Brennan Companies	5,030,200.00	670,743.97	5,700,943.97		3,039,722.04	2,661,221.93		-	-	100.00%
Z83	479-43300-55170	2/23/2021	James Ave/Camden Dr Reconstruction	Kuechle Underground	849,244.50		849,244.50			779,179.36		41,009.44	29,055.70	96.58%
Z88	479-43300-55170	4/13/2021	State Aid Overlay	Duininck, Inc	1,924,600.45	31,330.31	1,955,930.76			1,859,801.49		-	96,129.27	95.09%
PK-001	401-45200-55130	8/25/2021	Independence Park Trail Replacement	A & C Excavating, LLC	375,659.10		375,659.10			109,320.20		5,753.70	260,585.20	30.63%
SWM-007	630-49600-55170	10/12/2021	Independence Park Pond Forebay Expansion	Towne & Country Excavating LLC	229,255.50		229,255.50						229,255.50	0.00%
AP-005	101-43400-55120	10/12/2021	A/D Building Roof Repair	Gag Sheet Metal, Inc.	37,200.00		37,200.00						37,200.00	0.00%
					<u>22,520,459.55</u>	<u>675,464.54</u>	<u>23,195,924.09</u>	<u>4,099,265.87</u>	<u>9,958,646.10</u>	<u>8,298,546.41</u>	<u>140,476.90</u>	<u>46,763.14</u>	<u>652,225.67</u>	



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Meeting Date:</b>	Tuesday, January 25, 2022
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	ACTION
<b>Subject:</b>	Appoint E.J. Moberg as Director of Administrative Services
<b>Background Information:</b>	Director of Administrative Services Annette Storm submitted her resignation effective February 3, 2022, to pursue another career opportunity. On Friday January 21, 2022, Personnel Committee Members John DeCramer and Craig Schafer along with HR Director and Administrator interviewed three candidates to fill the position of Director of Administrative Services Director. It is a unanimous recommendation to the Council to appoint E.J. Moberg as the Director of Administrative Services.
<b>Fiscal Impact:</b>	Per terms of the employment contract
<b>Alternative/ Variations:</b>	None
<b>Recommendations:</b>	Appoint E.J. Moberg as Director of Administrative Services, contingent on successful completion of background check and other applicable screenings.

## EMPLOYMENT AGREEMENT

This **AGREEMENT** (“Agreement”) made as of the 25th day of January 2022, by and between the City of Marshall (“Employer”) and E.J. [Eric] Moberg (“Employee”).

In consideration of the mutual covenants and promises contained in this Agreement and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Employer and Employee agree as follows:

**1. POSITION.** Employer agrees to employ Employee as its Director of Administrative Services. Employee agrees to serve as Director of Administrative Services in accordance with the position description attached hereto as Appendix A, as such description now exists or may be amended from time to time, and in accordance with state statutes, City Charter and City ordinances, City policies, and other workplace expectations, and to perform such other legally permissible and proper duties and functions as are contained herein or as the City Council shall from time to time assign to Employee.

**2. TERM OF EMPLOYMENT.** Employee shall commence employment with Employer under the terms of this Agreement on February 28, 2022 and shall continue until such employment is terminated in accordance with this Agreement.

**3. PENSION PLAN.** Employer shall contribute to Minnesota Public Employees Retirement Association (PERA) as required by State law for Employee or an alternate pension plan, if selected by Employee and authorized by State law.

**4. SALARY.** Employer shall pay Employee a gross salary of \$114,587.20 per year effective February 28, 2022 prorated and payable consistent with the City’s normal payroll practices and subject to any authorized withholdings. Employee shall be eligible for a salary increase, if applicable, resulting from implementation of the 2021-2022 compensation study at the same time and under the same conditions as granted to other non-union employees. Thereafter, Employee shall be

eligible for future salary adjustments at the same time as they are granted to other management employees, subject to a satisfactory performance evaluation. Deductions from Employee's salary may be made as permitted by law.

5. **SICK LEAVE.** Effective February 28, 2022, Employee shall be credited with 60 hours of accrued sick leave. Thereafter, Employee shall accrue sick leave as provided to and under the same conditions as all other non-union employees. Accrued sick leave may be carried over from year to year as provided to and under the same conditions as all other non-union employees.

6. **VACATION LEAVE.** Effective on February 28, 2022, Employee shall be credited with 60 hours of vacation leave. For the purposes of accruing vacation leave, Employee is credited with 15 years and 0 months of public service. Effective on February 28, 2022, Employee shall begin accruing vacation leave at the rate of a 15-year employee as provided to and under the same conditional as all other non-union employees. Accrued vacation leave may be carried over from year to year as provided to and under the same conditions as all other non-union employees.

7. **HOLIDAYS.** Employee shall be compensated for holidays as provided to and under the same conditions as all other non-union employees.

8. **GENERAL INSURANCE.** Employer shall provide Employee the same group medical, dental, life and disability insurance benefits as provided to and under the same conditions as all other non-union employees.

9. **DEFERRED COMPENSATION.** The Employer shall make available the option for payroll deductions from gross salary to deferred compensation and/or Roth elective deferral programs as provided to and under the same conditions as all other non-union employees.

10. **DUES AND SUBSCRIPTIONS.** Employer shall budget for and pay the professional dues and subscriptions for Employee, which the Employer deems necessary for Employee's continued participation in national, regional, state and local associations necessary and desirable for Employee's

continued professional participation, growth and advancement. Employer commits to cover the cost of membership with the American Institute of CPAs (AICPA), Minnesota Society of Certified Public Accountants, and/or similar professional association.

**11. PROFESSIONAL DEVELOPMENT.** Employer shall pay the ordinary, reasonable and necessary travel and subsistence expenses of Employee for professional and official travel, meetings and occasions the Employer deems adequate to continue the professional development of Employee and for Employee to represent Employer on official bodies or groups of which Employer is a member. Employee shall use good judgment in his outside activities, so he will not neglect his primary duties to the Employer. Employer shall also pay the ordinary, reasonable and necessary travel and subsistence expenses of Employee for short courses or seminars, which the Employer deems appropriate for his professional growth. Expenses for professional development shall be reimbursed in accordance with the Employer's policies for reimbursement. Employer commits to cover the cost of registration, travel, and other associated expenses, in accordance with the Employer's policies for reimbursement, of continuing professional education required to keep the Employee's CPA license active.

**12. CELL PHONE.** At the Employee's choice; the Employee will be paid a monthly cell phone allowance as specified in City policy, or Employee shall be authorized to utilize a City-issued cell phone. Employee understands the use of a personal cell phone for employment purposes is subject to data requests.

**13. ELECTRONIC DEVICE.** Employee shall be authorized to utilize a City-issued electronic device for City and personal business subject to applicable electronic use policies afforded to all employees.

**14. COMMUNITY PARTICIPATION.** Employer shall reimburse Employee for the membership dues of a community service organization of Employee's choice as appropriate under

Minn. Stat. § 471.96, as the same may be amended. Meals and other charges associated with membership shall not be reimbursed by the Employer.

**15. JOB-RELATED EXPENSES.** Employer shall reimburse Employee for job-related expenses, which are incurred by Employee and are submitted by Employee in accordance with Employer's policies for reimbursement.

**16. FRINGE BENEFITS.** Employee will receive fringe benefits to the extent of and under the same terms as full-time, nonunion employees of the City to the extent such benefits and terms are not inconsistent with the terms of this Agreement.

**17. HOURS OF WORK.** Employee agrees to perform the duties specified in this Agreement at the times and locations determined by Employer. Employee shall devote all Employee's professional time, attention, knowledge and skills solely to the business and affairs of Employer. Employee will work on a "full-time" basis, as determined by Employer under its policies so as to meet the business needs of Employer. It is understood that the position of Director of Administrative Services requires attendance at evening meetings and occasionally weekend meetings. It is understood by Employee that additional compensation and compensatory time shall not be allowed for such additional or extraordinary expenditures of time. It is further understood, however, that Employee may be absent himself from the office to a reasonable extent during normal business hours following federal and state Fair Labor Standard Acts regulations of an exempt employee, in consideration for extraordinary time spent in evening and weekend meetings.

**18. TERMINATION BENEFITS.** In the event that Employee is terminated by Employer during a time when Employee is willing and able to perform the duties of Director of Administrative Services, then Employer agrees to pay Employee, at the time of receipt of his last pay check, a lump sum cash payment equal to six (6) months' salary and to continue to provide and pay for the Employer's share of the Employee's health benefits as provided to other non-union

employees for a period of six (6) months following termination (collectively, "termination benefits"). Payment of accrued vacation at the time of separation shall be paid to Employee as provided to and under the same conditions as all other non-union employees. Employee shall be paid his accrued sick leave at the time he leaves employment as provided to and under the same conditions as all other non-union employees. However, in the event Employee is terminated because of (1) his malfeasance in office, (2) gross misconduct, (3) conviction of a crime resulting from his employment with Employer, (4) conviction for an illegal act involving personal gain to Employee, (5) Employee's breach of any material obligations under this Agreement or any other agreement with Employer, (6) Employee's willful and/or repeated failure or refusal to perform or observe Employee's duties, responsibilities and obligations to Employer, (7) Employee's use of alcohol or other drugs in a manner which affects the performance of Employee's duties, responsibilities and obligations to Employer, (8) Conviction of Employee, or plea of *nolo contendere*, for a felony or of any crime involving theft, mismanagement, fraud or moral turpitude, or (9) Commission by Employee of any other willful or intentional act which could reasonably be expected to injure the reputation of Employer and/or Employee, then Employer shall have no obligation to pay the termination benefits provided in this paragraph.

If Employer, at any time during the employment term, reduces the salary or other financial benefits of Employee by a greater percentage than an across-the-board reduction for all non-union employees, or if Employer refuses, following written notice, to comply with any other provisions of this Agreement benefiting Employee, or if Employee resigns following a formal suggestion by Employer that he resign, then Employee may, at his option, be deemed to be "terminated" on the effective date of Employee's resignation and the Employee shall be entitled to receive the termination benefits set forth above.

If Employee voluntarily resigns his position with Employer, Employee agrees to give

Employer forty-five (45) days advance notice. If Employee voluntarily resigns his position with Employer, there shall be no termination benefits due to Employee, except for payment of vacation at time of separation shall be paid to Employee as provided to and under the same conditions as all other non-union employees, and accrued sick leave at the time he leaves employment as provided to and under the same conditions as all other non-union employees.

**19. DEATH OR DISABILITY BENEFITS.** If Employee's employment is terminated due to Employee's death or disability, regardless of the date of termination, Employee or Employee's estate or heirs, as appropriate, shall only be paid (i) Employee's earned salary and accrued paid leave not paid; (ii) any unpaid expense reimbursements; and (iii) any benefits payable under any life insurance policy maintained by Employer for the benefit of Employee, subject to the terms and conditions of such policy.

**20. TERMINATION OF EMPLOYMENT.** Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of Employer to terminate the services of Employee at any time, for any reason, without cause, subject only to the provisions of this Agreement and the City Charter. Furthermore, nothing in this Agreement shall prevent, limit or otherwise interfere with the right of Employee to resign at any time from his position with Employer, subject only to the provisions of this Agreement.

**21. INDEMNIFICATION.** Employer shall defend and indemnify Employee pursuant to Minn. Stat. § 466.07 and § 465.76. In addition, Employer shall defend, hold harmless, and indemnify Employee from all claims based on tort, civil damages, penalties, fines, and claims based on violation of statutes, ordinances and rules, provided Employee was acting in good faith in the performance of the duties of his position at the time in question and was not guilty of malfeasance in office or willful neglect of duty.

**22. VOLUNTARY AND KNOWING ACTION.** The parties, by executing this



Agreement, state that they have carefully read this Agreement and understand fully the contents thereof; that in executing this Agreement they voluntarily accept all terms described in this Agreement without duress, coercion, undue influence, or otherwise, and that they intend to be legally bound thereby.

**23. AUTHORIZED SIGNATORIES.** The parties each represent and warrant to the other that (1) the persons signing this Agreement are authorized signatories for the parties represented, and (2) no further approvals, actions or ratifications are needed for the full enforceability of this Agreement; each party indemnifies and holds the other harmless against any breach of the foregoing representation and warranty.

**24. GOVERNING LAW.** This Agreement and all questions arising in connection with it shall be governed by the laws of the State of Minnesota. The rule of construction of interpreting a contract against its drafter will not apply to this Agreement.

**25. BINDING EFFECT.** This Agreement shall be binding upon and inure to the benefit of Employer, its successors and assigns, and Employee, Employee's heirs and legal representatives.

**26. ASSIGNMENT.** The rights of Employee hereunder are personal and may not be assigned or transferred unless consented thereto in writing by Employer.

**27. ENTIRE AGREEMENT; AMENDMENT.** This Agreement constitutes the entire agreement between the parties and supersedes all prior oral and written agreements between the parties and between Employee and any other former employer relating to the same subject matter. The parties have made no agreements, representations, or warranties relating to the subject matter of this Agreement which are not set forth herein. This Agreement may be amended only if it is in writing and signed by each of the parties.

**28. SEVERABILITY.** The invalidity of any portion of this Agreement will not and shall not be deemed to affect the validity of any other provision. In the event that any provision of this

Agreement is held to be invalid, the parties agree that the remaining provisions shall be deemed to be in full force and effect as if they had been executed by both parties subsequent to the expungement of the invalid provisions.

**29. WAIVER.** The failure of either party to complain of any default by the other party or to enforce any of such party's rights, no matter how long such failure may continue, will not constitute a waiver of the party's rights under this Agreement. No waiver of any provision of this Agreement shall constitute waiver of any other provision or a waiver of the same provision at any later time.

**30. ARBITRATION OF DIFFERENCES.** Any breach or dispute arising out of, or regarding the interpretation of, this Agreement shall be submitted to the Minneapolis Regional Office of the American Arbitration Association for binding arbitration of said dispute(s) pursuant to the rules and procedures thereof. This article shall not preclude Employee from submitting a breach or dispute arising out of, or regarding the interpretation of, this Agreement initially through any internal City appeal or grievance process.

**31. HEADINGS.** Headings are provided solely for the convenience of the parties and shall not affect the interpretation of this Agreement.

**32. NOTICE.** All notices required under this Agreement shall be in writing and shall be deemed to have been duly given if sent via certified mail, first class mail-postage prepaid, hand delivery or overnight courier, and properly addressed to the party at the party's last known address or any other address that any party may designate by written notice to the other. Mailed notices shall be deemed to have been given at the time posted plus three business days.

*Remainder of page left intentionally blank*

IN WITNESS WHEREOF, Employer has caused this Agreement to be executed on its behalf by its Mayor and Clerk, and Employee has signed this Agreement, in duplicate, as of the day and year first written above.

**EMPLOYER:**

By: \_\_\_\_\_  
Robert J. Byrnes, Its Mayor

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

**EMPLOYEE:**

  
\_\_\_\_\_  
E.J. Moberg

1/24/2022  
\_\_\_\_\_  
Date

## APPENDIX A

### CITY OF MARSHALL Job Description

POSITION TITLE: Director of Administrative Services	DATE: April 2021
DIVISION: Administration	FLSA STATUS: Exempt
ACCOUNTABLE TO: City Administrator	UNION STATUS: NA
	HAY POINTS: 830

#### SUMMARY OF POSITION

This professional, supervisory position, performs administrative and policy work and assists in the planning and coordinating of administrative functions and responsibilities for the City and performs related work as required. The position is also responsible to provide effective leadership in the administration and management of all City financial functions including accounting, budgeting, cash management, investments, debt management, and risk management activities of the City and to assure completeness, accuracy, timeliness, and utility of financial and management data, records, and reporting.

#### ESSENTIAL DUTIES AND RESPONSIBILITIES

1. Responsible for the coordination of the administrative functions of the Administration Department. Serves as a resource on administrative and operational processes for the departments and provides guidance, assistance, and back-up functions on a wide variety of tasks and processes.
2. Provide analyses, guidance, and recommendations to the City Administrator and City Council for establishing long and short-range financial goals, budget and financial management plans, and implementation of strategies to ensure a high level of financial planning and management.
3. Plan, develop, and implement sound financial accounting policies, practices and controls in accordance with generally accepted accounting principles (GAAP). Perform internal audit functions to ensure compliance with reporting requirements.
4. Plan, implement, evaluate, and supervise the financial applications, policies and procedures of the City.
5. Maintain a system of financial control and debt management to protect the financial condition of the City and its operations.
6. Analyze financial operations to ensure proper internal controls are in place; establishes policies and procedures and ensures their implementation.
7. Manage and direct the operations of the Finance Department and staff including: interview and recommending hire, assigning and reviewing work, training and coaching, recommending and administering reward and discipline, and conducting performance evaluations.
8. Provide administrative direction and operational oversight for the Liquor Store; supervise the Liquor Store Manager; provide a variety of financial reports/information to assure the store is meeting the goals and objectives as set forth by the Council.
9. Identify and obtain funding sources for public improvements, building projects, capital equipment, and other projects as directed.
10. Provide analysis, guidance, and recommendations to the City Administrator on Tax Increment Financing (TIF), Tax Abatement programs, Community Revolving Investment Fund (CRIF), Economic Development Authority (EDA) fund, and other special incentives for development of industrial, commercial, and residential programs.
11. Assist the City Administrator and EDA in development of source and use statements associated with public financing involvement in private projects.
12. Assist the City Administrator and staff with franchise agreements, contracts, and major purchases.
13. Provide assistance to the City Administrator in preparation, establishment, and accounting of Tax Increment and Tax Abatement programs. Calculate estimated tax increment for Tax Increment Financing (TIF) projects and prepare annual state auditor tax increment reports.
14. Assist Financial and Bond Counsel on all City bond issues and coordinate the information needed for the official bond offering statements. Coordinate with the City Administrator and oversee the issuance of bonds and debt service schedules.
15. Maintain department budget records and reports; authorize billing as directed; prepare budget planning documents and presentations.

16. Under the direction of the City Administrator, assist with overall budget preparation and administration including tracking revenues and expenditures of various City funds and departments.
17. Prepare or oversee the preparation of monthly financial statements, verifying the accuracy of accounting transactions and ensuring proper documentation is maintained.
18. Establish, maintain, and update files, databases, records, and/or other documents; develop and maintain data, and perform routine analyses and calculations in the processing of data for recurring internal and external reports.
19. Create and maintain schedules and work papers of infrastructures, assets and depreciation, construction in progress and contributed capital for the annual audit and assists the audit firm as requested.
20. Analyzes records of financial transactions to determine accuracy and completeness of entries. Identified discrepancies, if any, and assists with corrections and/or adjustments needed; creates journal entries.
21. Maintain records for the reporting on the Tax Increment Financing (TIF) Districts.
22. Responsible for the direction of the financial management software operations and maintenance. Assist with the maintenance, updates of, review, organizing, and implementation of the City's financial software applications.
23. Oversee payments and schedules on all City debt service bond issues.
24. Prepare the annual certification of special assessments to the Lyon County Auditor. Record and distribute collections of special assessments from County and property owners to appropriate funds. Maintain a record of the City's special assessments.
25. Oversee the Finance Director in the preparation of the City's annual audit, including preparing audit schedules, audit work papers, and various compliance forms.
26. Prepare or assist with the preparation and distribution of scheduled and/or ad hoc statistical and narrative reports; perform basic information gathering and analysis and/or forecasting, as specifically directed.
27. Oversee the preparation of the year-end financial reports and year-end closure of financial system.
28. Research, analyze, and report on special projects.
29. Represent the City at county or state meetings relative to financial matters in which the City could have an interest.
30. Attend all City Council meetings. Attend other committee meetings, as needed or directed.
31. Attendance is an essential function of this position.
32. Perform other duties as assigned.

*The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.*

#### **MINIMUM QUALIFICATIONS**

- A. Bachelor's degree in Accounting, Public Administration, Urban Planning, Business Administration, or related field.
- B. Three (3) years' experience in governmental accounting or auditing experience.
- C. Two (2) years' experience government administration, preferably in a City or County.  
*Equivalent combination:* A Master's degree in a related field will be counted as two (2) years of experience if a local government internship was completed.
- D. Two (2) years supervisory experience.
- E. Experience with Excel spreadsheets and accounting software applications.
- F. Knowledge of Generally Accepted Accounting Principles as they apply to governmental procedures and practices.

#### **DESIRABLE QUALIFICATIONS**

Extensive knowledge of automated governmental accounting systems.  
Five (5) years' experience in governmental accounting and financial recordkeeping.  
Certified Public Finance Officer (CPFO)

#### **ESSENTIAL KNOWLEDGE, SKILLS, AND ABILITIES**

- Knowledge of office practices, procedures, and standard office and accounting equipment.
- Knowledgeable of data processing procedures and applications.
- Knowledge of the laws, ordinances and regulations governing the operations of the City.
- Knowledgeable of insurance policies, coverages and claims processing.
- Knowledgeable of employee benefits.
- Knowledge of the principles and practices of municipal finance accounting, auditing, budgeting, and reporting and recordkeeping requirements.

- Knowledge and experience in the maintenance of fixed assets and debt records.
- Knowledge of special assessments.
- Skill in the utilization of financial software modules related to payroll, accounts payable, accounts receivable, project accounting, general ledger and cash collections.
- Skill in the efficient use of spreadsheet applications.
- Skill in the utilization of Microsoft Office Outlook, Word, and Excel applications to present and format information/data into meaningful reports, presentations, and correspondence.
- Organization and data management skills in performing interoffice administrative coordination, routine accounting transactions, and internal tracking of documents.
- Records maintenance and filing skills, including the ability to scan documents to Laserfiche.
- Demonstrate excellent organizational and time management skills in managing competing priorities and critical deadlines.
- Ability to plan, organize and direct the work of the accounting and clerical personnel and to develop improvements in municipal financial management.
- Ability to answer inquiries and complaints knowledgeably and efficiently using tact and courtesy.
- Ability to follow oral and written instructions in detail with accuracy and efficiency.
- Ability to enter data with speed and accuracy as well as to recognize, trace, and correct errors.
- Ability to work independently.
- Ability to maintain confidential and/or sensitive information, accurate records, and files related to personnel and business needs.
- Ability to establish and maintain effective working relationships with division/department supervisors, public officials and the general public.

#### **SUPERVISION EXERCISED**

This position supervises the Finance Director and Liquor Store Manager.

#### **SUPERVISION RECEIVED**

General supervision by the City Administrator.

#### **PUBLIC CONTACTS**

Continuous contacts with City departmental personnel, City Attorney, City Council and the general public. Other contacts include but are not limited to: SW Regional Development Commission, League of MN Cities, auditors, lending institutions, PERA, insurance agencies, MCFOA and GFOA, and other local, State and Federal agencies.

#### **PHYSICAL REQUIREMENTS AND WORK ENVIRONMENT**

*The physical demands and work environment characteristics described here are representative of those an employee encounters and must be met by an employee to successfully perform the essential functions of this job.*

*Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.*

Performing the duties of this job require the use of equipment including but not limited to: computer, calculator, copier, printer, fax machine, typewriter, transcriber, telephone and other general office equipment.

See attached Physical Requirements and Working Conditions form.

#### **NON-DISCRIMINATION POLICY/EEO POLICY**

The City of Marshall provides equal employment opportunity in accordance with applicable state and federal laws, directives, and regulations. The City will not discriminate against any employee or applicant for employment on the basis of any class protected by state or federal law.



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Meeting Date:</b>	Tuesday, January 25, 2022
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	ACTION
<b>Subject:</b>	Request for Conditional Use Permit / Apartment in B-2 Central Business District at 103 W Lyon Street.
<b>Background Information:</b>	<p>This is a request by the City of Marshall for a Conditional Use Permit to allow construction of a 39-unit apartment in B-2 Central Business District and within the limits of the Downtown District at 103 West Lyon Street. Apartment buildings are a Conditional Use in a Central Business District.</p> <p>The lot is currently vacant, and the City is promoting the development of apartments within, and in close proximity to, the downtown business area. However, parking in downtown has always been a concern. Based on the types of apartments proposed in the building, 45 parking spaces would be needed for this development outside of the Downtown district, based on the City parking regulations outside of downtown. However, all uses within the Downtown District are exempt from off-street parking requirements.</p> <p>Central Business District regulations are located in Section 86-103 <a href="https://library.municode.com/mn/marshall/codes/code_of_ordinances?nodeId=PTIICOOR_C_H86ZO_ARTIVZODIRE_S86-103CEBUDI">https://library.municode.com/mn/marshall/codes/code_of_ordinances?nodeId=PTIICOOR_C_H86ZO_ARTIVZODIRE_S86-103CEBUDI</a> and Parking requirements can be found in Sections 86-201 and 86-230. The conditional use permit regulations are found in Section 86-46 <a href="https://library.municode.com/mn/marshall/codes/code_of_ordinances?nodeId=PTIICOOR_C_H86ZO_ARTIADEN_DIV2COUSPE_S86-46ISPU">https://library.municode.com/mn/marshall/codes/code_of_ordinances?nodeId=PTIICOOR_C_H86ZO_ARTIADEN_DIV2COUSPE_S86-46ISPU</a>. Attached is an aerial photo and a proposed site plan.</p> <p>At the Planning Commission meeting on January 12, 2022, a motion was made by Schroeder, seconded by Muchlinski, to recommend approval as recommended by city staff to City Council. ALL VOTED IN FAVOR.</p>
<b>Fiscal Impact:</b>	None known.
<b>Alternative/ Variations:</b>	No alternative actions recommended.
<b>Recommendation:</b>	<p>that the Council approve a Conditional Use Permit for apartment in B-2 Central Business District and within the limits of the Downtown District with the following conditions:</p> <ol style="list-style-type: none"> <li>1. That the regulations, standards, and requirements as set forth in the City Code and as pertains to the class of district in which such premises are located shall be conformed with.</li> <li>2. That the City reserves the right to revoke the Conditional Use Permit in the event that any person has breached the conditions contained in this permit provided that the City serve the person with written notice specifying items of any default and allow the applicant a reasonable time in which to repair such default.</li> <li>3. That the property is maintained to conform to the Zoning Code and not cause or create negative impacts to adjacent existing or future properties.</li> <li>4. That there are no more than 40 apartments.</li> <li>5. That at least one off-street parking space per apartment is provided.</li> </ol>

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

WHEREAS, the Planning Commission of the City of Marshall has held a Public Hearing for a Conditional Use Permit to allow construction of a 39-unit apartment in B-2 Central Business District and within the limits of the Downtown District as follows:

ORIGINAL PLAT LOTS 1, 2, 3, 4, AND 5, BLOCK 11  
City of Marshall, County of Lyon, State of Minnesota  
**103 West Lyon Street**

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

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

NOW THEREFORE, Be It Resolved by the Common Council of the City of Marshall, Minnesota, that a Conditional Use Permit be granted to City of Marshall to construct a 39-unit apartment in B-2 Central Business District on the premises described herein subject to the following conditions:

1. That the regulations, standards and requirements as set forth in the City Code and as pertains to the Class of District which such premises are located therein shall be conformed with.
2. That the City reserves the right to revoke the Conditional Use Permit in the event that the applicant has breached the conditions contained in this permit provided first, however, that the City serve the applicant with written notice specifying items of any such default and thereafter allow the applicant a reasonable time in which to cure any such default.
3. That the owner maintains the property to conform with the Housing Code, Zoning Ordinance, Building Code, and not cause or create negative impacts to existing or future properties adjacent thereto.
4. That there are no more than 40 apartments.
5. That at least one off-street parking space per apartment is provided.

**ADOPTED January 25, 2022.**

ATTEST:

\_\_\_\_\_  
Mayor

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

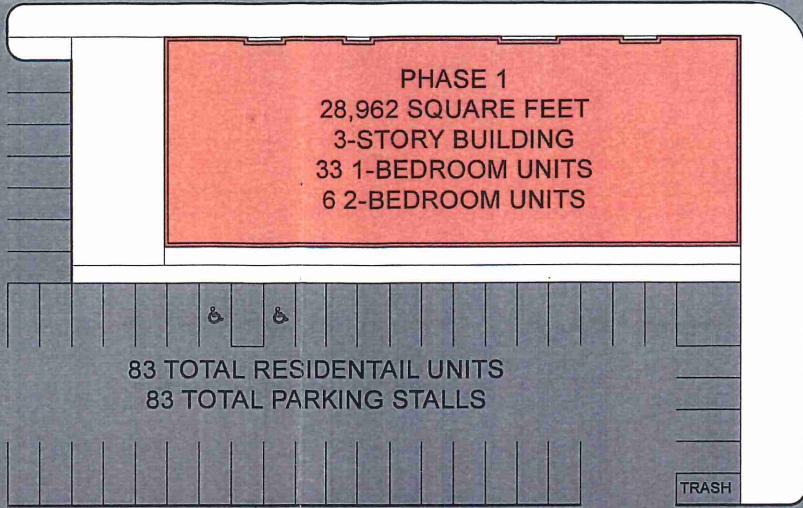
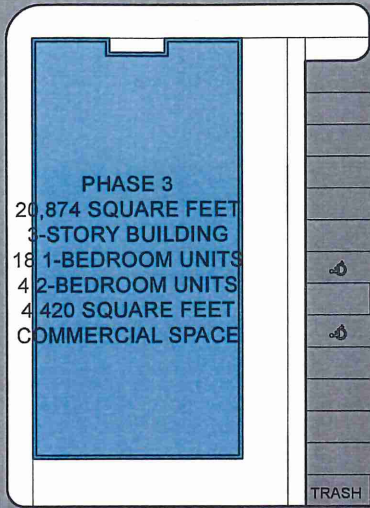
This Instrument Drafted By:  
Jason R. Anderson, P.E.  
City Engineer/Zoning Administrator

(SEAL)

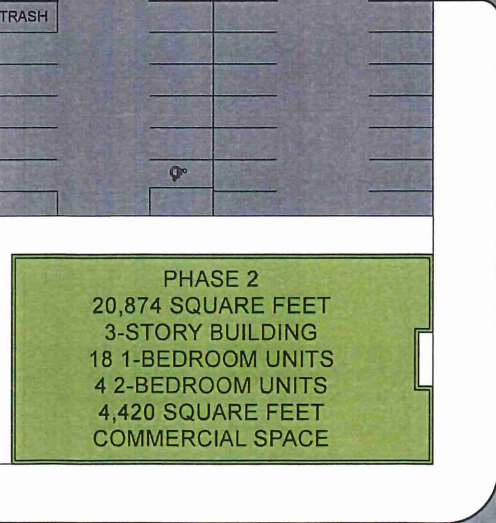
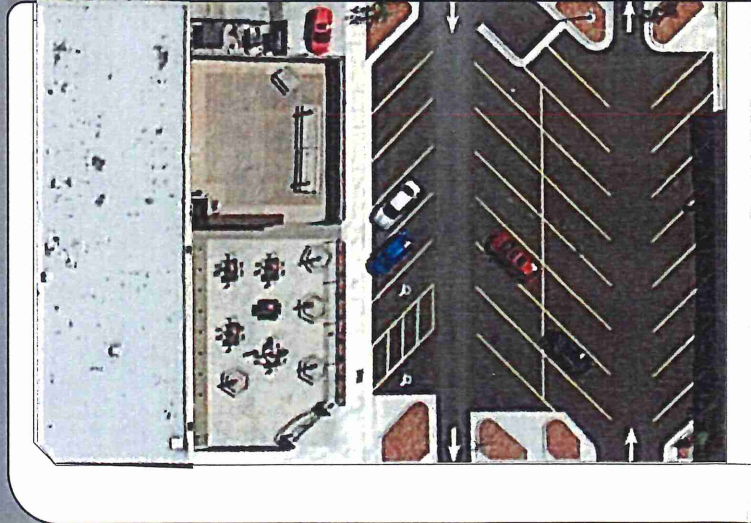
File No. 1146



LYON STREET



COLLEGE DRIVE



1ST STREET

MAIN STREET



PROJECT TITLE:  
BLOCK 11  
MARSHALL, MN  
56258

No.	SUBMISSIONS & REVISIONS	Date

CONCEPT SITE PLAN

JOB NO.: 21427  
DATE: 9-28-21  
DRAWN BY: MJB



# Block 11



04/11/2020

Item 18.

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## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Meeting Date:</b>	Tuesday, January 25, 2022
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	ACTION
<b>Subject:</b>	ST-006: RRFB School Pedestrian Crossing Improvements Project – Establish School Speed Limits.
<b>Background Information:</b>	<p>This project is included in the 2022 capital improvement plan (CIP). The City was awarded a Transportation Alternatives Grant (TA Grant) in the amount of \$339,840 for this project. The project would improve school pedestrian crossings adjacent to the Marshall Middle School, Southview Elementary School, Park Side Elementary School, and True Light Christian School. The required 20% local match is split 50-50 between participating schools and the City of Marshall.</p> <p>In addition to the Rectangular Rapid Flashing Beacon (RRFB) sign assemblies and pedestrian refuge islands, the project would install two School Speed Limit (when flashing) sign assemblies including dynamic speed feedback signs. During school arrival and dismissal periods, the sign would report driver speed as their vehicle passes the sign and flash their speed when the speed exceeds the posted school zone speed limit.</p> <p>To establish school zone speed limits in Marshall, staff performed an evaluation of the existing areas to determine an appropriate school zone speed limit. This evaluation is required by State Statute. City staff is recommending establishment of a 20 MPH school zone speed limit in the vicinity of the schools previously referenced. There was compliance with this speed limit in prior years at the now-closed Westside Elementary School on S. 4<sup>th</sup> Street and TH 19. The MnDOT District 8 Traffic Engineer, Cody Brand, has reviewed the recommendation for the True Light Christian School on TH 19 (E. College Drive) and is acceptable to the recommendation of 20 MPH.</p> <p>This item will be presented to the Public Improvement/Transportation Committee at their meeting on January 25, 2022 at 1:30 pm.</p>
<b>Fiscal Impact:</b>	No fiscal impact.
<b>Alternative/ Variations:</b>	No alternative actions recommended.
<b>Recommendation:</b>	that the Council adopt RESOLUTION NUMBER 22-___ which establishes the 20 MPH school zone speed limit in the vicinity of the Marshall Middle School, Southview Elementary School, Park Side Elementary School, and True Light Christian School.

**RESOLUTION NUMBER 22-\_\_\_\_\_**

**RESOLUTION ESTABLISHING SCHOOL ZONE SPEED LIMITS  
IN THE CITY OF MARSHALL**

WHEREAS, Minnesota Statute 169.14 Subd. 5a. grants authority to local jurisdictions to establish a school speed limit within a school zone of a public or nonpublic school upon the basis of an engineering and traffic investigation as prescribed by the commissioner of transportation; and,

WHEREAS, such speed limits shall be in effect when children are present, going to or leaving school during opening or closing hours; and,

WHEREAS, a 20 miles per hour (MPH) school zone speed limit shall be in effect in the school zones of the following schools in Marshall, MN:

- True Light Christian School (601 E. College Drive)
- Marshall Middle School (401 S. Saratoga Street)
- Southview Elementary School (601 E. Southview Drive)
- Park Side Elementary School (1300 E. Lyon Street)

WHEREAS, a 20 miles per hour (MPH) school zone speed limit shall be revoked in the former school zones of the following school in Marshall, MN:

- Westside Elementary School (500 S. 4<sup>th</sup> Street, Closed)

WHEREAS, Sec. 74-26 of the City Code states:

“No device, sign or signal shall be erected or maintained for traffic or parking control unless the council shall first have approved and directed the same, except as otherwise provided in this section;”

NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MARSHALL, MINNESOTA, that the City Council establishes a 20 miles per hour (MPH) speed limit to be in effect in the school zones of the schools described herein.

Passed and adopted by the Common Council this 25<sup>th</sup> day of January, 2022.

ATTEST:

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

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

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

**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Meeting Date:</b>	Tuesday, January 25, 2022
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	ACTION
<b>Subject:</b>	Resolution to supporting the extension of the authority to impose a local sales tax to fund specific capital improvements providing regional benefit, to establish the duration of the tax and the revenue to be raised by the tax, and to authorize the city to issue bonds supported by the sales tax revenue.
<b>Background Information:</b>	<p>The City Council held a work session on January 11, 2022 regarding the proposed aquatic center and results from the 2021 Community survey results. The survey results indicated great than 50% support for consideration of the sales tax for funding park and recreation projects. The Council expressed support to pursue the sales tax extension for funding of the aquatic center and an indoor recreation center.</p> <p>The request for sales tax extension is as follows:</p> <p>To impose a general local sales tax under <a href="#">Minnesota Statutes, section 297A.99</a>, a city must take the following steps:</p> <ol style="list-style-type: none"> <li><b>1. Adopt a resolution.</b> The city council must first adopt a resolution proposing the tax. The resolution must include the proposed tax rate, documentation of the “regional significance” of each project to be funded, the amount to be raised with the tax, and the estimated length of time the tax will be needed.</li> <li><b>2. Submit resolution and supporting materials to state tax committees.</b> The city is required to submit the adopted resolution, details on the projects, and documentation on regional significance to the chairs and ranking minority members of the House and Senate Taxes committees by Jan. 31 of the year that it is seeking the special law.</li> <li><b>3. Get legislative authorization.</b> The city must secure the passage of a special law authorizing the enactment of the local sales tax. The city would typically work with its local legislators to introduce special legislation.</li> <li><b>4. Adopt a resolution.</b> After approval, the city must adopt a resolution accepting the new law. The city must also file the resolution and a local approval certificate with the Office of the Secretary of State before the next legislative biennium begins.</li> <li><b>5. Hold a referendum.</b> The city must conduct a referendum during a general election within two years of receiving legislative authority for the local sales tax. The referendum must include separate questions for each project, and only the ballot questions approved by voters may be funded by the sales tax.</li> <li><b>6. Pass an ordinance.</b> The city council must pass an ordinance imposing the tax. It must also notify the commissioner of Revenue at least 90 days before the first day of the calendar quarter that the tax will be imposed.</li> </ol>

<b>Fiscal Impact:</b>	See bonding schedule
<b>Alternative/ Variations:</b>	Dependent on success or failure of request
<b>Recommendations:</b>	<ol style="list-style-type: none"> <li>1. Adopt Resolution XXXX supporting the extension of the authority to impose a general local sales tax of <i>one-half of one percent (0.50%)</i> for a period of <i>20 years</i> to fund an aquatic center and indoor recreation facility.</li> </ol>

**CITY MARSHALL, MINNESOTA**

**RESOLUTION NUMBER 22-020**

**Resolution to supporting the extension of the authority to impose a local sales tax to fund specific capital improvements providing regional benefit, to establish the duration of the tax and the revenue to be raised by the tax, and to authorize the city to issue bonds supported by the sales tax revenue.**

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

**WHEREAS**, the Local Tax Act requires the City Council of the City (the “Council”) to adopt a resolution indicating its approval of the tax, outlining the details of the proposed local sales tax, and setting forth the regional significance of the proposed projects prior to submitting the request for a local sales tax to the State Legislature; and

**WHEREAS**, the Minnesota Legislature has by Minnesota Laws 2011, First Special Session, Chapter 7, Article 4, Section 14 (the “Special Legislation”), authorized the City to impose a one-half of one percent (0.50%) sales and use tax within the City (the “Local Sales Tax”) to provide revenues to pay for the cost of collecting and administering the taxes, certain costs related to the property acquisition, design, construction and other capital costs with respect to the new and existing facilities of the Minnesota Emergency Response and Industry Training Center and the new facilities of the Southwest Minnesota Regional Amateur Sports Center, plus the costs related to the issuance, and debt service on bonds or other obligations issued by the City to finance the capital costs of the such capital projects (collectively, the “Designated Projects”), subject to approval by voters at a general election held within two years of final enactment of the Special Legislation; and

**WHEREAS**, at the general election held November 6, 2012, the voters of the City approved the Local Sales Tax to pay for the cost of collecting and administering the taxes and to pay for certain costs related to the funding of the Designated Projects (the “Referendum”); and

**WHEREAS**, under the terms of the Special Law, the City issued its \$15,735,000, General Obligation Sales Tax Bonds, Series 2014B (the “Series 2014B Bonds”) pursuant to Minnesota Statutes, Section 475, as amended, to pay all or a portion of the costs of the Designated Projects; and

**WHEREAS**, the Series 2014B Bonds mature on February 1, 2028 and are subject to optional redemption on February 1, 2024; and

**WHEREAS**, the City continues to grow as a regional center for employment, retail trade, and recreation opportunities; and

**WHEREAS**, the City has engaged community residents and businesses and in order to facilitate strategic investment in the region and community, and proposes to request special legislation to extend the Local Sales Tax approved by the voters pursuant to the Referendum and by the Legislature pursuant to the Special Legislation in order to raise revenues to fund the following two (2) capital projects (the “Projects”):

1. Aquatic Center

Construction of a new municipal aquatic center that will provide a wide variety of activities for all ages, will be safe, and will add to the recreational opportunities in the City. The proposed aquatic center is proposed to include two pools and a splash pad (a large play area with fountains and other interactive water features but without any standing water), a bath house, and new concessions.

**Projected Project Cost: \$16,000,000**

2. Indoor Recreation Facility

Construction of an indoor, multi-use sports facility that will help balance inventory of outdoor sports fields and venues and construction of improvements to such facility. The facility will be capable of housing a variety of athletic events, including league play, tournaments, team practices, camps, and clinics in multiple sports.

**Projected Project Cost: \$4,000,000**

**WHEREAS**, the Projects will result in benefits to both the residents and businesses of the City of Marshall and to non-resident visitors and businesses; and

**WHEREAS**, funding the Projects with a local sales tax will more closely distribute the cost of the Projects to the users of the facilities; and

**WHEREAS**, the Projects are estimated to cost approximately \$20,000,000, plus an amount equal to interest on and the costs of issuance of any bonds; and

**WHEREAS**, the City estimates that a local sales tax of one-half of one percent (0.50%) would generate \$30,000,000 over 20 years; and

**WHEREAS**, the City has provided documentation of the regional significance of each project, including the share of the economic benefit to or use of each project by persons residing, or businesses located, outside of the jurisdiction, including but not limited to the materials attached hereto as Exhibit A; and

**WHEREAS**, the estimated local sales tax revenue and estimated time needed to raise that amount of revenue for each project and a proportional amount for the estimated interest on and the costs of issuing bonds to finance each of the Projects is as follows:

1. Aquatic Center: The City will collect approximately \$24,000,000 over 16 years.
2. Indoor Recreation Facility: The City will collect approximately \$6,000,000 over 4 years.

**WHEREAS**, the Local Tax Act authorizes the imposition of a general sales tax if permitted by special law of the Minnesota Legislature; and

**WHEREAS**, the Local Tax Act requires a political subdivision to wait one year after the expiration or termination of a local sales tax before imposing a new tax, but the Legislature has granted extensions of existing sales taxes without the required break; and

**WHEREAS**, the Local Tax Act requires the City to pass a resolution authorizing such a local tax and to obtain Legislative approval prior to approval by the local voters to enact the local tax.



**THEREFORE, BE IT RESOLVED the following:**

1. The Council supports the extension of the authority to impose a general local sales tax of *one-half of one percent (0.50%)* for a period of *20 years* to fund the aforementioned Projects.
  - a. The extended sales tax collection for the Projects will begin immediately following retirement of the Series 2014B Bonds, currently anticipated to occur in 2027.
  - b. Legislative authorization, along with approval by voters of the City at a general election, will allow construction of the Projects to begin in 2023.
  - c. Interest on bonds or other obligations to be issued by the City to finance the Projects is anticipated to be financed by such bonds or paid with local funds until the extended sales tax collection begins.
2. Upon approval of this resolution, the City will submit the adopted resolution and documentation of regional significance to the chairs and ranking minority members of the House and Senate Taxes committees for approval and passage of a special law authorizing the tax, by January 31 of the year that it is seeking the special law.
3. Upon Legislative approval and passage of the special law authorizing the tax, the City will adopt a resolution accepting the new law, which will be filed with a local approval certificate to the Office of the Secretary of State before the following Legislative session.
4. The City will put one or more detailed ballot questions, which includes separate questions for each project, on a general election ballot for local voter approval of the imposition of the sales tax within two years of receiving legislative authority.
5. If one or more ballot questions pass, the City will also pass an ordinance imposing the tax and notify the commissioner of Revenue at least 90 days before the first day of the calendar quarter that the tax will be imposed.
6. Upon completion of the aforementioned requirements, the local sales tax will commence and run 20 years or until a sum sufficient to fund the voter approved projects plus amounts sufficient to pay interest on and the costs of issuing any bonds, is raised, whichever comes first.
7. The Council further finds that it is in the best interest of the health, welfare, and safety of the City and its residents and it is necessary and expedient to the sound financial management of the affairs of the City that the acquisition and betterment of the Projects, or any part thereof, be financed in whole or in part by the issuance and sale of the City's general obligation bonds pursuant to Minnesota Statutes, Chapter 475, as amended, in one or more series in an aggregate principal amount not to exceed \$20,000,000 plus an amount equal to interest and the costs of the issuance of any bonds. The City may accept an offer to purchase the Bonds, and the City may sell the Bonds, at a price that results in the receipt of original issue premium in any amount.

Approved by the City Council of the City of Marshall, Minnesota this 25th day of January, 2022.

**CITY OF MARSHALL, MINNESOTA**

---

Robert J. Byrnes  
Mayor

Attest:

---

Kyle Box  
City Clerk

**EXHIBIT A**  
**DOCUMENTATION OF REGIONAL SIGNIFICANCE**

## EXHIBIT A

### DOCUMENTATION OF REGIONAL SIGNIFICANCE

#### Regional Significance of Marshall, MN

Marshall is a regional center in southwest Minnesota, and the county seat of Lyon County.

Marshall is the regional center for medical care, retail, trade, education, employment, and business. The diverse economic base and strong foundation in agriculture has provided stability to the local economy. Recent studies illustrate a common labor and retail draw of approximately sixty (60) miles. Marshall's current population of 13,680 doubles its daytime population to 25,000+ according to employment estimates.

A pull factor compares the local taxable sales per capita to that of the state. A pull factor higher than 1.0 usually indicates that businesses are pulling in customers from outside the community. Marshall has steadily and significantly increased its pull factor from 1.35 in 2007 to 1.55 in 2018.

Marshall has 18 employers with 100 plus employees. It is the headquarters of the Schwan Food Company, Runnings Farm and Fleet, Ralco and the home of Southwest Minnesota State University. A large corn wet-milling facility operated by Archer Daniels Midland Company is in Marshall. The plant employs 250 people and has a 50-60 mile radius for market supply.

Other major employers in the city are US Bancorp, Avera Marshall Regional Medical Center, Hy-Vee, Walmart, Runnings Farm and Fleet, Menards, Southwest Minnesota State University, Turkey Valley Farms, and Marshall Public Schools. Employees come from a 50–60-mile radius.

Southwest Minnesota State University serves approximately 6,660 students across the State of Minnesota and throughout the upper Midwest through a variety of undergraduate, graduate, and concurrent enrollment programs. Approximately 1,914 undergraduate degree seeking students are served on-campus. SMSU is recognized for its affordability, quality and lifetime return on investment.

Highways in or adjacent to the city include U.S. Highway 59 and State Highways 19, 23 and 68. Interstate Highway 90 (east and west) is 67 miles south of the City and Interstate Highway 29 (north and south) is 50 miles west of the city. Highway 23 is a designated interregional corridor by the State of Minnesota.

The Southwest Regional Airport-Marshall/Ryan Field is located on the west side of the City along State Highway 19 and has two paved lighted runways; one measuring 7,200 feet in length, which is the third longest runway in the State of Minnesota excluding the MSP International Airport, and the other measuring 4,000 feet in length. Charter flights are available direct from the city to anywhere in North America. Rail service is provided by Burlington Northern Santa Fe Railway.

In November of 2012, the City voters passed 0.5% general sales and use tax and 1.5% lodging and prepared food and beverage tax to fund new amateur sports facilities in the City. These public funds will provide for capital development as well as a dedicated source of operating funding to supplement user fees. The use tax collections are generally \$1.5 million annually.

### **Regional Significance of Existing Marshall Park and Recreation Facilities**

The Camden Regional Trail is a paved, multi-purpose recreational trail extending from Southwest Minnesota State University (SMSU) through the City of Marshall and connecting area residents to Camden State Park. About 4 miles of paved trail connect adjacent campuses of Marshall High School and SMSU to a network of bike lanes in the City of Marshall. At the West end of Marshall, the paved trail covers 10 miles of gently rolling hills between Victory Park (along MN HWY 23) to Camden State Park. The community is fortunate that years of planning has come to fruition. Supported by the Minnesota Parks and Trails Legacy Grant Program (administered through the Minnesota Department of Natural Resources) this trail system is of regional importance by providing community members from throughout the region to utilize the trail for walking biking, running, hiking, and inline skating.

Mattke Field at the Regional Events Center is a college football stadium on the campus of Southwest Minnesota State University (SMSU). Mattke Field had a seating capacity of 5,000 prior to 2008 and it has been the home field of the SMSU Mustangs since 1971. Construction began in 1970, and it was complete in 1974. It was originally named SSU Field. On September 28, 1985, the stadium was renamed after Glenn Mattke. He had worked with the SMSU athletic department since its founding in 1968 and was the athletic direct from 1970 to 1985. Lights were added in 1997. The stadium was rebuilt after the 2007 season and opened in 2008 as the Regional Events Center. The new capacity is around 2,500 and features an artificial surface. This stadium is home to the SMSU football, SMSU Soccer, Marshall Tigers football and soccer team. The Facility Host Semi & Final Section Tournaments for High School Football as well as youth tournaments.

Schwans Regional Amateur Sports Complex feature's four ball fields, concessions, restrooms, outdoor gathering space and tiered spectator viewing areas at each ball field. There are 2 lighted championship fields, and a walking path throughout the complex.

The Red Baron Arena & Expo accommodates events large and small, including tradeshow, expos, weddings, concerts, and various sized meetings. In the Summer, the Arena Host one expo floor & one sheet of ice. During the hockey season, there are two sheets of ice. Marshall Area Hockey Association hosts tournaments during the season for all ages. Currently the following area schools participate in the hockey program that utilized Red Baron Arena: Granite Falls, Wabasso, Cottonwood, Minneota and Canby. Marshall Community Services also hosts Open Skate & Adult open hockey. The Southwest Minnesota Figure Skating club also uses the ice for their performance show in March.

9/11 Memorial Park commemorates one of the most significant events in our nation's history. The Marshall Fire Department acquired a beam from the rubble of the World Trade Center in New York City and after years of planning, dedicated the beam in Marshall's Memorial Park on 9/11/11. Each year the City of Marshall has a remembrance ceremony to mark the anniversary of the 9/11 event, which is attended by supporters from across SW MN.

Since its opening on July 15, 2003, the Marshall Area YMCA has been a major factor in meeting physical, social, and mental health needs for those living in SW Minnesota. The Y's mission in meeting the physical, social, and mental health needs for those living in SW Minnesota. The Y's mission of "creating

programs and services that build a healthy spirit, mind and body for all and as its name implies has affected the lives of thousands of members from the Marshall area.

**Regional Significance of the Proposed Park and Recreation Projects:  
Aquatic Center and an Indoor Recreation Facility**

In October of 2021, the City of Marshall conducted a survey of over 300 respondents regarding the support for future park and recreation projects and facilities. When asked an open-ended question about what park and recreation amenities the city could offer, the most common responses were related to swimming pools and water parks. Respondents were also asked for their likelihood to support the city and the Marshall Area YMCA sharing programs and costs with programs and facilities. Greater than fifty percent (50%) of respondents supported partnerships in the area of senior citizen programs and additional indoor recreation opportunities. In addition, the survey received 74% support for a large indoor play area.

The Marshall Aquatic Center has served the residents of Marshall and surrounding communities for more than 50 years—a long time for a community recreation facility. The current facility is showing its age and has numerous deficiencies in code compliance, operations, customer experience and maintenance costs. The aquatic center's current status has meant that attracting visitors from outside the City of Marshall has been challenged due to surrounding communities improving their aquatic centers and pools. It has been noted that families have traveled sixty (60) miles or greater to enjoy aquatic center and water park features available in other communities. The National Park and Recreation Association past standard for was based on one pool per 20,000 population. The newer standards have focused on drawing from the surrounding area (50,000 population) with amenities for the entire family. The proposed Marshall Aquatic Center will be regionally significant based on the following amenities: water slides, leisure reiver, splash pad, children's play features, zero depth entry, diving boards and slides, shade, seating and concessions, areas for lessons, lap swimming and recreation.

In August of 2019, a branding survey was conducted for the City of Marshall by North Star. The results showed there was a high percentage of people who felt Marshall was lacking entertainment and activities. With an increasing number of sporting tournaments and events bringing visitors to Marshall each year, there is a need to expand the community's recreational offerings.

From April - May 2017 the Marshall Area YMCA commissioned Y-USA to study the compelling needs of the community in order to inform their program expansion plans. An online survey instrument was distributed throughout the community to best identify the top community needs in the areas of youth development, healthy living, and social responsibility. The survey results support there is a regional need for an additional outlet to offer adult and youth activities.

Indoor recreational sports facilities and aquatic centers are limited in Marshall and throughout the region. Demand from local high schools, club teams, recreational league play, and facility programming leaves the current inventory of facilities insufficient in supporting all facility demands effectively. While the competition needs of the high school programs are relatively well met, daily high school practice needs, local recreational league play, and club sport practice and game needs struggle to find space and time. Locally, the inventory of indoor court facilities is largely made up of area elementary, middle, and high schools' gyms, the majority of which are limited in size and court offerings and are most-often used

to support practices and in-season games. Additional venues such as the Marshall Area YMCA has very limited ability, to provide additional indoor recreation opportunities. Further, the lack of family entertainment and play areas, especially during winter months is nearly non-existent. The city's only bowling alley closed in 2015 as an example. The Marshall Area YMCA has proposed capital improvements of \$5 million that include an indoor play area and a revised indoor recreation design. Similar to the proposed aquatic center, a proposed indoor recreation facility would retain families and recreation enthusiasts who now currently travel sixty (60) miles or greater for indoor recreation.



City of Marshall  
Parks and Recreation

2021 Community  
Survey  
Summary of Results

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Survey  
Conducted  
in Early  
October

Survey  
included  
interviews with  
303 registered  
voters in the  
City of Marshall

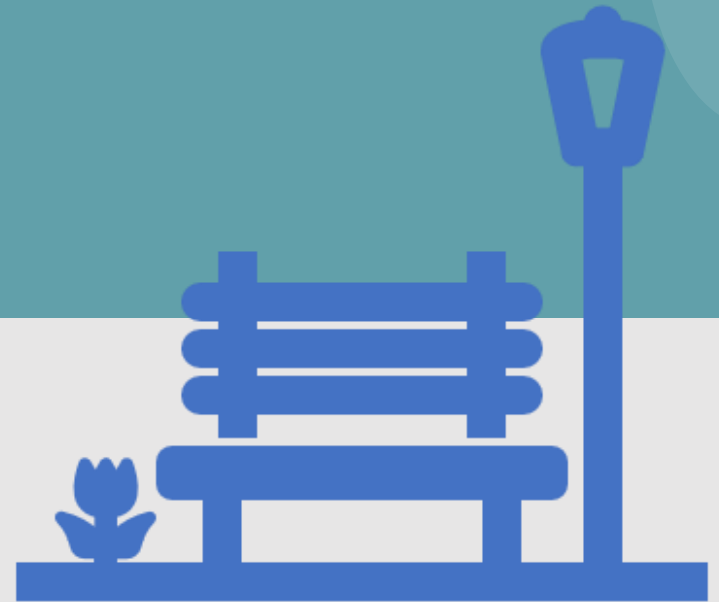
# Goal of the Survey

Seek Public Support in  
Our Future Work



# Over 90% of all Respondents Support the Importance of Parks and Recreation in The Community

- Important for Quality of Life
- Attracts People to Live in Marshall
- Encourages People to Visit Marshall



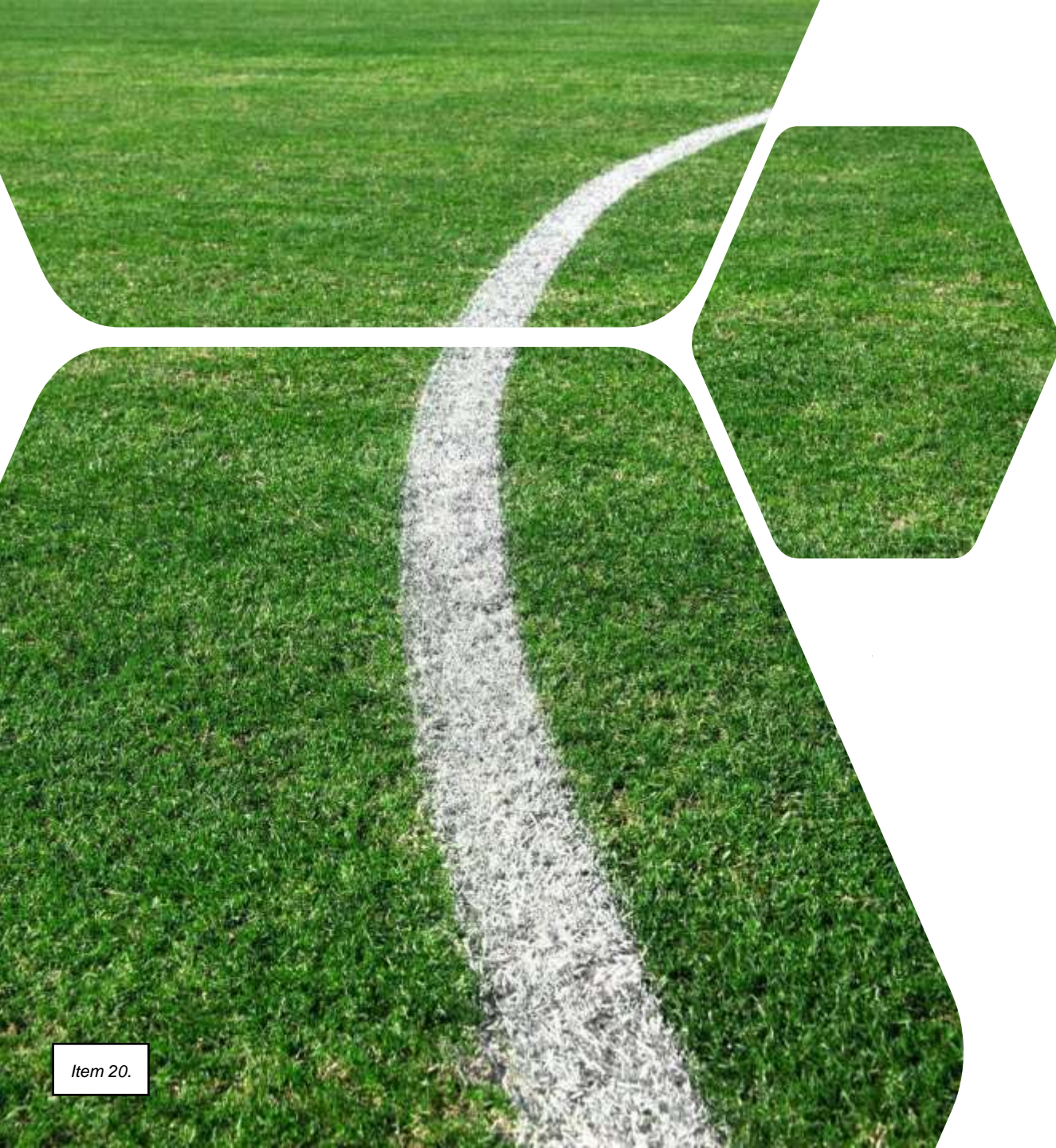


# Support for Aquatic Center

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When Asked To Identify Amenities the City Could Offer

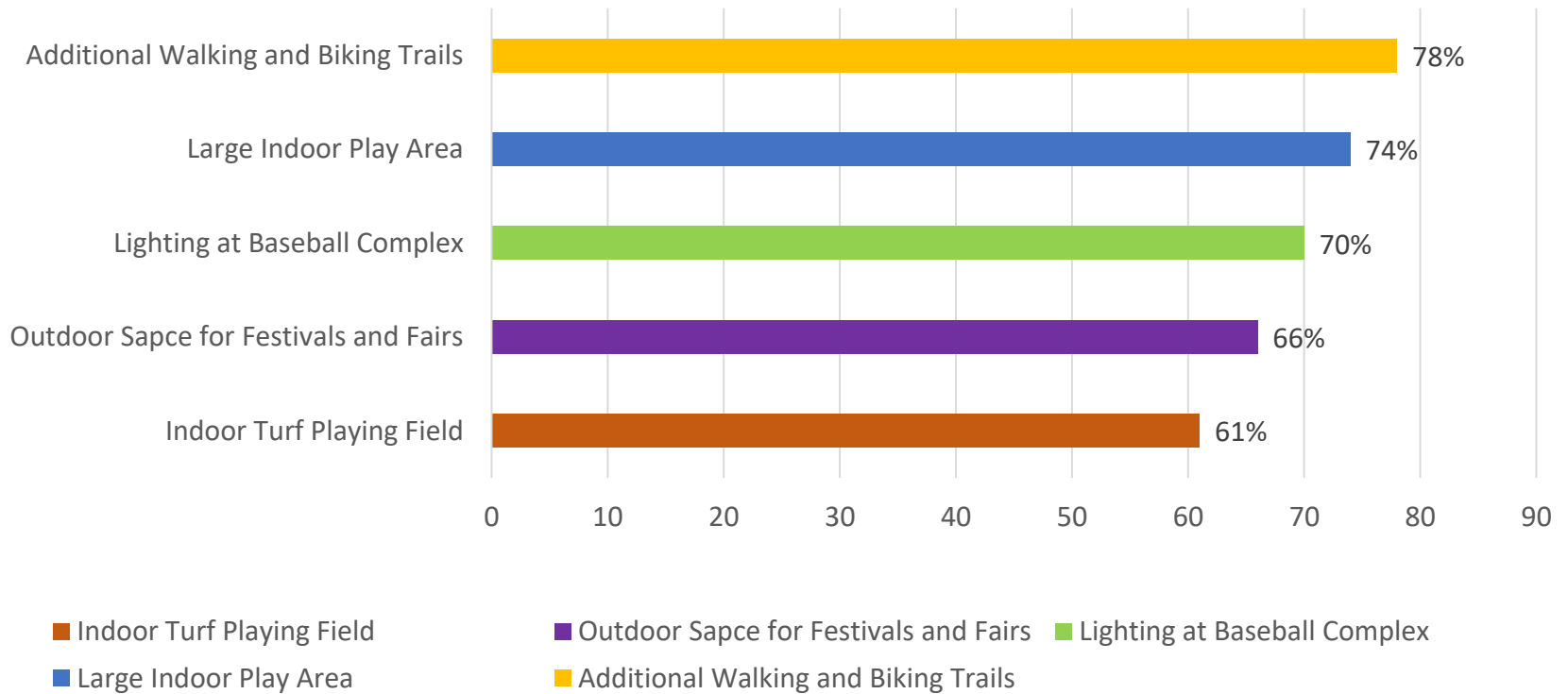
Majority of Responses Mentioned Swimming Pools and Water Parks



# Additional Projects Supported

# Additional Park and Recreation Projects Supported

Percent Likelihood to Support

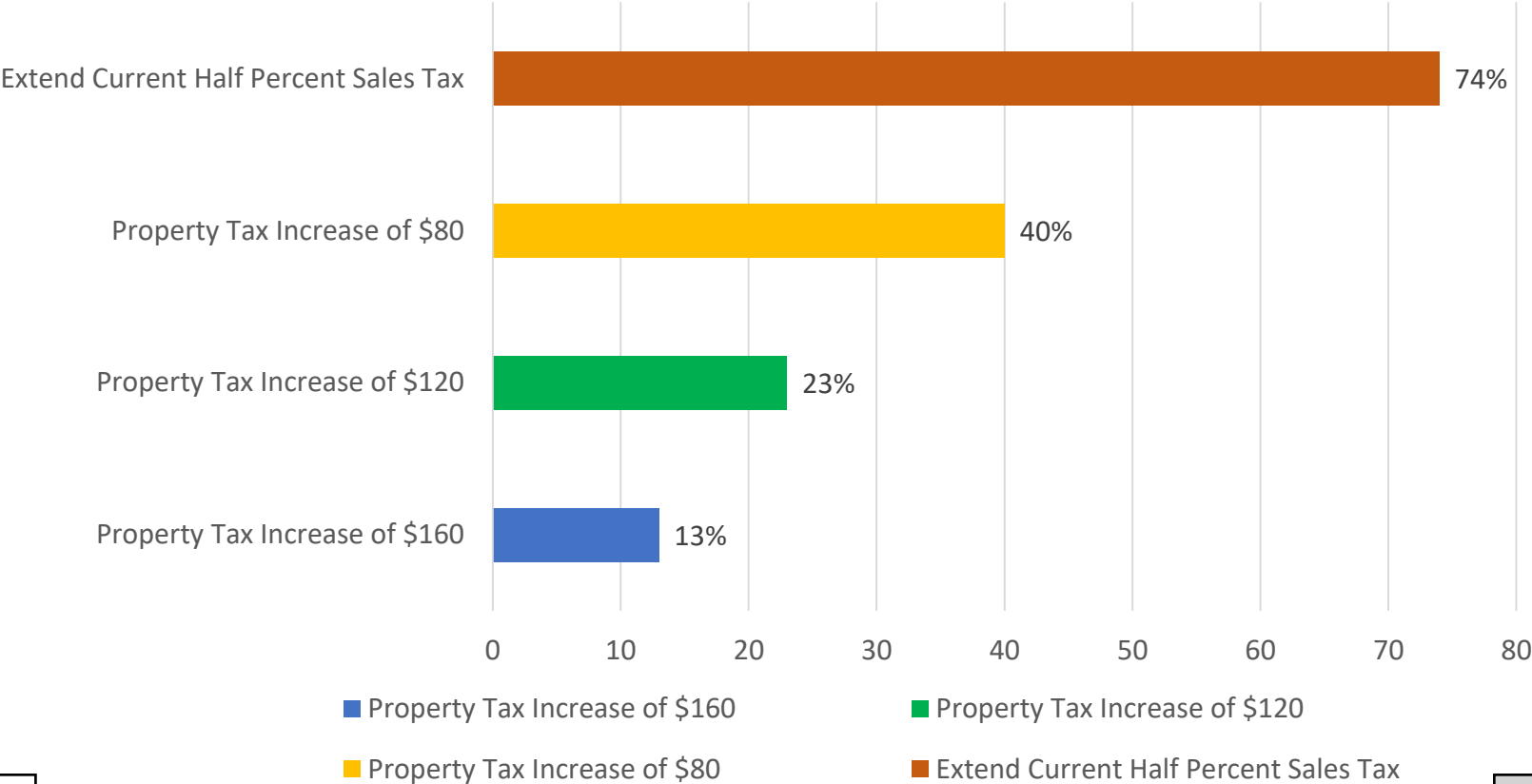


# How Do we Pay for Our Future Park and Recreation Projects?



# Support for Funding of Future Park and Recreation Facilities

Percent Support





# Potential Projects and Amounts

Marshall Aquatic Center  
(2023 construction/2024  
opening) - **\$15 million**

Marshall Aquatic Center  
(2023 construction/2024  
opening) - **\$15 million**  
Indoor Community  
Entertainment/Play Facility -  
**\$1.5 million**

Outdoor  
Entertainment/Green Space  
Development (bandshell?) -  
**\$1.5 million**

Amateur Sports Complex  
Enhancement Project (field  
lighting & shelter) - **\$1  
million**

Marshall Area YMCA Capital  
Needs-**\$2 million**

Others? Indoor  
Turf/Dryland Facility-**\$5  
million**

# Sales Tax Bond Projections

\$20,735,000											
City of Marshall, Minnesota											
General Obligation Sales Tax Revenue Bonds, Series 2023											
Summary											
NET DEBT SERVICE vs. REVENUE											
Date	Principal	Coupon	Interest	Total P+I	Capitalized Interest	Net New D/S	105% Overlevy	Revenue	Debt Service	Srpls(Shrtfall)*	
02/01/2024	-	-	425,025.00	425,025.00	(425,025.00)	-	-	-	425,025.00	-	
02/01/2025	-	-	510,030.00	510,030.00	-	510,030.00	535,531.50	-	535,531.50	-	
02/01/2026	-	-	510,030.00	510,030.00	-	510,030.00	535,531.50	-	535,531.50	-	
02/01/2027	850,000.00	1.400%	510,030.00	1,360,030.00	-	1,360,030.00	1,428,031.50	1,500,000.00	-	139,970.00	
02/01/2028	860,000.00	1.450%	498,130.00	1,358,130.00	-	1,358,130.00	1,426,036.50	1,500,000.00	-	141,870.00	
02/01/2029	870,000.00	1.500%	485,660.00	1,355,660.00	-	1,355,660.00	1,423,443.00	1,500,000.00	-	144,340.00	
02/01/2030	885,000.00	1.650%	472,610.00	1,357,610.00	-	1,357,610.00	1,425,490.50	1,500,000.00	-	142,390.00	
02/01/2031	900,000.00	1.850%	458,007.50	1,358,007.50	-	1,358,007.50	1,425,907.88	1,500,000.00	-	141,992.50	
02/01/2032	915,000.00	2.000%	441,357.50	1,356,357.50	-	1,356,357.50	1,424,175.38	1,500,000.00	-	143,642.50	
02/01/2033	935,000.00	2.150%	423,057.50	1,358,057.50	-	1,358,057.50	1,425,960.38	1,500,000.00	-	141,942.50	
02/01/2034	955,000.00	2.200%	402,955.00	1,357,955.00	-	1,357,955.00	1,425,852.75	1,500,000.00	-	142,045.00	
02/01/2035	975,000.00	2.250%	381,945.00	1,356,945.00	-	1,356,945.00	1,424,792.25	1,500,000.00	-	143,055.00	
02/01/2036	1,000,000.00	2.500%	360,007.50	1,360,007.50	-	1,360,007.50	1,428,007.88	1,500,000.00	-	139,992.50	
02/01/2037	1,020,000.00	2.550%	335,007.50	1,355,007.50	-	1,355,007.50	1,422,757.88	1,500,000.00	-	144,992.50	
02/01/2038	1,050,000.00	2.600%	308,997.50	1,358,997.50	-	1,358,997.50	1,426,947.38	1,500,000.00	-	141,002.50	
02/01/2039	1,075,000.00	2.750%	281,697.50	1,356,697.50	-	1,356,697.50	1,424,532.38	1,500,000.00	-	143,302.50	
02/01/2040	1,105,000.00	2.800%	252,135.00	1,357,135.00	-	1,357,135.00	1,424,991.75	1,500,000.00	-	142,865.00	
02/01/2041	1,135,000.00	2.850%	221,195.00	1,356,195.00	-	1,356,195.00	1,424,004.75	1,500,000.00	-	143,805.00	
02/01/2042	1,170,000.00	2.900%	188,847.50	1,358,847.50	-	1,358,847.50	1,426,789.88	1,500,000.00	-	141,152.50	
02/01/2043	1,205,000.00	3.000%	154,917.50	1,359,917.50	-	1,359,917.50	1,427,913.38	1,500,000.00	-	140,082.50	
02/01/2044	1,240,000.00	3.050%	118,767.50	1,358,767.50	-	1,358,767.50	1,426,705.88	1,500,000.00	-	141,232.50	
02/01/2045	1,275,000.00	3.100%	80,947.50	1,355,947.50	-	1,355,947.50	1,423,744.88	1,500,000.00	-	144,052.50	
02/01/2046	1,315,000.00	3.150%	41,422.50	1,356,422.50	-	1,356,422.50	1,424,243.63	1,500,000.00	-	143,577.50	
Total	\$20,735,000.00	-	\$7,862,780.00	\$28,597,780.00	(425,025.00)	\$28,172,755.00	\$29,581,392.75	\$30,000,000.00	\$1,496,088.00	\$2,840,000.00	

Item 20.

# Sales Tax Process

To impose a general local sales tax under [Minnesota Statutes, section 297A.99](#), a city must take the following steps:

1. **Adopt a resolution.** The city council must first adopt a resolution proposing the tax. The resolution must include the proposed tax rate, documentation of the “regional significance” of each project to be funded, the amount to be raised with the tax, and the estimated length of time the tax will be needed.
2. **Submit resolution and supporting materials to state tax committees.** The city is required to submit the adopted resolution, details on the projects, and documentation on regional significance to the chairs and ranking minority members of the House and Senate Taxes committees by Jan. 31 of the year that it is seeking the special law.
3. **Get legislative authorization.** The city must secure the passage of a special law authorizing the enactment of the local sales tax. The city would typically work with its local legislators to introduce special legislation.
4. **Adopt a resolution.** After approval, the city must adopt a resolution accepting the new law. The city must also file the resolution and a local approval certificate with the Office of the Secretary of State before the next legislative biennium begins.
5. **Hold a referendum.** The city must conduct a referendum during a general election within two years of receiving legislative authority for the local sales tax. The referendum must include separate questions for each project, and only the ballot questions approved by voters may be funded by the sales tax.
6. **Pass an ordinance.** The city council must pass an ordinance imposing the tax. It must also notify the commissioner of Revenue at least 90 days before the first day of the calendar quarter that the tax will be imposed.



MARSHALL

**CULTIVATING THE BEST IN US**

Documentation of Regional Significance

The City of Marshall, located in Lyon County, is a regional center and the heart of southwest Minnesota. With a diverse economic base and strong foundation in agriculture, Marshall supports the region's workforce, employment base, healthcare, education, retail, and hospitality needs. Marshall is home to approximately 14,000 residents and 6,000+ households. The City delivers a comprehensive Community Services program for both its citizens and visitors. Amenities include eight municipal parks totaling over 150 acres, that include trails, fishing ponds, picnic shelters, Rolle Bolle courts, an outdoor Aquatic Center, Red Baron Arena & Expo, Schwan Regional Amateur Sports Complex, Liberty Park bandshell with weekly summer concerts and the national award winning American Legion Field.

Regional significance as addressed in this document relates to the providing higher levels of services and facilities arising from demands for employment, commercial activity, transportation, leisure/recreation, and an overall quality of life.

### **Employment; Total Population**

Marshall embraces 18 employers that each have over 100 employees. According to employment estimates, the city doubles its daytime population to more than 25,000.

### **Local Sales Tax; Retail Sales & Pull Factor**

In 2012, Marshall voters approved a Local Sales Tax (0.5%) that funded an expansion to the MERIT Center along with a regional amateur sports facility, now identified as Red Baron Arena & Expo. Local Sales Tax revenue reports are reflective of Marshall being a regional shopping destination with receipts steadily increasing each month pre-COVID and all of 2021. A pull factor compares the local taxable sales per capita to that of the state. A pull factor higher than 1.0 typically indicates that businesses are pulling customers from outside the community. Marshall has significantly increased its pull factor from 1.35 in 2007 to 1.55 in 2018.



## **MARSHALL AQUATIC CENTER BACKGROUND INFORMATION**

The Marshall Aquatic Center (MAC) has served the residents of Marshall and surrounding communities for more than 50 years—a long time for a community recreation facility. The current facility is showing its age and has numerous deficiencies in code compliance, operations, customer experience and maintenance costs.

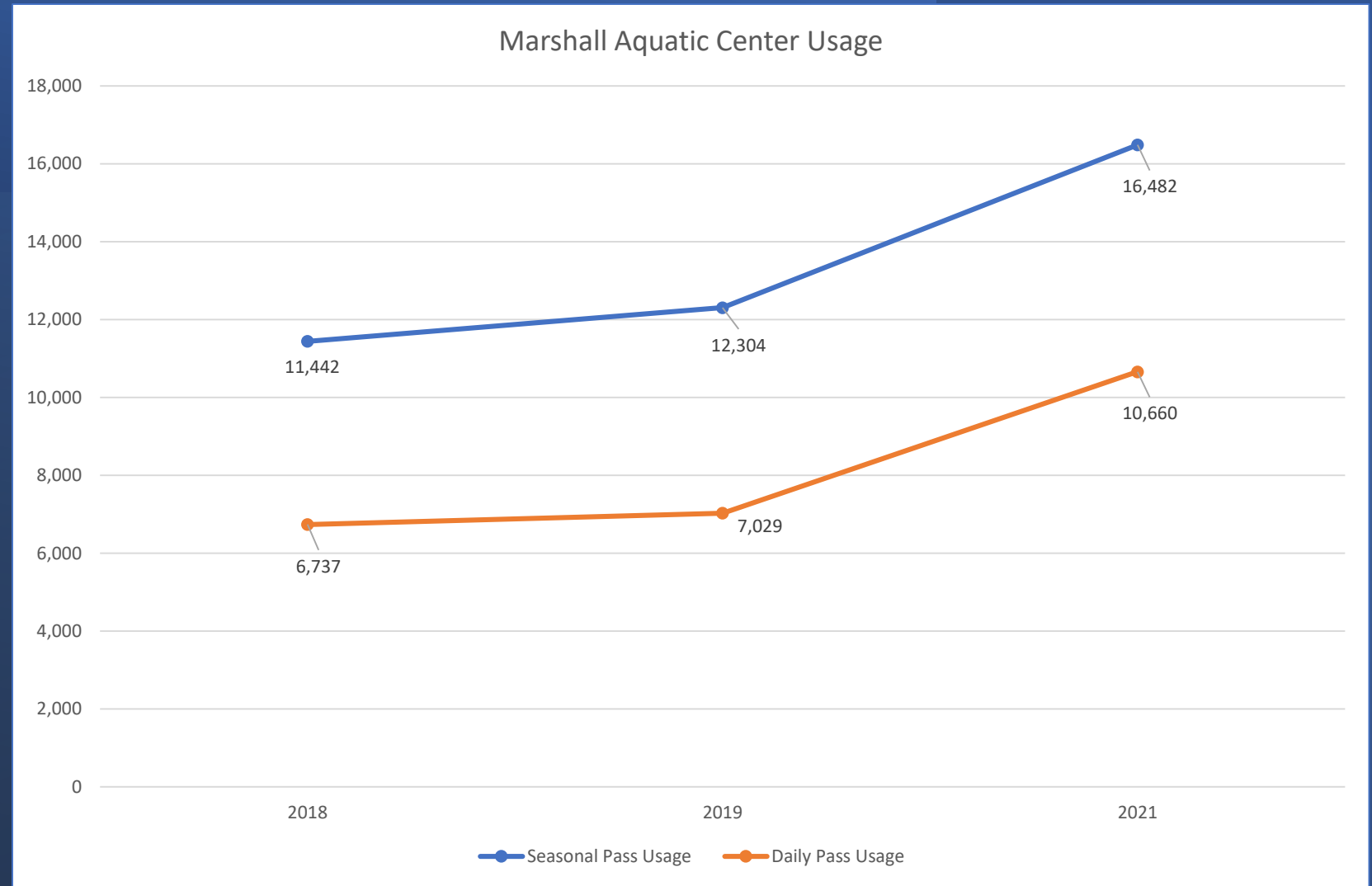
The existing MAC includes three (3) vessels: a diving pool with 1-meter and 3-meter diving boards, a lap/ general use pool with a waterslide, and a wading pool. It also includes a bathhouse and concessions building. The original facility was constructed in the late 1960's.

The lap/general-use pool and diving pool were renovated in 2008, including repair of significant structural failures within the diving pool. Structural failure of the vessels has reoccurred since the 2008 repairs. The structures of both the lap/general use-pool and diving pool have significant cracking and structural deterioration at the gutter joint, internal expansion joints, and wall to floor interface. Water intrusion is evident by the delamination of the concrete surface and associated tile and plaster finishes at these locations. City staff has documented that the lap/general-use pool and diving pool are currently losing water due to leaks at a rate of 12,000 to 15,000 gallons per day (1,080,000 to 1,350,000 gallons per summer based on a three-month use period). This is an extreme amount of water loss for a pool vessel. Movement and flow of this magnitude of water around and beneath the vessels is likely creating significant unseen issues within the supporting soils and exterior face of the unseen concrete vessels beneath. It is extremely likely that the internal steel reinforcing is severely corroded in areas around and near the points of significant leakage.

The existing bathhouse and concessions building suffers from many conditions typical of a building more than 50 years old. It has numerous code compliance issues and many of the building components are inadequate, function poorly or are decayed beyond reasonable repair. The building also has numerous issues in how it serves the users and presents itself to the public. City staff have made a good effort to maintain the building over time and to make accommodation for the changing uses and expectation of the public, but its limitations are extensive. Many areas of the building do not meet the American with Disabilities Act. The interior poses the greatest challenge to the building. Much of it is in poor and unattractive condition. Today's users of recreation facilities expect the facility to have a high-quality, attractive finish and fit their expectations of a good recreational experience. The current facility does not meet that standard.

Use of the Marshall Aquatic Center has steadily increased over the last few years for both seasonal pass holders as well as daily pass users.

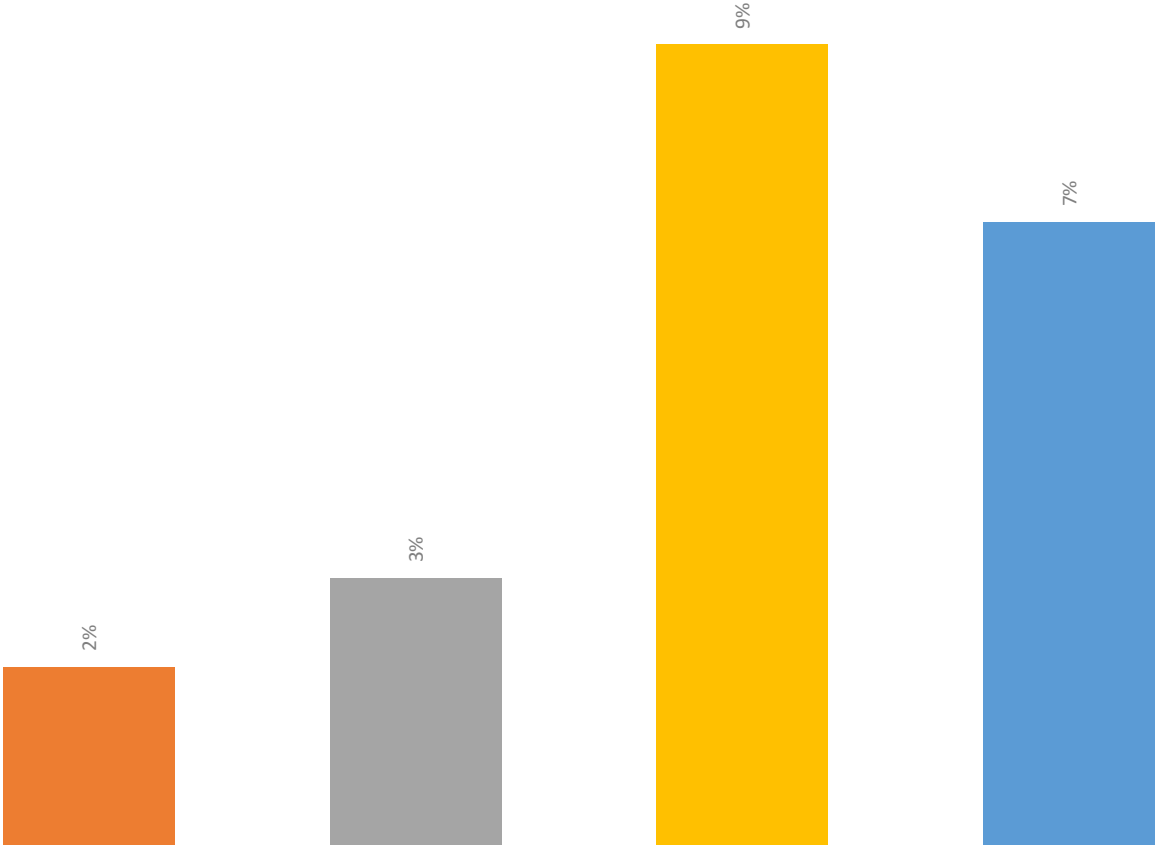
Due to Covid-19, no daily passes were issued in 2020 for tracking purposes. The Marshall Aquatic Center was one of the few pools that managed to stay open during the pandemic in the area.



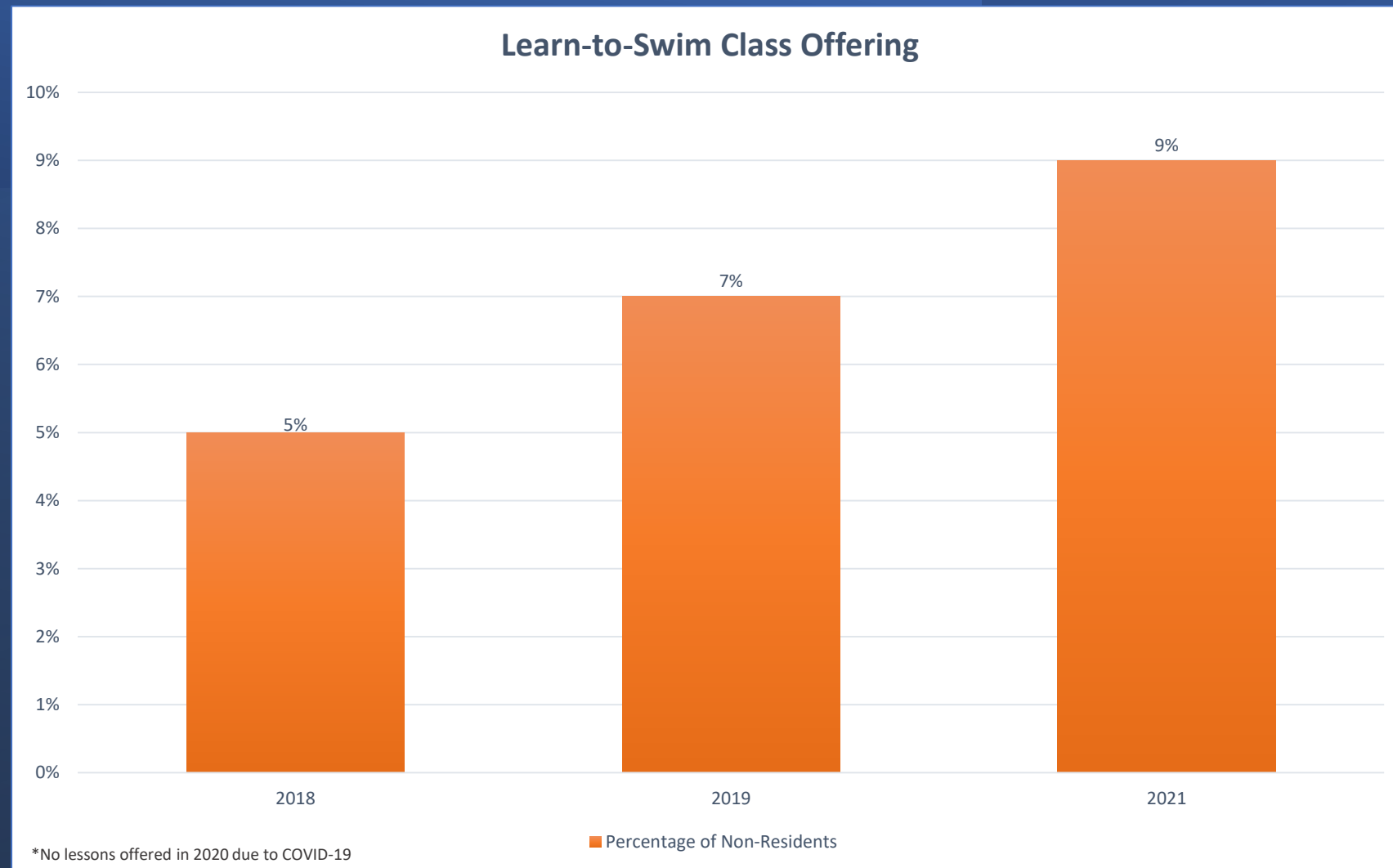


# PERCENTAGE OF NON-RESIDENT SEASON PASS HOLDERS

2018 2019 2020 2021



Learn-to-Swim is a class offered by Marshall Community Services that utilizes the Aquatic Center. Over the past few years, non-resident enrollment has increased.



# Indoor Recreation Facility

Documentation of Regional Significance

## **2021 COMMUNITY SURVEY RESULTS**

In early October 2021, over 300 registered voters participated in a survey and were asked what additional park and recreation projects would they support for the region. In addition, the survey asked respondents to indicate support for different funding options. The main goal of the survey was to determine public support in the City's future park and recreation work.

The main body of the survey asked voters their opinions about possible improvements to the City's parks and potential amenities which could be added. Walking and biking trails, indoor play area for children, and lighting for baseball and softball fields had the highest positive reaction. Another important consideration for future park and recreation work is funding and understanding what the public would support in terms of paying for projects. Reactions to an extension of the current sales tax were generally good, at 74% positive.

A key finding in the survey was overwhelming support for the importance of parks and recreation to quality of life and attractiveness of the community. The results support the notion that in order to remain a regional hub, it is vitally important to continually provide recreation offerings within Marshall.

## **2019 BRANDING SURVEY RESULTS**

In August of 2019, a branding survey was conducted for the City of Marshall by North Star. The results showed there was a high percentage of people who felt Marshall was lacking entertainment and activities. With an increasing number of sporting tournaments and events bringing visitors to Marshall each year, there is a need to expand the community's recreational offerings.

## **2017 YMCA SURVEY RESULTS**

From April - May 2017 the Marshall Area YMCA commissioned Y-USA to study the compelling needs of the community in order to inform their program expansion plans. An online survey instrument was distributed throughout the community to

Item 20. Identify the top community needs in the areas of youth development, healthy living and social responsibility. The survey results support there is a regional need for an additional outlet to offer adult and youth activities.

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# City of Marshall Minnesota

2021 Community Survey  
Summary of Results

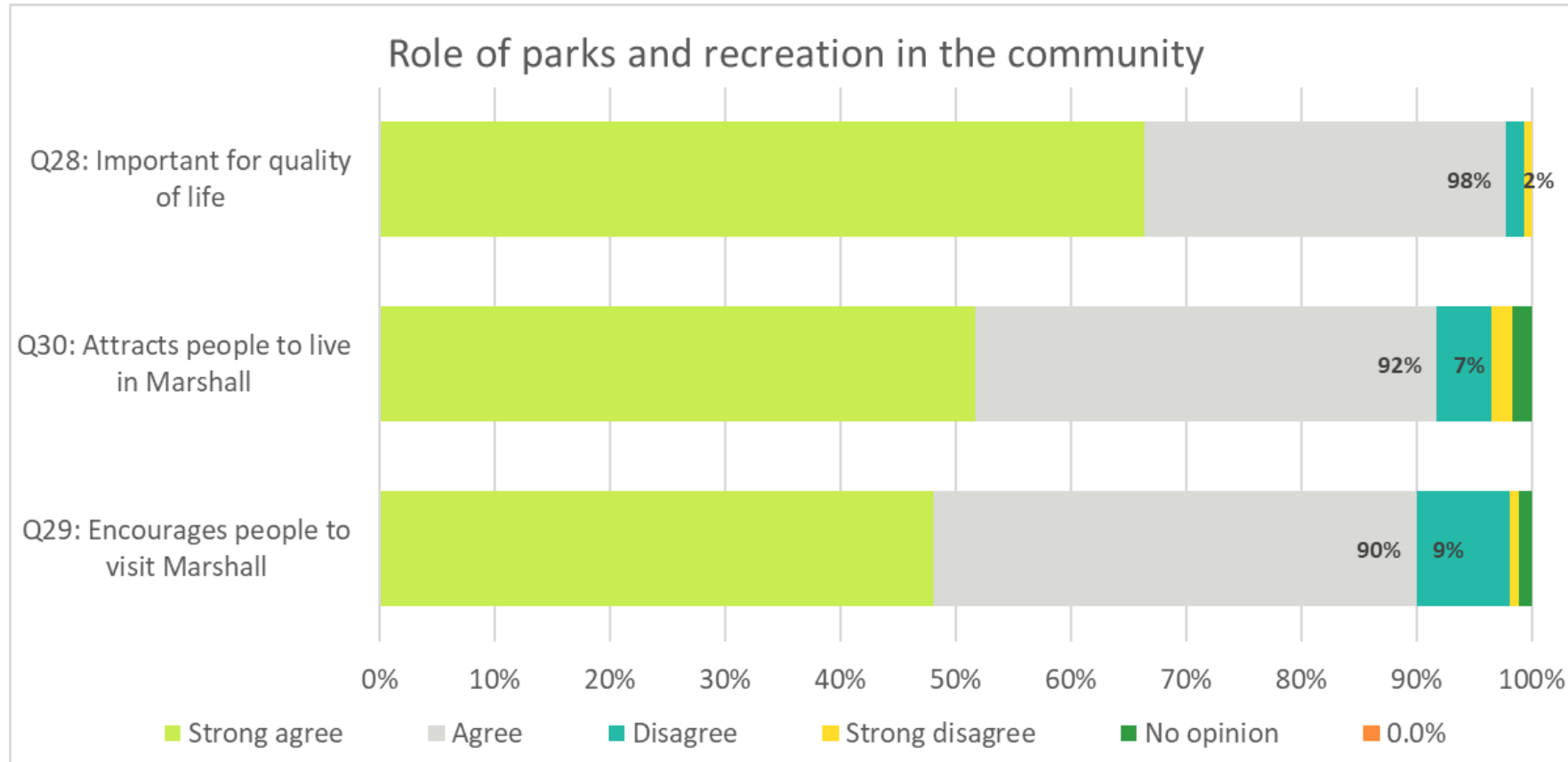


# Role of Parks in the Community

“I am going to read you a handful of statements about the role of parks and recreation facilities in the community.

For each statement, please tell me whether you strongly agree, agree, disagree, or strongly disagree with it.”

# Role of Parks in the Community (*cont.*)





# Role of Parks in the Community *(cont.)*

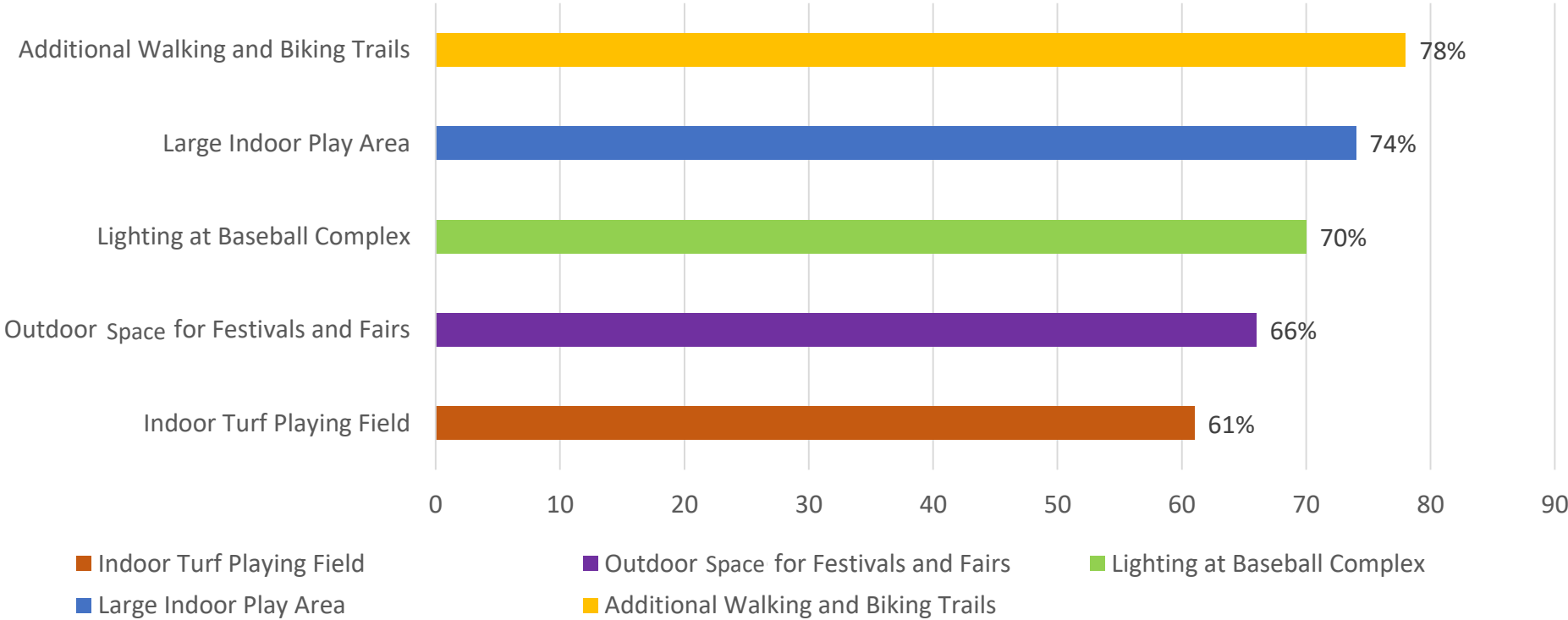
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- Very little disagreement with the importance of parks and recreation to quality of life and attractiveness of the community.



# Additional Park and Recreation Projects Supported

Percent Likelihood to Support



City of Marshall  
**Park Amenities Community Survey October 2021**

The next set of questions included ten different improvements under consideration as extensions to the planned Aquatic Center project. These options were read in random order, to minimize the potential that items might be rated higher or lower due to their placement within the list.

**Q6: Build a large indoor playground area for use by children during the cold winter months.**

	More likely	Less likely	No difference	No Opinion
All Voters	74.3%	20.1%	4.9%	0.7%
Male	68.6%	26.6%	4.8%	---
Female	79.5%	14.2%	5.0%	1.4%
Non-user	52.9%	41.2%	5.9%	---
1-12 visits	74.6%	18.4%	6.1%	0.9%
13-25 visits	58.1%	38.7%	3.2%	---
26-50 visits	82.9%	12.2%	4.9%	---
More than 50	72.3%	21.7%	4.8%	1.2%
Parent	77.0%	17.8%	5.1%	---
Non-Parent	72.8%	21.3%	4.8%	1.1%
Age 18-34	87.1%	10.9%	2.0%	---
35-44	78.6%	13.3%	6.8%	1.3%
45-54	63.1%	32.7%	4.2%	---
55-64	74.3%	16.5%	9.2%	---
65+	64.7%	29.0%	4.5%	1.9%
Ward 1	75.4%	20.6%	4.0%	---
Ward 2	73.9%	18.9%	5.9%	1.3%
Ward 3	73.7%	21.0%	4.6%	0.6%
Less Active/New Voter	84.1%	10.1%	4.6%	1.3%
Active Voter	71.6%	24.6%	3.4%	0.4%
Very Active Voter	57.0%	32.0%	11.0%	---
High School	74.0%	22.8%	3.2%	---
Some College	71.8%	20.2%	5.2%	2.9%
Bachelor's	74.7%	19.7%	4.8%	0.8%
Graduate	72.7%	22.9%	4.4%	---
HH Income <\$50k	72.3%	19.4%	8.3%	---
\$50-75k	70.3%	19.1%	8.7%	1.9%
\$75-100k	82.0%	16.1%	2.0%	---
\$100-150k	63.9%	30.8%	4.4%	0.9%
\$150k	82.6%	17.4%	---	---
Homeowner	66.3%	27.8%	4.8%	1.1%
Renter	82.2%	13.3%	4.4%	---

Item 20.

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# City of Marshall Parks and Recreation

2021 Community Survey  
Summary of Results



Item 20.



Page 155

## Survey outline

- Survey included interviews with 303 registered voters in the City of Marshall.
- Interviews were completed between October 5<sup>th</sup> and October 13<sup>th</sup>.
- Approximate margin of error is  $\pm 5.5\%$ .

## Who we called

- Interviews included demographic targets intended to provide a representative sample of voters in the city.
- To the extent that any demographic dimension was under- or over-sampled, sample weights were adjusted to compensate.

## Who we called *(cont.)*

- Demographic targets included:
  - Age
  - Gender
  - Voting history
  - Geographic area
- Cell phones and homeownership were tracked but were not demographic targets.

INTRODUCTION

## Who we called *(cont.)*

- Early question asked how many times the participant used park facilities in the past 12 months.
  - This information was added as a demographic dimension.
  - Analysis includes cross-tabs for park usage in addition to age, sex, income, etc.



INTRODUCTION

## Who we called *(cont.)*

- Follow-up question asked how many times the participant used park facilities outside of Marshall in the past 12 months.





## Survey structure

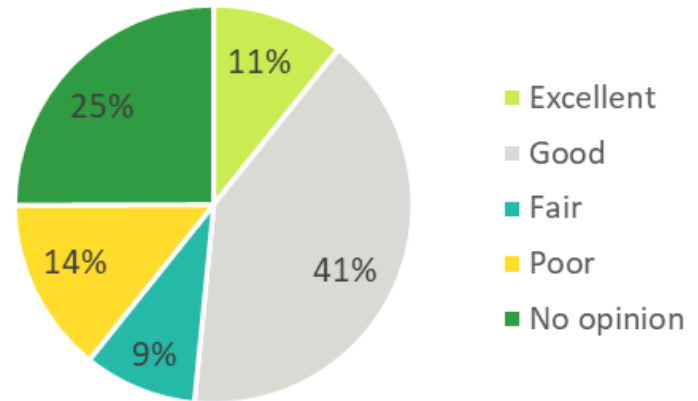
- Main body of survey asked voters their opinions about potential improvements to the City's parks.
- Most questions focused on potential amenities which could be added.
- Additional questions focused on parks and recreation impacts in terms of quality of life in Marshall, as well as potential programs in cooperation with YMCA.

PARKS IMPROVEMENTS

# Initial rating

“How would you rate the parks and recreational facilities in Marshall?”

Rating for parks and rec



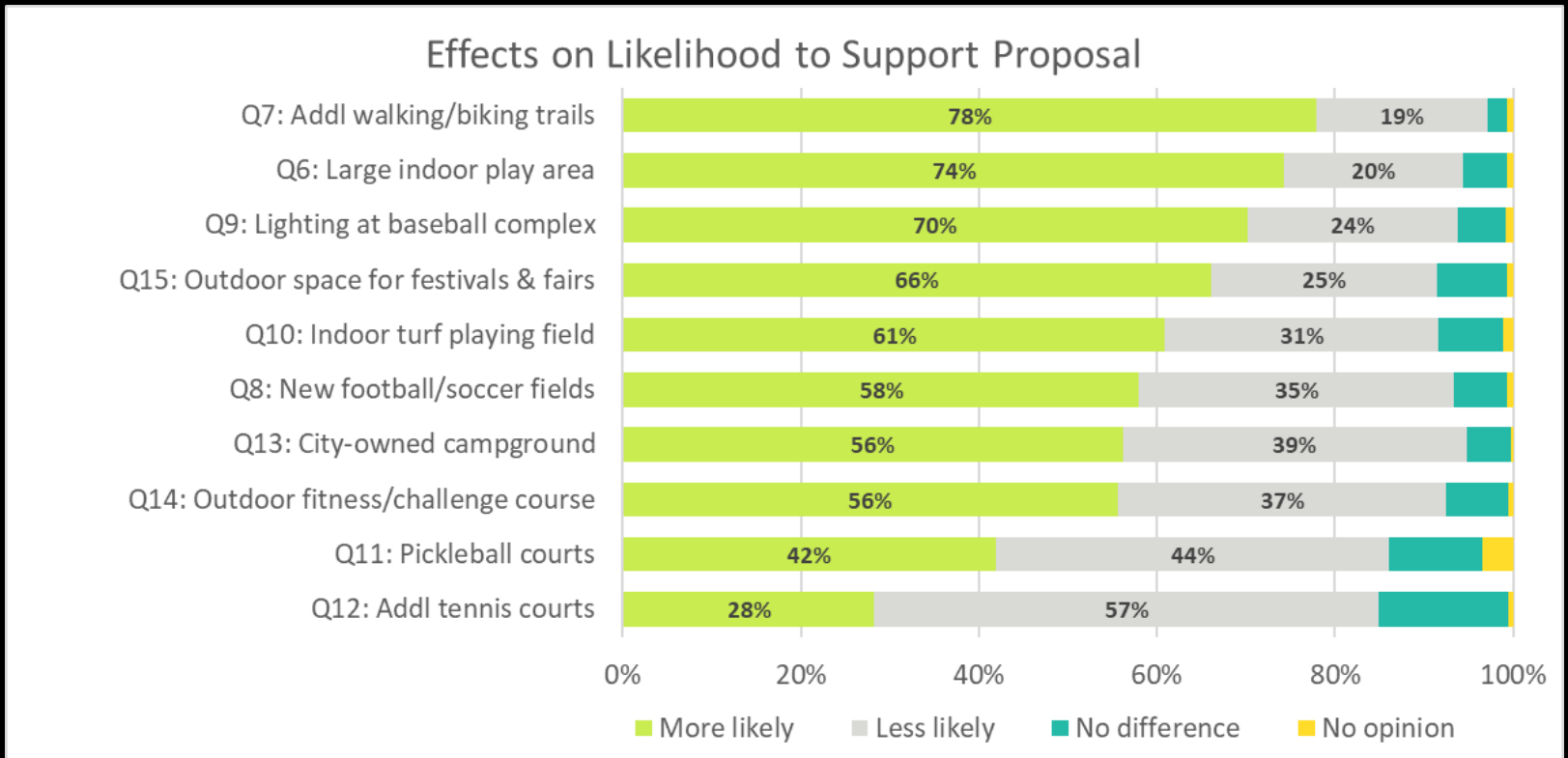
## Potential projects

“The City of Marshall is proposing to construct a new Aquatic Center and is considering some projects that would add to or expand the City’s recreation facilities, and the City is interested in hearing whether residents would support these projects. I’m going to describe some of these projects, and I’d like you to share your opinions about them.

As I describe some of the projects that are being considered, I’d like you to tell me if each one makes you more likely or less likely to support the project.”

PARKS IMPROVEMENTS

# Potential projects (cont.)





PARKS IMPROVEMENTS

## Potential projects *(cont.)*

- Walking & biking trails, indoor play area for children, and lighting for baseball/softball fields had highest positive reaction.
- Pickleball and tennis courts show lower support levels, with support under 50%.

## **Outdoor ice rink at Red Baron Arena**

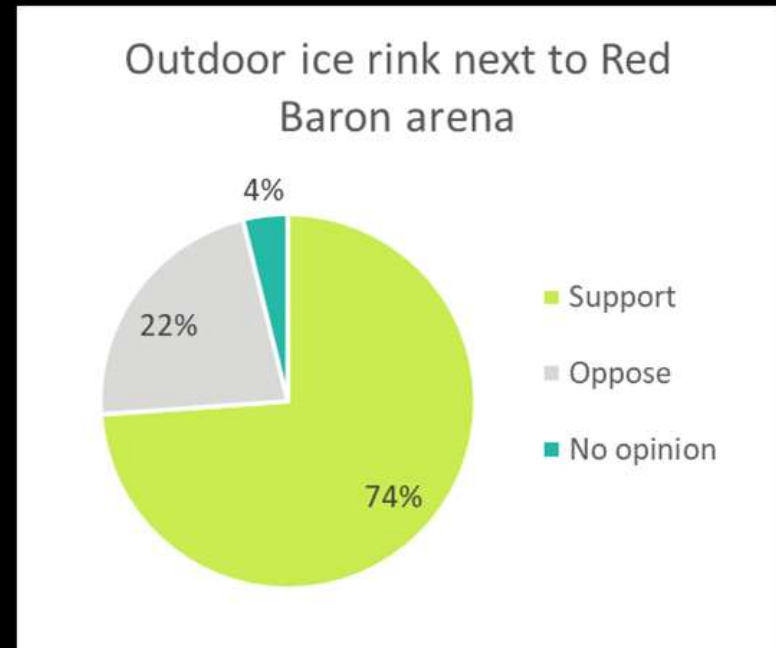
“The Red Baron Ice Arena and Expo Center was constructed in 2016 and has two sheets of ice, with one side left open during the summer months to host events. The city and the Marshall Area Hockey Association are considering an outdoor hockey rink near the arena. It would be used from October through March each year to provide extra space for youth hockey and figure skating along with open skating for the public on weekends.

Would you oppose or support building an outdoor ice rink next to the Red Baron Ice Arena and Expo Center?”

PARKS IMPROVEMENTS

## Outdoor ice rink *(cont.)*

“Would you oppose or support building an outdoor ice rink next to the Red Baron Ice Arena and Expo Center?”



## Partnership with YMCA

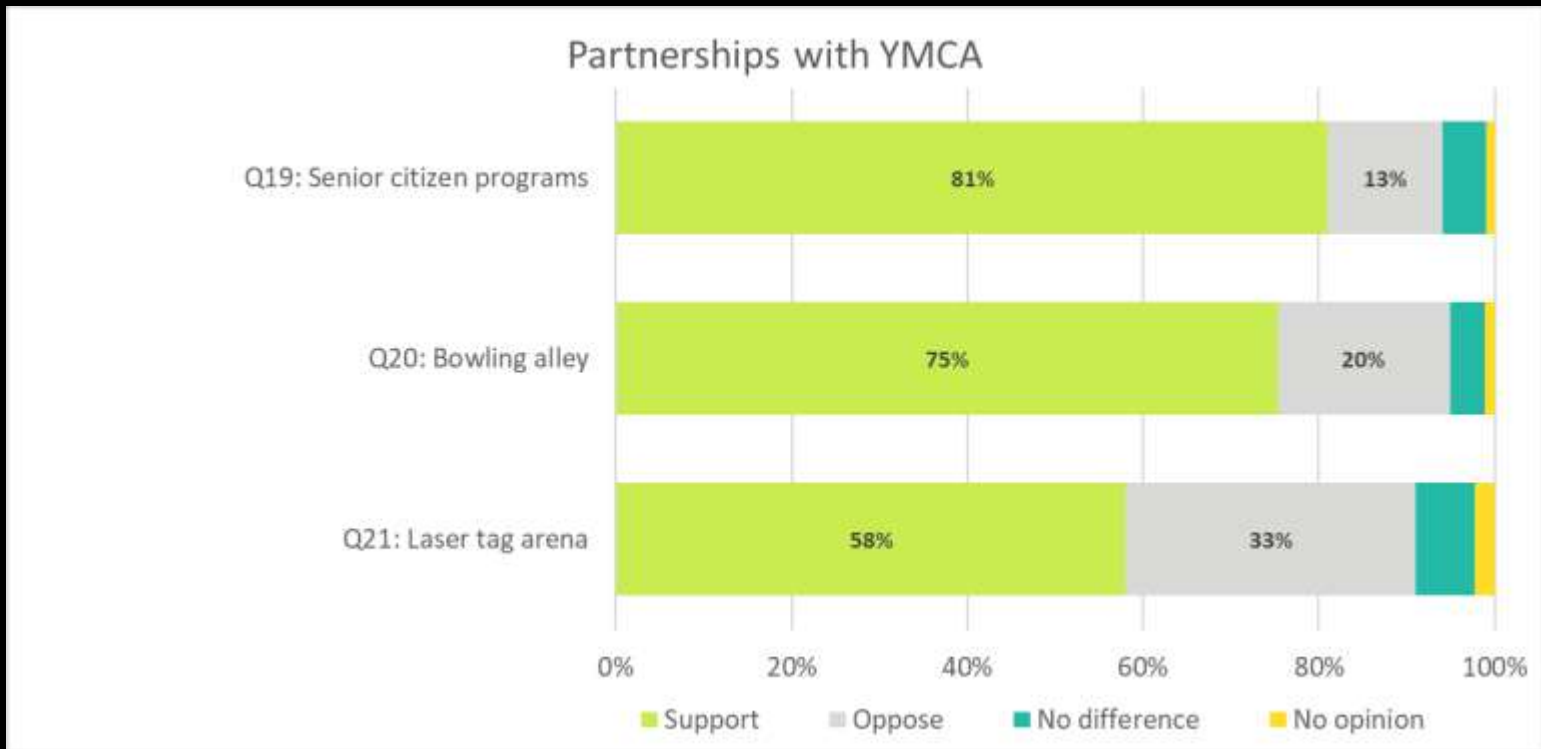
“The City and the Marshall Area YMCA have had discussions about sharing programs and costs at the YMCA’s current facility.

As I describe some of the options being considered, I’d like you to tell me if you would support the City partnering with the YMCA to share costs and management of specific programs.”



PARKS IMPROVEMENTS

# Partnership with YMCA (cont.)





PARKS IMPROVEMENTS

## Partnership with YMCA *(cont.)*

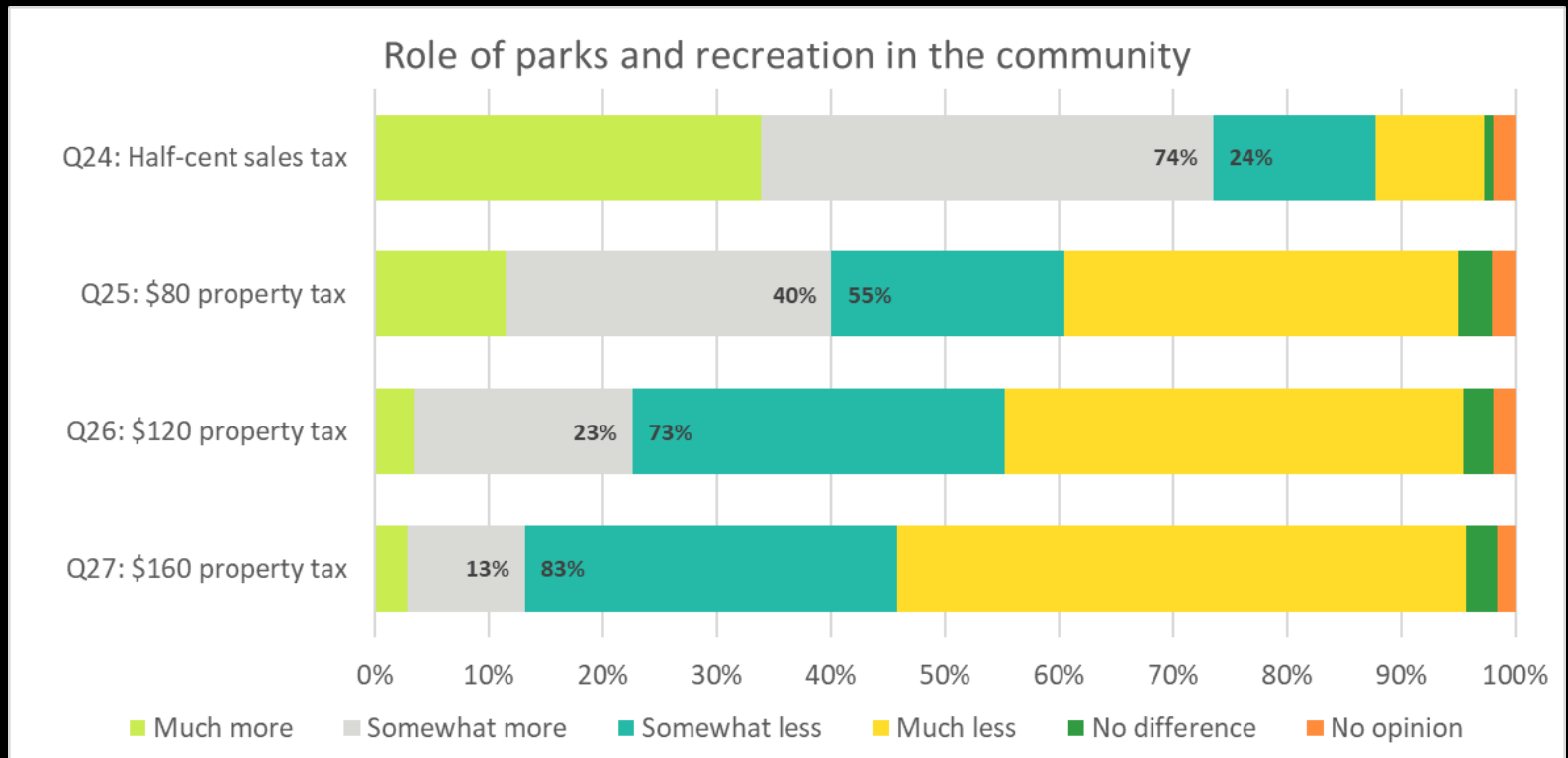
- Good support for senior citizen programs and bowling facility.
- Lower support for laser tag arena, but still generally positive reaction.

## Impact of cost information

- Participants were asked about four potential tax impacts to pay for improvements:
  - Three potential property tax increases: \$80, \$120 and \$160 per year.
  - Extension of existing half-cent sales tax.
- Impacts were for an average-valued home.

TAX IMPACTS

# Impact of cost information (cont.)



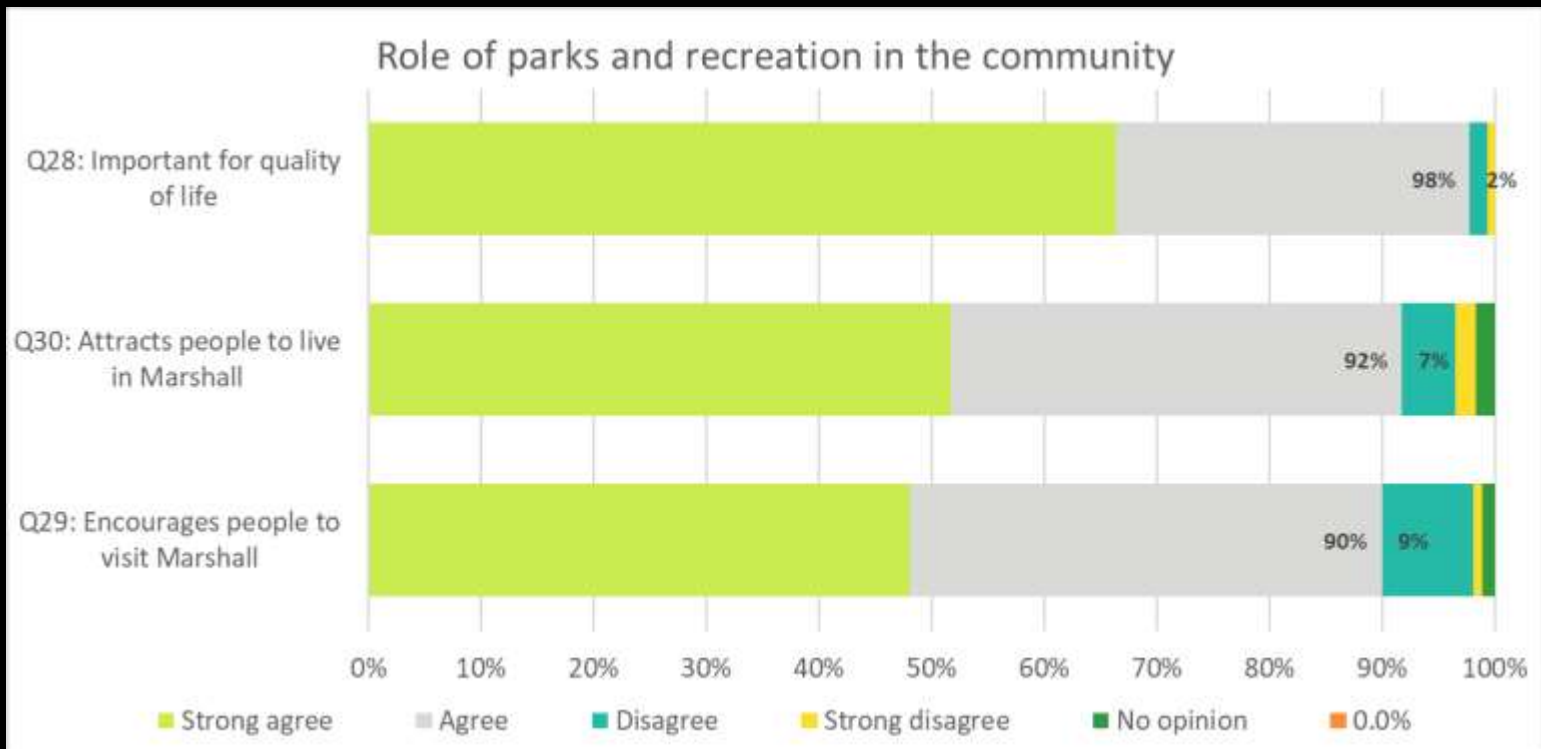
Labels show combined values for more/much more and less/much less.

## **Role of parks in the community**

“I am going to read you a handful of statements about the role of parks and recreation facilities in the community.

For each statement, please tell me whether you strongly agree, agree, disagree, or strongly disagree with it.”

# Role of parks in the community (cont.)



## **Role of parks in the community** *(cont.)*

- Very little disagreement with the importance of parks and recreation to quality of life and attractiveness of the community.

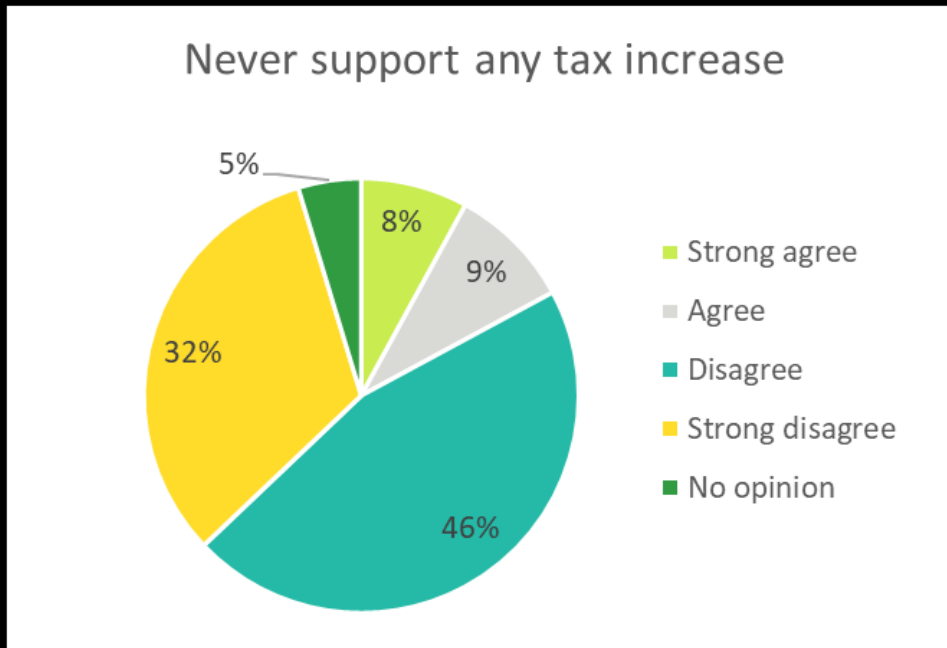
## **Tax aversion**

Participants were asked how much they agreed with the following statement:

“I would never vote for a tax increase, no matter what the amount or how the money raised would be used.”



# Tax aversion (cont.)



We typically see anti-tax sentiment of 15-25% in our community surveys. Combined agreement of 17% is at the low end of the common range.



SURVEY FINDINGS

## Findings: potential projects

- Trail expansion, indoor play area and baseball/softball lighting each saw support above 70%.
- Pickleball and tennis courts each saw support below 50%.
- Outdoor ice sheet at Red Baron Arena supported by 74% of respondents, with 22% opposed.



SURVEY FINDINGS

## Findings: YMCA partnership

- Good support for partnerships on senior programs and bowling facilities.
- Lower support for facilities like laser tag.

## Findings: potential tax impacts

- Reactions to an extension of the current sales tax were generally good, at 74% positive and 24% negative.
- Support for potential property tax increases did not rise above 40% at any tax impact level.
- General tax aversion was near the low end of our common range, at 17%.



**Thank you!**

Don Lifto, Ph.D.  
Director  
651-223-3067

Matthew Stark  
Senior Analyst  
651-223-3043



## Survey demographics

- Interviews included demographic targets intended to provide a representative sample of voters in the city.
- To the extent that any demographic dimension was under- or over-sampled, sample weights were adjusted to compensate.

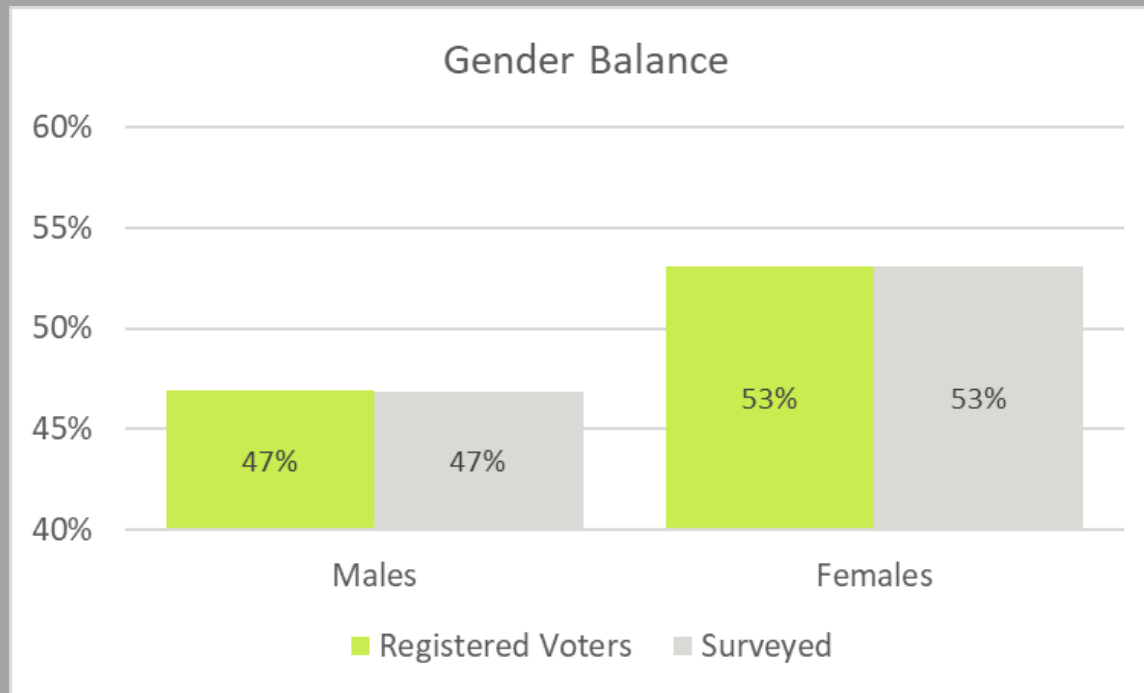


## Survey demographics *(cont.)*

- The following slides show proportions of total interviews versus targets before any sample weighting was performed.
- After re-balancing, samples were each within 2% of targets.
- Cell phones and homeownership were tracked for informational purposes, but were not treated as targets.

SURVEY DEMOGRAPHICS

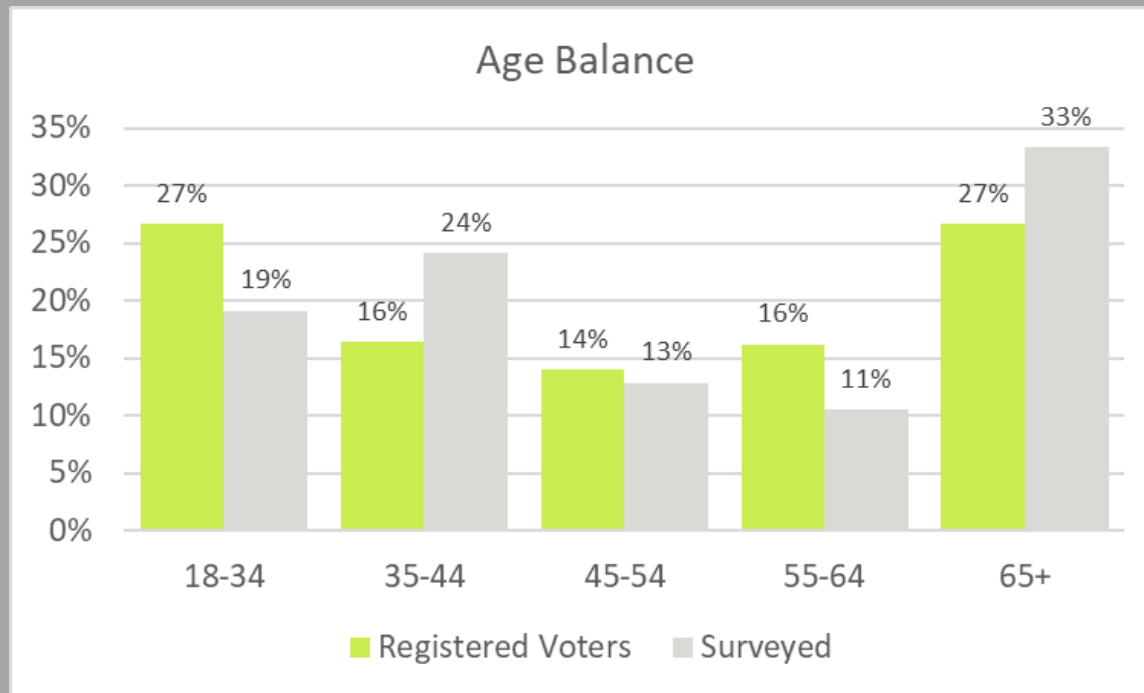
# Demographic targets: Gender





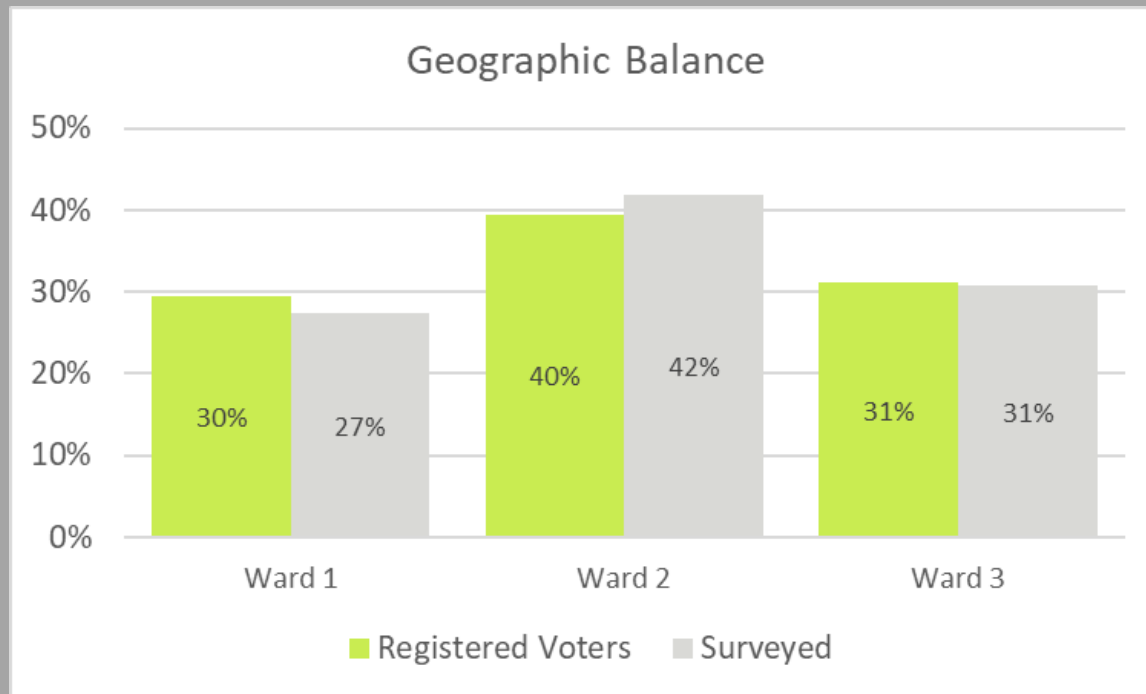
SURVEY DEMOGRAPHICS

# Demographic targets: Age



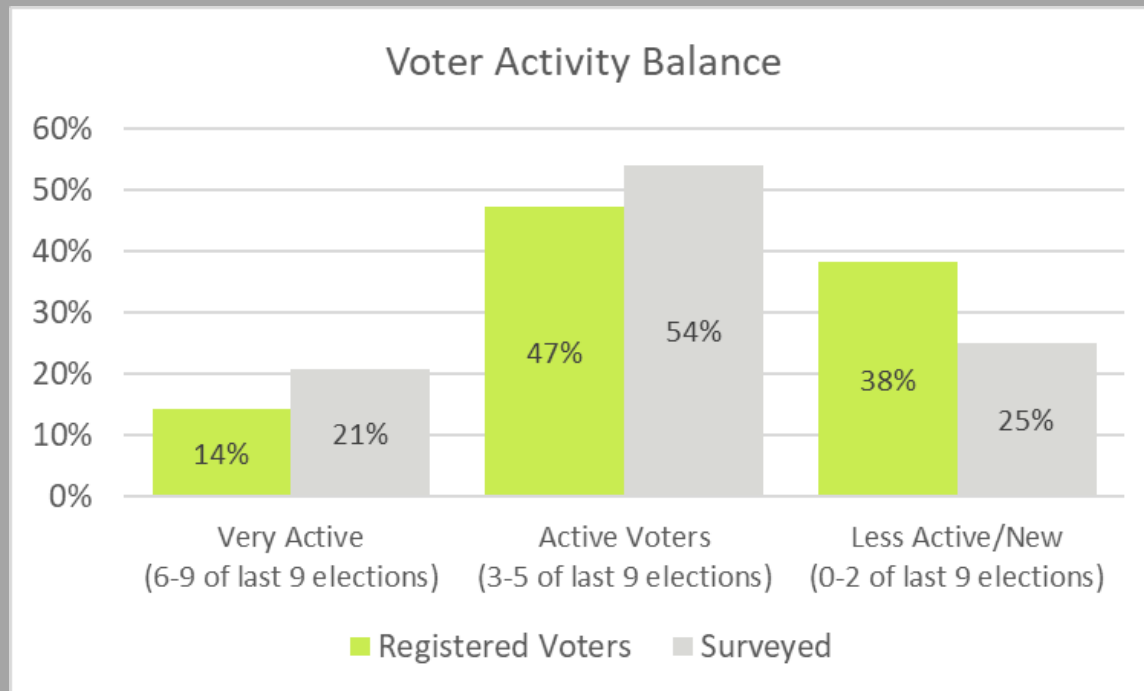
SURVEY DEMOGRAPHICS

# Supplementary demographics: location



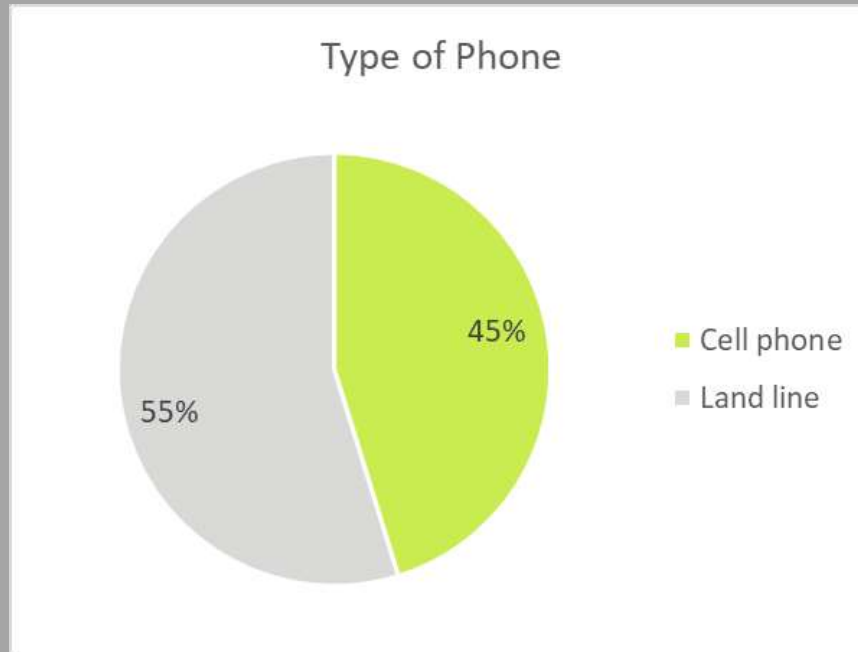
SURVEY DEMOGRAPHICS

# Demographic targets: Past voting activity



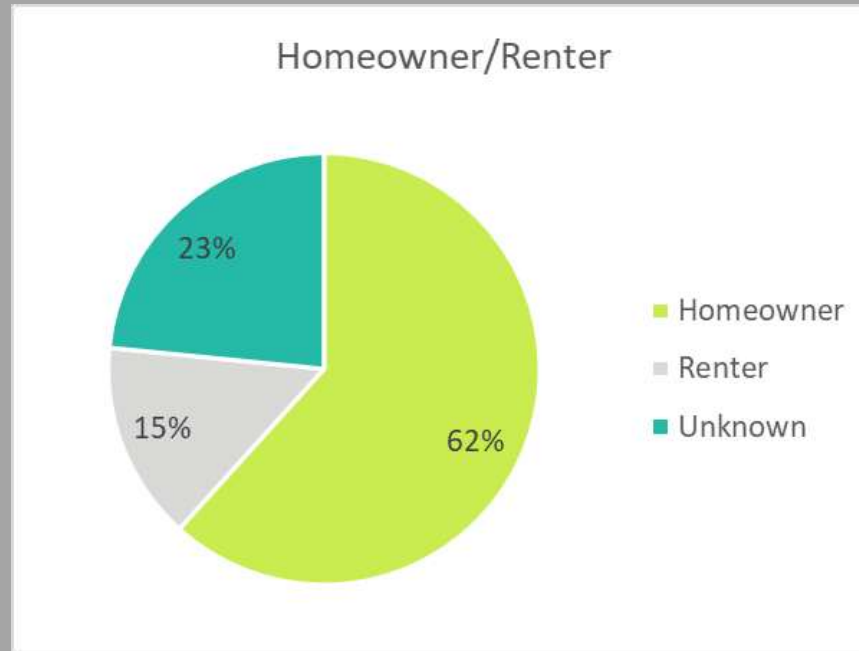
SURVEY DEMOGRAPHICS

# Supplementary demographics: type of phone



SURVEY DEMOGRAPHICS

# Supplementary demographics: Homeowner/renter





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# Marshall Aquatics Center Study

Marshall, Minnesota / July 2019

Prepared By  
**292**DesignGroup





Executive Summary	1
Building Assessment	3
Building Program	10
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Cost Estimate	16

The consultant team for this study included:

- » 292 Design Group
- » Reengineered, Inc.
- » RJM Construction

# EXECUTIVE SUMMARY

## Existing Facility Assessment

The Marshall Aquatic Center has served the residents of Marshall and surrounding communities for more than 50 years—a long time for a community recreation facility. The current facility is showing its age and has numerous deficiencies in code compliance, operations, customer experience and maintenance costs. This report was undertaken to determine what is the most reasonable approach to providing the residents of Marshall with aquatic recreation opportunities.

292 Design Group and Re-Engineered have assessed the existing pools, deck area and building to determine their long-term viability to serve Marshall residents. Our review has indicated that all the components of the center need extensive improvement, repair, or modification to create an aquatic center that provides an enjoyable summer aquatic activity in a safe manner, and one that is accessible to all and efficient to operate.

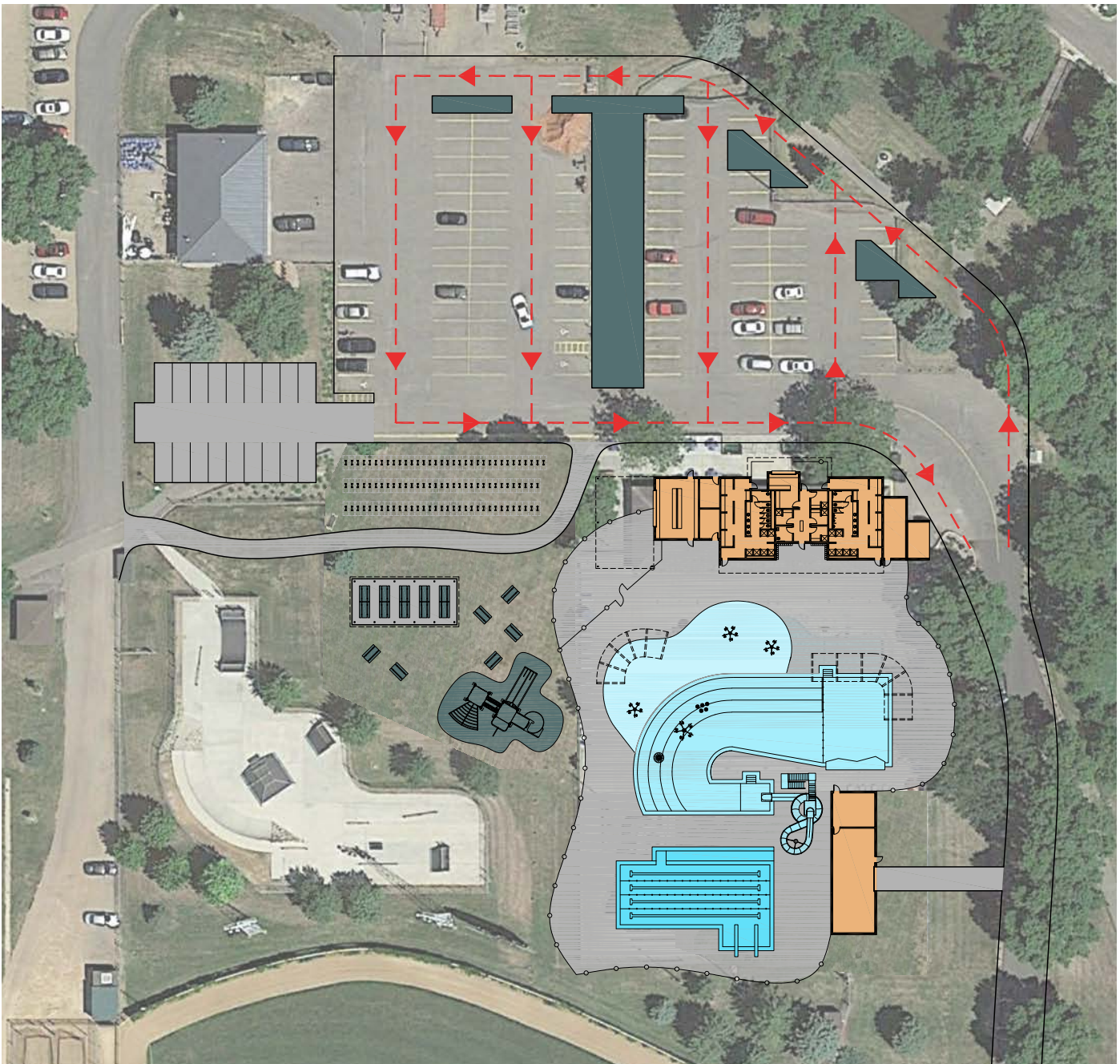


Diagram illustrating new aquatic facility and park improvements

## Recommendations

This report recommends constructing a new aquatic center on the site of the existing facility. This report concludes that remodeling costs will be so high and will be so constrained that only replacement makes good economic sense. The city has gotten more than 50 years of use out of the existing aquatic center which is a good return on the original investment. It now makes the most economic sense to construct a new facility. We understand the hesitancy to demolish a facility that is still functioning, even at a sub-standard level. However, we feel that it would be inappropriate to invest more of the taxpayers' money into the existing facility.

The facility we recommend in this report provides the city with state-of-the-art municipal aquatic center that will be open to everyone, will provide a wide variety of activities for all ages, will be safe, and will add to the recreational opportunities for the residents of Marshall. The proposed aquatic center includes two pools and a splash pad, a bath house and new concessions.

### POOLS

The proposed, new aquatic facility includes two pools. The first is a 4-lane, 75-foot long pool sized for regulation lap swimming and a 40'x40' foot diving well that can be used for a variety of water activities such as water volleyball and basketball, swimming lessons, diving, scuba diving, kayak lessons, life guard training, water aerobics, fitness swimming, and interactive play. Other features such as a water slide, climbing wall or floatable rafts are other options that could be exciting features of the pool.

The second pool, typically called a leisure pool, includes a variety of interactive features and, most importantly, a beach-like entrance (also called a zero-depth entry) and lots of shallow water to play in. This pool allows for a variety of play activities and is particularly great for young kids and families. Features that spray, dump or shower people with water are scattered about. A splash pad—a large play area with fountains and other interactive water features but without any standing water—would also be incorporated. This area is particularly safe for the youngest children.

### BATH HOUSE

A new bath house, designed for today's users and providing greater functionality for staff, would include more comfortable changing areas, private showers, restrooms that are more accessible, and upgraded finishes (tile floors and walls etc.).

Staff spaces would be improved with more storage and break space for lifeguards. The check-in area would have ample space for large group to be processed efficiently. Lifeguards would have a space for their required breaks and sufficient ample storage for equipment.

A new concessions area would be included and would meet current health department standards. It would also provide staff an opportunity to expand the refreshment and food options with the potential increases in sales.

### SITE

The existing site contains enough land area for a new aquatic center. Constructing the new aquatic center on the existing site takes advantage of the existing utility infrastructure and parking lot. A new aquatic center will require some improvements and modifications to the park including the parking lot, access drive and paths. These need to be studied in more depth should the project proceed to make sure the aquatic center is well integrated into the park and its other activities.

*This report includes plans that outline the ideas expressed above and an estimated cost for implementing the work. Should the council elect to proceed, demolition of the existing facility and construction of the new facility would take approximately 12 months and would require closing the aquatic center for one season.*

# BUILDING ASSESSMENT

## Overview

On March 13th, 2018, Mark Wentzell from 292 Design Group and Nick Nowacki of Re-engineered, accompanied by City of Marshall Parks and Recreation staff, toured the existing Marshall Aquatic Center. The tour initiated an assessment of the physical condition, operational efficiency, customer experience and code compliance of the aquatic center. The assessment provides guidance to the City of Marshall as to whether or not they should update and remodel or replace the existing pools, surrounding deck area and bath house building. The assessment is intended to help the City make prudent and appropriate decisions for the aquatic center.

The existing Marshall Aquatic Center includes three (3) vessels: a diving pool with 1-meter and 3-meter diving boards, a lap/general use pool with a waterslide, and a wading pool. It also includes a bathhouse and concessions building. The original facility was constructed in 1960's.

## Bath House and Concessions Building

Constructed in the 1960's the existing bath house and concessions building suffers from many conditions typical of a building more than 50 years old. It has numerous code compliance issues and many of the building components are inadequate, function poorly or are decayed beyond reasonable repair. The

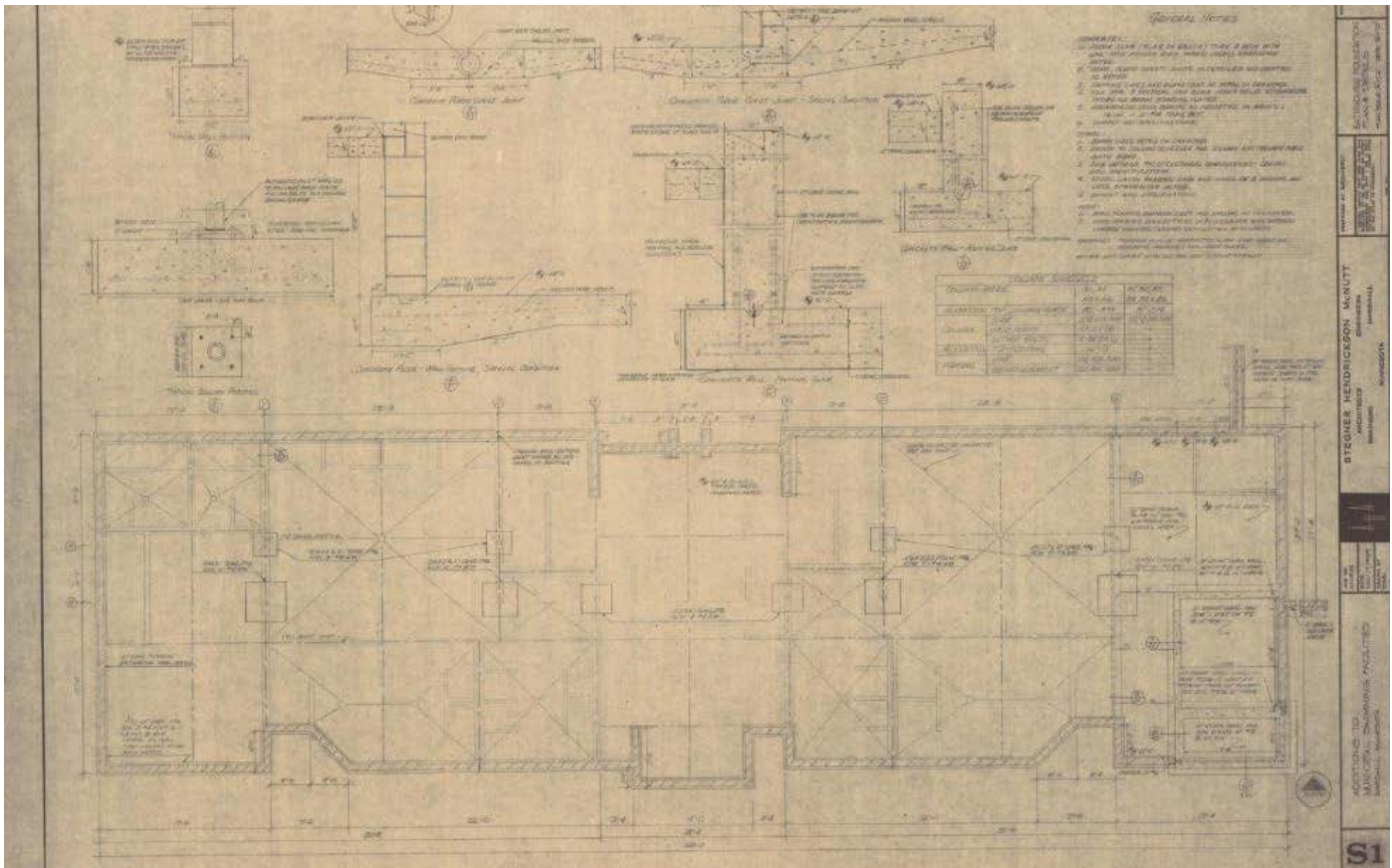
building also has numerous issues in how it serves the users and presents itself to the public. City staff have made a good effort to maintain the building over time and to make accommodation for the changing uses and expectation of the public, but its limitations are extensive.

## ADA COMPLIANCE

Many areas of the building do not meet the American with Disabilities Act and building access is complicated by the height above grade.

- » A ramp to the west side makes the building accessible, but most visitors access the building via the stairs.
- » The entry check-in area and doorways into the changing rooms do not comply with required ADA clearances.
- » The check-in desk is too high.
- » Changing area are open and accessible, but shower and restroom facilities do not meet ADA standards for access to plumbing fixtures.
- » Clearances, grab bars, fixture size and type are all non-compliant.

Once out on the pool area, most of the deck area seems to comply, but the pools do not. Although there are lifts to assist a person with disabilities in entering the pool, current standards require a ramp into the lap and diving pool. The current



Original blueprints of the Marshall Aquatic Center

pools do not have that condition. The wading pool although compliant to the ADA regulations it does not have a ramped access.

Updating the existing pools and building to meet current ADA standards would be difficult and expensive. Because the building is largely constructed of concrete block, demolishing existing walls and constructing new ones is costly. The pool vessels need modification to comply, which would mean rebuilding part of the walls and floor, which is also costly.

*Note: ADA compliance can be enforced at any time, and require reasonable accommodation for all building patrons. This is particularly concerning at the restrooms and shower areas.*

## **BUILDING CONDITION**

The physical condition of the building structure is not bad considering its age. The basic outside walls and roof structure are in reasonable condition and only need routine maintenance into the near future. (A roof replacement is currently planned as the roof is in need of replacement.)

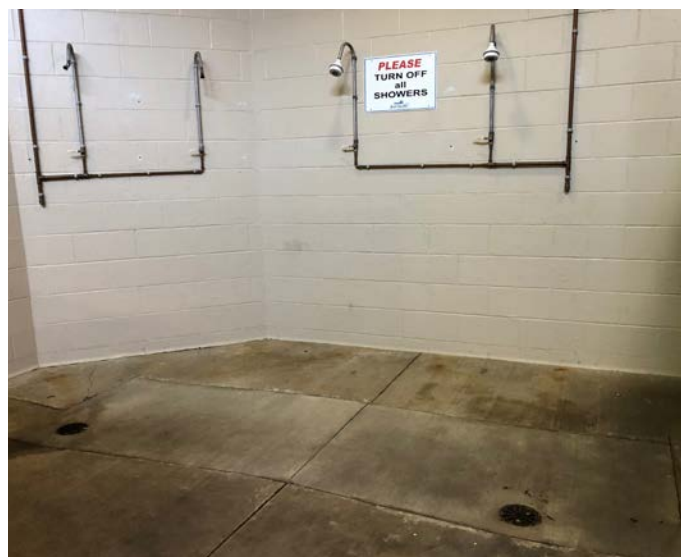
The wood clerestory windows are in poor condition and their design allows water to infiltrate, making it difficult to maintain them. If the building is to be maintained, these should be replaced, in addition to replacement of flashings and waterproofing in the roof. All the other openings – doors and windows – are also in poor condition and should be replaced. If replacement is done, correcting the ADA issues will be required which may mean some of the adjacent masonry walls would need to be altered.

The interior poses the greatest challenge to the building. Much of it is in poor and unattractive condition. Today's users of recreation facilities expect the facilities to have a high-quality, attractive finish and fit their expectations of a good recreational experience. The current facility does not meet that standard. The locker rooms and restroom facilities need extensive remodeling. Today's users also expect greater privacy in the changing and showering area. The existing building's changing, shower and toilet areas are wide open with little privacy screening. The changing areas should be divided into smaller bays for more privacy and showers should be the individual type rather than open. (There are some individual showers in the women's locker room, but they are small and makeshift.) The restroom areas need to be replaced, in total, with new ADA compliant fixtures and a more useful layout.

Remodeling locker rooms and rest rooms is costly. There is extensive plumbing work, expensive wall construction (tile, concrete masonry, etc.), tile floors and plaster ceilings. In addition, much of what is existing would need to be demolished, which is another expensive cost.



*Existing toilet rooms that lacks privacy screening*



*Existing, open shower area*

# BUILDING ASSESSMENT

## MECHANICAL AND ELECTRICAL SYSTEMS

The mechanical and electrical systems have deteriorated and in need of repair. Water line breaks are common and waste lines are failing. There is a significant problem of sewer gas entering the shower area of the building and staff have made a makeshift repair that needs replacement.

The staff has had to make many repairs to the plumbing systems and these repairs are exposed and add to the poor appearance of the building. Exhaust fans are old and inadequate and provide poor ventilation within spaces. Electrical systems are original. The main service panel is outdated and beyond its life expectancy and needs immediate replacement.

City staff should be complimented on the efforts they have made to keep the facility functioning, at low-cost, despite the many problems with the plumbing, ventilation and electrical systems. They have made extensive repairs to the existing systems to keep them functioning; many have been makeshift and are not long lasting. Once a building has required this many repairs, it indicates that replacement is the more prudent option.



*Makeshift sewer gas repair in shower area*



*Outdated exhaust fan*

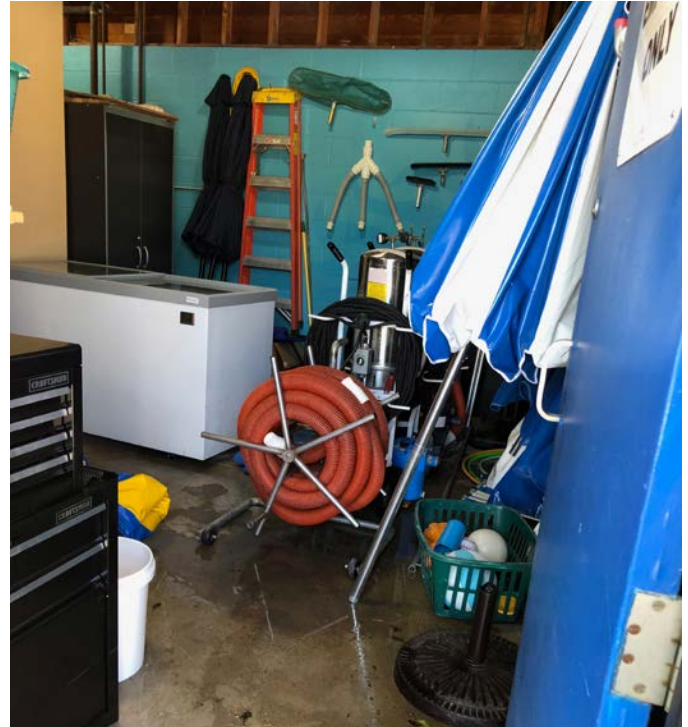


*Existing service panels*

## BUILDING FUNCTIONALITY

The existing building does not meet the current recreational usage which creates difficulties for the staff in their day-to-day operations.

- » The check-in area does not function well for the number of visitors coming to the aquatic center. Being able to control access to the facility through this space is important and its current configuration makes that difficult. It is too small and queuing is difficult, as is control of access to the locker room and pools. Staff have tried to modify this area by adding doors and partial walls to make it function better, but the space is very limited. The height of the counter and the access through the doors does not meet ADA requirements.
- » Staff workspace is inadequate with little room for life-guards, program staff, and management staff in the office area. This area has largely become a storage area due to the lack of storage space.
- » The ability of the staff to take necessary breaks (away from the public) is limited. The only available space has continuous windows with a view to the pool area. Staff have tried to create more privacy with window screening.
- » Storage space is insufficient as well. Winter storage severely limited.



*Storage space*

## CONCESSIONS

The concessions area has numerous deficiencies. Most critical is that it does not meet Minnesota Department of Health requirements. Floor, wall and ceiling finishes do not comply. The sinks for hand washing, food prep and dish wash are inadequate. The layout is extremely inefficient which limits the ability to serve the customers and affects potential income from food and beverage sales. There are also significant issues regarding the plumbing, ventilation and electrical systems.

The current concessions stand passes annual inspections, largely because it has been grandfathered in to current requirements. Food service operations can continue operating under previous regulations for a long time. Should the city undertake any kind of improvements or changes in operations, that would typically require updates throughout the concessions area.



*Storage in the office area*



*Concessions storage*

# BUILDING ASSESSMENT

## Pool Assessment

The lap/general-use pool and diving pool were renovated in 2008, including repair of significant structural failures within the diving pool. Structural failure of the vessels has reoccurred since the 2008 repairs. The structures of both the lap/general use-pool and diving pool have significant cracking and structural deterioration at the gutter joint, internal expansion joints, and wall to floor interface. Water intrusion is evident by the delamination of the concrete surface and associated tile and plaster finishes at these locations. City staff has documented that the lap/general-use pool and diving pool are currently losing water due to leaks at a rate of 12,000 to 15,000 gallons per day (1,080,000 to 1,350,000 gallons per summer based on a three month use period). This is an extreme amount of water loss for a pool vessel. Movement and flow of this magnitude of water around and beneath the vessels is likely creating significant unseen issues within the supporting soils and exterior face of the unseen concrete vessels beneath. It is extremely likely that the internal steel reinforcing is severely corroded in areas around and near the points of significant leakage.

We were not able to view conditions of the structures during our site visit as a result of snow cover, but based on discussions with city staff and the extreme amount of water loss it is apparent that structural failures or cracking have reoccurred since the 2008 repairs.

The pools have many problematic conditions. Tile is coming loose and missing in some areas, the concrete has separated from the gutters, there are numerous cracks throughout all the vessels, and caulking is failing. In general, the pools have outlived their expected life. Minnesota winters are hard on pools and 50 years is a long time frame.





## POOL EQUIPMENT

The pool filtration and disinfectant equipment appears to be in fair condition. Much of it has been replaced; however, many pieces of equipment are nearing the end of their anticipated lifespan and planning should be made for their replacement or upgrade in the near future.

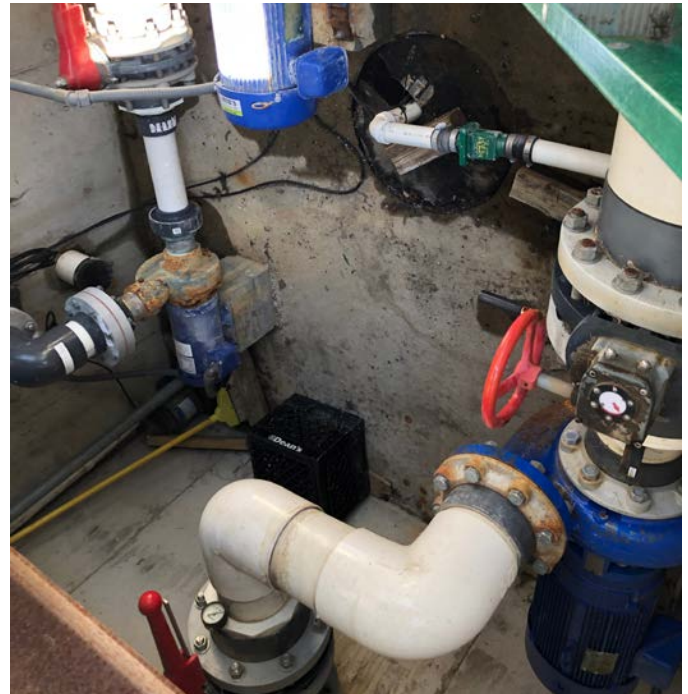
## VESSEL AND EQUIPMENT RECOMMENDATION

Given the age, observation of structural failures, and verification of extreme leakage, it is our opinion that the pool vessel structures have exceeded their usable lifespan and need full replacement. It is also our opinion that vessel replacement should also include full replacement of all pool equipment—given the proximity to anticipated end of lifespan of the existing equipment and availability of new products and technology within the market.

## CUSTOMER AND OPERATIONS

There are customer and operational issues with the pools as well. The small wading pool is severely outdated. Users have a major complaint about not having a sloping (zero-depth) entry into the pool. Young children have to step down into the 12-inch deep water or be helped by a parent.

Although there is a large amount of water area in the aquatic center, much of it does not fit current users' expectations. The two large pools are designed around lap swimming and diving. Visitors to aquatic parks expect a wider range of aquatic activities to participate in. The aquatic centers in Marshall's surrounding communities have more creative designs with a greater variety play features to entertain the customer. This creates an expectation that the current Marshall Aquatic Center does not meet.



# BUILDING ASSESSMENT

## Site Conditions

Access, traffic flow, and parking at the aquatic center have several conditions that should be addressed. The aquatic center, located within Legion Field Park, isn't visible from West College Drive, so signage is required to find the center. Access can be confusing to the first-time visitor. Within the park, the bicycle path crosses the drive near the aquatic center. This condition causes concern as children riding their bikes on the trail dart across the entry drive, often unaware of cars on the road. This situation should be addressed in any reconfiguring of the aquatic center and park. Another concern is that the main drive passes directly in front of the building entrance where there are conflicts between people walking across the drive from their parking space, or from people dropping off pas-

sengers (sometimes on the parking side of the entry drive) at the main entry. This study suggests a rerouting of traffic to a one-way system within the center's parking lot and entry drive to help alleviate this condition. There is a substantial need for bicycle parking within the site as well.

The existing aquatic center site appears to be adequate for any new aquatic center that the city proposes. A new center, properly configured, fits within the existing context. The new center should be integrated into the park and the other activities within the park including the skate park, new playground, picnic area, and ball field.



*Aerial photograph of existing Marshall Aquatics Center*

# BUILDING PROGRAM

<b>AQUATIC AREAS</b>	
<b>Leisure Pool</b>	<b>6,800 sf</b>
<i>Zero depth entry , various play features, maximum depth 4'</i>	
<b>Splash Pad</b>	<b>3,500 sf</b>
<i>Wet play area with no standing water, Does not require life guarding</i>	
<b>Lap Pool</b>	<b>3,500 sf</b>
<i>4 lane, 25 yard pool with depths from 7'6" to 4'0" Diving from deck at deep end of pool only</i>	
<b>Play Structures and Slides</b>	
<i>Allowance for play structure, slides, climbing wall etc.</i>	
<b>Total Aquatic Area</b>	<b>13,800 sf</b>

<b>DRY AREAS</b>	
<b>Leisure Pool Deck</b>	<b>8000 sf</b>
<i>Includes seating area with shade structures</i>	
<b>Splash Deck</b>	<b>2500 sf</b>
<b>Lap Pool Deck</b>	<b>4500 sf</b>
<b>Outdoor Concessions Seating</b>	<b>2500 sf</b>
<i>Partially covered, separated from pool deck with low rail and gate to contain food and beverage</i>	
<b>Walks</b>	<b>3000 sf</b>
<i>Estimated area allowance</i>	
<b>Total Deck Area</b>	<b>20,500 sf</b>

<b>BUILDING AREA</b>	
<b>Check in</b>	<b>160 sf</b>
<i>12 foot desk with 2 check in stations</i>	
<b>Mens Changing and Restroom</b>	<b>850 sf</b>
<i>6 private showers, 2 toilets, 3 urinals, 5 sinks</i>	
<b>Women's Changing and Restroom</b>	<b>850 sf</b>
<i>6 private showers, 6 toilets, 6 sinks</i>	
<b>Family Changing Rooms</b>	<b>470 sf</b>
<i>4 changing rooms each with a shower and changing area</i>	
<b>Single Occupancy Restroom</b>	<b>80 sf</b>
<b>Support Area</b>	<b>100 sf</b>
<i>General work area behind check in</i>	
<b>Lifeguard Room</b>	<b>150 sf</b>
<i>Lockers for lifeguard staff, break space</i>	
<b>Office</b>	<b>150 sf</b>
<i>Work space for Aquatic director and assistant</i>	
<b>Concessions Serving Area</b>	<b>320 sf</b>
<i>16 foot serving counter - 4 stations</i>	
<b>Concessions Prep and Storage Area</b>	<b>320 sf</b>
<b>Maintenance</b>	<b>380 sf</b>
<i>Janitor utilities and storage</i>	
<b>Trash Enclosure</b>	<b>160 sf</b>
<b>Subtotal</b>	<b>3,990 sf</b>
<b>Net to Gross Multiplier</b>	<b>599 sf</b>
<i>15% for circulation/walls/utility area</i>	
<b>Total Bath House &amp; Concessions</b>	<b>4,589 sf</b>
<b>Pool Equipment</b>	<b>1400 sf</b>
<b>Mechanical/ Electrical/ Water Service</b>	<b>500 sf</b>
<b>Total Pool Mechanical Building</b>	<b>1,900 sf</b>
<b>Total Building Area</b>	<b>6,489 sf</b>

<b>PARK AREAS</b>	
<b>Playground</b>	<b>2100 sf</b>
<b>Picnic Area</b>	<b>8900 sf</b>
<i>Include picnic shelter of 1,200sf?</i>	
<b>Bike Parking</b>	<b>4500 sf</b>
<i>200 bikes / asphalt.</i>	
<b>Total Dry Play</b>	<b>15,500 sf</b>

The aquatic center building program was developed with input from city staff and stakeholders. At the stakeholder meeting on March 13, 2019, participants expressed their desire for items such as increased opportunities for younger children, new amenities, an improved bath house, a concessions area in view of the pool area, a splash pad and more shade.

The building program includes aquatic elements that can accommodate a wide age range and program spaces (changing rooms, offices and concessions) that better serve patrons and staff.

# CONCEPT PLANS

## Site



Re-striped parking area and one-way, vehicle circulation path



Bath house including concessions, office and changing areas.



Splash pad with water play features and no standing water



Outdoor seating area for concessions, within view of aquatics area



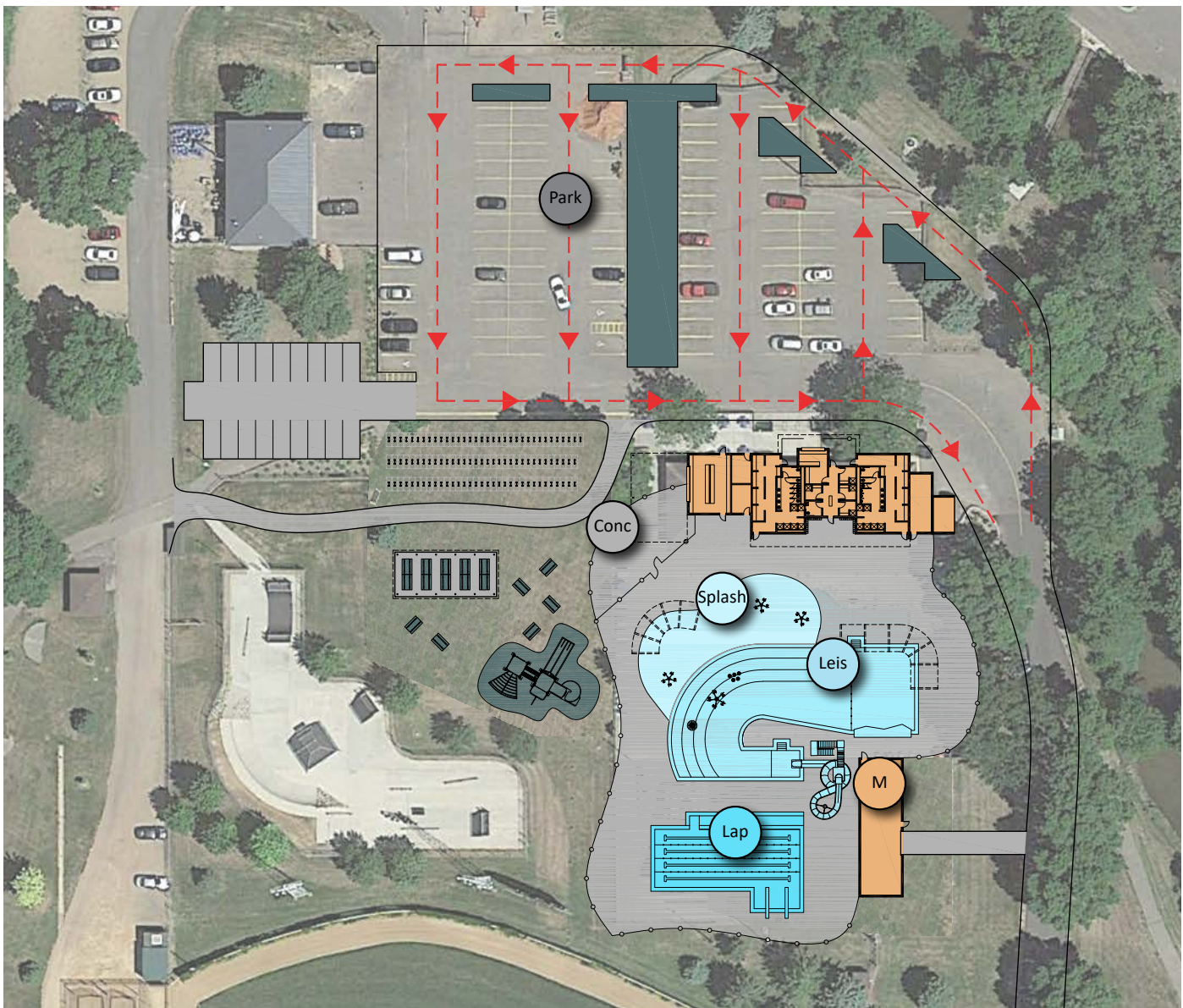
Pool equipment and mechanical space



Leisure pool with zero-depth beach entry, water play features, water slide and climbing wall



Lap pool (4-lanes) with diving well (3-meter and 1-meter boards)



Site plan of recommended aquatics center

Conc

The concessions area includes serving and storage space for an enhanced menu. It can service both aquatic center and park patrons and is adjacent to outdoor seating areas.

Off

The office area includes work space for the aquatic director and assistant.

LifeG

The life guard room includes space for lockers and staff breaks.

Check

The check-in area is expanded to accommodate large groups.

Maint

The maintenance area includes space for cleaning and pool supplies, access to utilities and general storage.

Trash

A trash enclosure is located near maintenance and accessible from an adjacent drive.

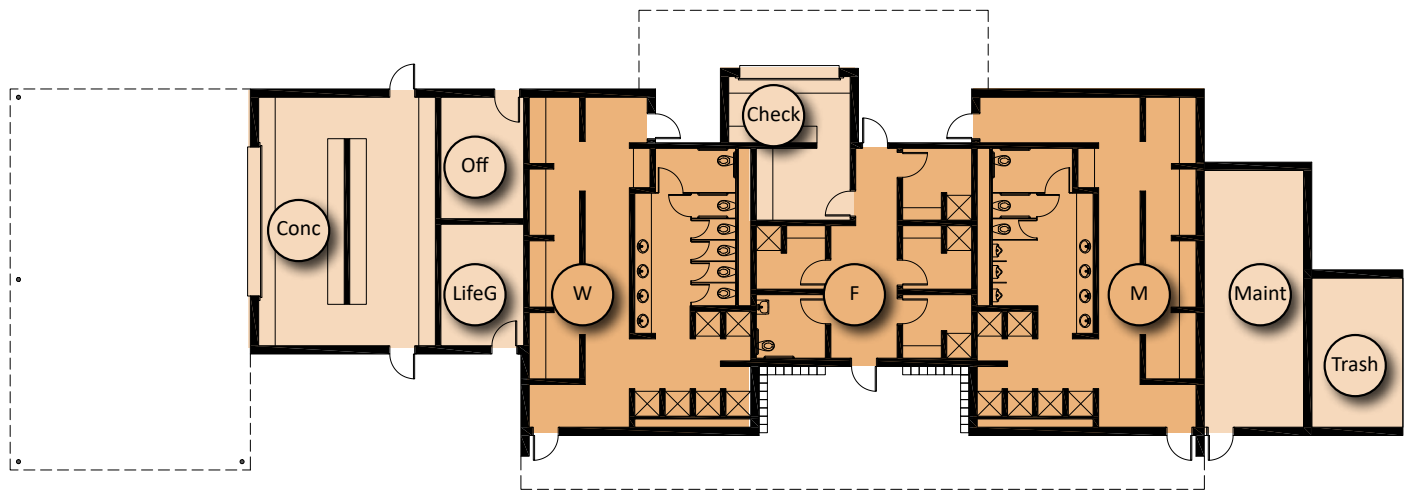
M

W

The changing rooms for women and men include semi-private changing areas, individual showers and toilets.

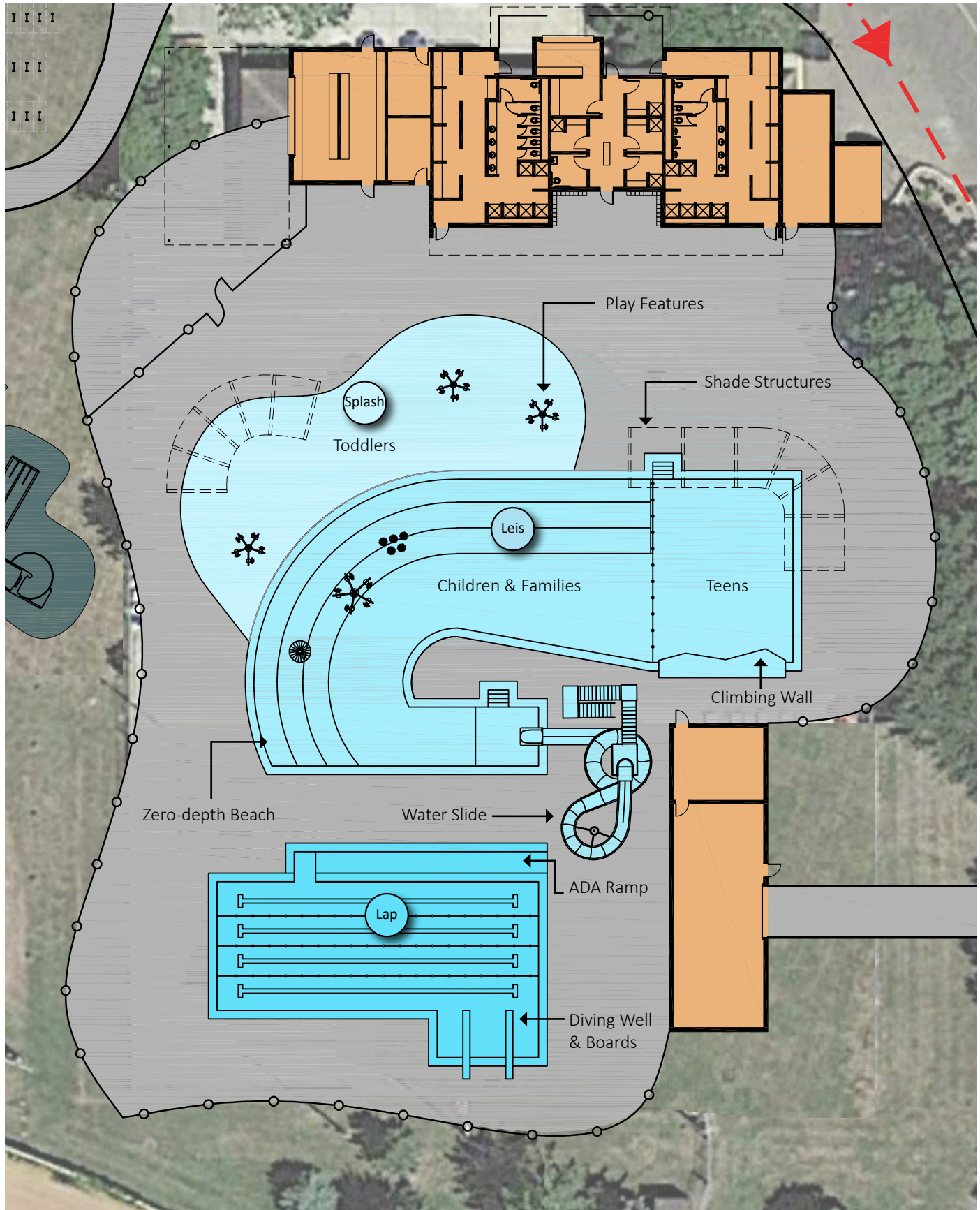
F

The family changing area includes individual changing rooms with showers, a common area with lockers, and toilet room.



# CONCEPT PLANS

## Pools



Splash

The splash pad is a dry area (no standing water) with shade structures and interactive play features that spray, dump or shoot water. The water is immediately drained from the surface. Splash pads are appropriate for all, including toddlers.



Leis

The leisure pool includes a zero-depth beach (a gradual deepening of the water) with interactive water features, shade structures, a slide and plunge pool, and a climbing wall. It includes areas for young children and families (zero-depth beach with play features) and teens (water slide and climbing wall).



Lap

The lap pool includes four, 75-yard long swimming lanes, a diving area with 1-meter and 3-meter diving boards, and an ADA ramp entry.

# CONCEPT PLANS

## Rendering

BH

Bath house including concessions, office and changing areas.

Splash

Splash pad with water play features and no standing water

M

Pool equipment and mechanical space

Leis

Leisure pool with zero-depth beach entry, water play features, water slide and climbing wall

Lap

Lap pool (4-lanes) with diving well (3-meter and 1-meter boards)



292DesignGroup



# COST ESTIMATE

**DEMOLITION AND SITE PREPARATION** **\$175,000**  
Includes demolition of existing pools, concrete deck slab, bath house and pool slide and other structures

**AQUATIC AREAS** **\$3,300,000**  
Includes leisure pool, lap pool, splash pad, play structures and slides

**DRY AREAS** **\$256,250**  
Includes concrete deck slab walks concessions seating area deck area and drainage system

**SITE IMPROVEMENTS** **\$225,000**  
Landscaping, irrigation, and fencing (\$150,000)  
Shade Structures (\$75,000)

**BUILDING AREA** **\$1,788,625**  
Bath House and Concessions Building (\$1,388,625)  
Pool Mechanical Building (\$400,000)

**Project Totals** **\$5,744,875**

**CONTINGENCY** **20%** **\$1,148,975**

**SOFT COSTS** **20%** **\$1,148,975**  
FF&E, Architectural and Engineering Fees, Testing, Survey

**TOTAL PROJECT COSTS** **\$8,042,825**





## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Meeting Date:</b>	Tuesday, January 25, 2022
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	ACTION
<b>Subject:</b>	Approve Agreement for Legislative Services with Flaherty and Hood
<b>Background Information:</b>	Council support for extension of the sales tax will mean upcoming legislative meetings, information sharing and tracking of the legislative process. A proposal for legislative services will provide for professional expertise in this legislative area.
<b>Fiscal Impact:</b>	\$17,500
<b>Alternative/ Variations:</b>	Do not proceed with the agreement
<b>Recommendations:</b>	Approve Agreement for Legislative Services with Flaherty and Hood

January 20, 2022

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

VIA EMAIL

Ms. Hanson,

Thank you for your inquiry regarding legislative services for the 2022 legislative session. This letter serves as both proposal and agreement for Flaherty & Hood, P.A. to provide services related to the City of Marshall's request to the legislature to authorize a local option sales tax during the 2022 session.

Flaherty & Hood is well positioned to assist the City of Marshall in seeking a local option sales tax authorization from the legislature. Flaherty & Hood has deep experience working on local sales tax issues for communities across the state. Over the years we have worked with the cities of Rochester, Mankato, North Mankato, Waite Park, Cloquet, Oakdale, and the six St. Cloud area cities that have a joint sales tax, among others. There are very few firms with as much experience in local option sales taxes, food and beverage taxes, and lodging taxes as Flaherty & Hood.

### **Scope of Services**

In order to successfully secure passage of your local option sales tax, Flaherty & Hood staff will assist the City of Marshall with the following legislative activities:

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

### **Project Management and Costs**

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

Total fee for service would be \$17,500. This is a flat rate fee that will be billed in two increments of \$8,750 with the first invoice in February 2022 and the second in April 2022.

Term of services would commence upon approval and return of this agreement and would run through December 31, 2022. Either party may terminate this agreement with written notice to the other party. Should a termination occur the City of Marshall will be responsible for any invoices sent to the City at the time of the termination.

By entering into this agreement, the City understands that Flaherty & Hood, P.A. represents other cities seeking provisions in the Omnibus Tax Bill. Flaherty & Hood advocates for each client's interest strenuously on its own merits. We do not believe that there is any conflict between our representation of Marshall and other cities that may be seeking a local option sales tax. If we believe a conflict has arisen we will immediately be in touch with both clients and seek to resolve the conflict to the satisfaction of both parties.

**Conclusion**

Flaherty & Hood, P.A. is pleased to provide legislative services to the City of Marshall for the 2022 session and we are confident that we can have a significant impact in advancing your interests.

If the proposal contained in this letter meets your approval, please sign and return one copy to Flaherty & Hood, P.A. and retain a copy for your records.

Very truly yours,

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

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

Accepted By: \_\_\_\_\_  
Robert Byrnes, Mayor

\_\_\_\_\_  
Sharon Hanson, City Administrator

<b>Meeting Date:</b>	Click or tap to enter a date.
<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>Edblom</b> – Planning Commission, Public Housing Commission</p> <p><b>DeCramer</b> – Economic Development Authority, Marshall Municipal Utilities Commission, Diversity, Equity, and Inclusion 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>	



**BUILDING PERMIT LIST**  
**January 25, 2022**

APPLICANT	LOCATION ADDRESS	DESCRIPTION OF WORK	VALUATION
LOUWAGIE, CHAD S & JANELLE M	805 VIKING DR	INTERIOR REMODEL	10,000.00
GESKE HOME IMPROVEMENT CO.	1007 POPLAR AVE	Windows	3,500.00
JAMES LOZINSKI CONSTRUCTION INC.	609 1ST ST S	Windows	2,100.00
AMERICAN WATERWORKS	118 PARK AVE	INTERIOR REMODEL	6,200.00
BABCOCK CONSTRUCTION	309 WALNUT ST	EXTERIOR REMODEL	11,400.00



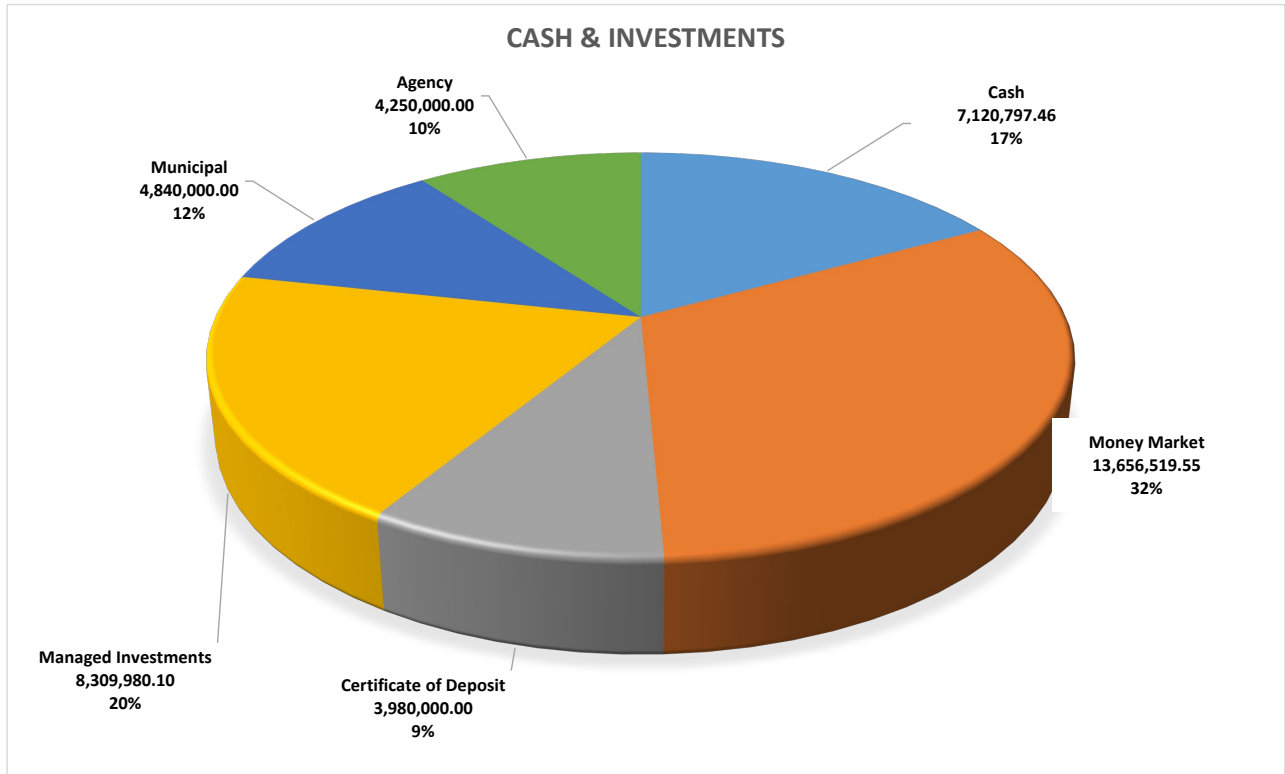
**SIGN PERMIT LIST**  
**January 25, 2022**

APPLICANT	LOCATION ADDRESS	DESCRIPTION OF WORK	VALUATION
AP Design	317 MAIN ST W	N/A	1,200.00



**City of Marshall, Minnesota**  
**Cash & Investments**  
 12/31/2021

	<u>Par</u>	<u>Rate</u>
CASH & INVESTMENTS:		
Checking - Bremer	7,120,797.46	0.00%
Money Market - Bremer	8,430,956.55	0.02%
Money Market - Bank of the West	3,385,026.56	0.10%
Money Market - US Bank	78,155.51	0.03%
Money Market - US Bank (ARP Funds)	737,005.40	0.03%
Money Market - Wells Fargo	1,025,375.53	0.03%
Certificate of Deposit - Bremer	1,000,000.00	0.40%
Certificate of Deposit - Bremer	1,000,000.00	0.40%
Certificate of Deposit - Bremer	1,000,000.00	0.40%
Certificate of Deposit - Wells Fargo	245,000.00	1.80%
Certificate of Deposit - Wells Fargo	245,000.00	1.70%
Investment Portfolio - General Fund	2,737,458.02	
Investment Portfolio - WW/SW Capital Reserve	3,544,250.08	
Investment Portfolio - Endowment Fund	2,028,272.00	
Municipal - US Bank	4,840,000.00	0.21% Average
Certificate of Deposit - US Bank	245,000.00	0.60%
Certificate of Deposit - US Bank	245,000.00	0.60%
Agency - US Bank	4,250,000.00	0.24% Average
<b>TOTAL CASH &amp; INVESTMENTS</b>	<u><u>42,157,297.11</u></u>	



MARSHALL-LYON COUNTY LIBRARY  
REGULAR BOARD MEETING MINUTES  
DECEMBER 13<sup>TH</sup>, 2021

Board Members Present: Michael Murray, Russ Labat, Paul Graupmann, Linda Baun, Paula Botsford, and Saara Raappana. Absent: Eric DeGroot and Ruth Bot. Staff Present: Director Michele A. Leininger, Christine DeGroot, and Paula Nemes. Others Present:

Called to order at 4:00 p.m. by M. Murray, President.

Pledge of Allegiance.

Motion made by P. Graupmann, seconded by R. Labat to adopt the agenda as presented. Roll Call Vote: Yes- M. Murray, R. Labat, P. Graupmann, L. Baun, S. Raappana, and P. Botsford. No: None. The motion passed unanimously.

***Housekeeping:***

Contact information was updated by the Board members and if the members would like to keep their 2021 meeting information or have it shredded. The City, as part of their recognition for service of long term employees, would like the Board to pass a resolution for LuAnn Anderson for 41 years of service. Motion made by L. Baun, seconded by P. Botsford to pass the resolution. Roll Call Vote: Yes- M. Murray, R. Labat, P. Graupmann, L. Baun, S. Raappana, and P. Botsford. No: None. The motion passed unanimously. New part-time customer care employee, Jordyn Guerrero, was introduced to the Board.

Motion made by L. Baun, seconded by S. Raappana to adopt the Consent Agenda. Roll Call Vote: Yes- M. Murray, R. Labat, P. Graupmann, L. Baun, S. Raappana, and P. Botsford. No: None. The motion passed unanimously.

***Election of Officers:***

Motion made by M. Murray, seconded by P. Graupmann for L. Baun as new Library Board President. Roll Call Vote: Yes- M. Murray, R. Labat, P. Graupmann, L. Baun, S. Raappana, and P. Botsford. No: None. The motion passed unanimously. Motion made by L. Baun, seconded by M. Murray for P. Botsford as the new Library Board Vice President. Roll Call Vote: Yes- M. Murray, R. Labat, P. Graupmann, L. Baun, S. Raappana, and P. Botsford. No: None. The motion passed unanimously.

***Old Business:***

**COVID 19 Update:** The only change is story time is now in the Children's Department and not in the Community Room. The three services that are still on pause haven't reopened, which are: in-home daycare programming, opening the study rooms, and reopening the play area in the Children's Department.

**2022 Draft Budget:** P. Graupmann explained how the County Commissioners decided to not change from the 4% increase (instead of the 5.2% recommended by the City/County/Library Budget committee) except that they did add they would pay for capital expenses outside of the budget. Those expenses would have to be brought to the County with a request for capital expenses and on what  
Item 27. d be needed. Technology was one of the items that was mentioned and anything else that m

fall under that category could also be included. There was discussion on where the additional cuts would come from, with one option being to add the \$12,451 that must come out of the budget to get it down the 4% increase to the Reserve Fund line item under Revenues. Nothing was decided, except to wait until the January meeting to vote on the 2022 Budget.

**2021 Budget Projection:** The 2021 Budget Projection was reviewed on what expenses are expected for the remainder of 2021. The LED lights haven't come in yet so that is an expense that may first come out next year. The domain names have come up for renewal so those are a few additional expenses for this year.

**2-Year Strategic Plan:** The Strategic Planning half day in-service was on Friday, December 10<sup>th</sup> from 9:00 AM -12:00 PM. The staff met to brainstorm ideas on strategies for each initiative. There will be monthly reports on the progress of each goal and quarterly logic models once those have been set up early next year.

***New Business:***

**2022 Library Employee Holidays:** For 2022, Christmas Day falls on Sunday. The Library will be closed that Monday, December 26<sup>th</sup> for the Christmas holiday. The Library would be open Friday, December 23<sup>rd</sup>. Juneteenth falls on a Sunday in 2022, so the Library will not be closed for that new holiday. Instead, the Library will be open that Monday, June 20<sup>th</sup> and is hoping to do programming around the holiday.

***Reports:***

**Director's Report** – The Water Bottle filling station is installed. There will be a blog post going up on the Library website soon showing the instillation process. The water fountains that were removed were reinstalled in the Children's department. We are in the process of hiring another part-time customer care employee. This will bring the Library back to being fully staffed as two current employees are retiring at the end of the year. In regards to the Marshall Middle School students, the Marshall Middle School did mention us in their newsletter encouraging parents not to pick up their children in the parking lot and encouraging caution when going thru the Library parking lot. The ring leader of the group of kids that was causing problems was kicked out and now problems have diminished. The security cameras are not as pressing right now so they will be put on hold until possibly next year. With the security cameras, we would have to purchase a new system, 2 monitors, and 4 cameras. There currently are 16 cameras in and outside the Library. R. Labat mentioned possibly looking into the Marshall Crime Fund for funding of the new security system and cameras.

**Board President Report:** None.

**Friends:** None.

**Plum Creek:** Director Leininger will be done working for Plum Creek at the end of the month.

Motion by M. Murray, seconded by L. Baun to adjourn at 5:46 p.m.

Respectfully Submitted,  
Christine DeGroot

<b>PLUM CREEK LIBRARY SYSTEM LIBRARIES</b>	<b>Regional System</b>	<b>Library Size</b>	<b>Population of the Legal Service Area</b>	<b>Local Government Operating Revenue - City</b>	<b>Local Government Operating Revenue - County</b>
<b>HENDRICKS: SIVERSON PUBLIC LIBRARY</b>	PCLS	Group 1: Serve 1,499 or less	895	\$20,000	\$14,000
<b>LAKE BENTON PUBLIC LIBRARY</b>	PCLS	Group 1: Serve 1,499 or less	901	\$28,000	\$14,000
<b>LAMBERTON PUBLIC LIBRARY</b>	PCLS	Group 1: Serve 1,499 or less	1,314	\$40,235	\$14,980
<b>EDGERTON PUBLIC LIBRARY</b>	PCLS	Group 2: Serve 1,500-2,999	1,879	\$43,489	\$21,114
<b>FULDA MEMORIAL LIBRARY</b>	PCLS	Group 2: Serve 1,500-2,999	1,897	\$55,654	\$25,154
<b>IVANHOE PUBLIC LIBRARY</b>	PCLS	Group 2: Serve 1,500-2,999	1,854	\$32,000	\$14,000
<b>MINNEOTA PUBLIC LIBRARY</b>	PCLS	Group 2: Serve 1,500-2,999	1,734	\$41,925	\$15,956
<b>MORGAN PUBLIC LIBRARY</b>	PCLS	Group 2: Serve 1,500-2,999	2,307	\$43,511	\$13,789
<b>TRACY PUBLIC LIBRARY</b>	PCLS	Group 2: Serve 1,500-2,999	2,116	\$120,956	\$15,500
<b>TYLER PUBLIC LIBRARY</b>	PCLS	Group 2: Serve 1,500-2,999	1,861	\$61,958	\$13,796
<b>WABASSO PUBLIC LIBRARY</b>	PCLS	Group 2: Serve 1,500-2,999	2,247	\$41,148	\$37,386
<b>WESTBROOK PUBLIC LIBRARY</b>	PCLS	Group 2: Serve 1,500-2,999	1,558	\$54,594	\$10,370
<b>MOUNTAIN LAKE PUBLIC LIBRARY</b>	PCLS	Group 3: Serve 3,000-5,999	3,320	\$163,623	\$31,044
<b>SLAYTON PUBLIC LIBRARY</b>	PCLS	Group 3: Serve 3,000-5,999	4,597	\$100,635	\$36,390
<b>WINDOM PUBLIC LIBRARY</b>	PCLS	Group 3: Serve 3,000-5,999	4,514	\$189,992	\$19,055
<b>JACKSON COUNTY LIBRARY</b>	PCLS	Group 4: Serve 6,000-11,999	9,858	\$72,198	\$490,213
<b>PIPESTONE: MEINDERS COMMUNITY LIBRARY</b>	PCLS	Group 4: Serve 6,000-11,999	8,410	\$116,150	\$31,672
<b>REDWOOD FALLS PUBLIC LIBRARY</b>	PCLS	Group 4: Serve 6,000-11,999	7,083	\$371,358	\$40,667
<b>ROCK COUNTY COMMUNITY LIBRARY</b>	PCLS	Group 4: Serve 6,000-11,999	9,359	\$0	\$353,816
<b>MARSHALL-LYON COUNTY LIBRARY</b>	PCLS	Group 5: Serve 12,000-23,999	22,128	\$661,436	\$327,552
<b>NOBLES COUNTY LIBRARY</b>	PCLS	Group 5: Serve 12,000-23,999	21,976	\$0	\$688,067
<b>PLUM CREEK LIBRARY SYSTEM</b>	PCLS	Group 8: Federated Regional System	116,250	\$0	\$29,250

<b>MN LIBRARIES OF SIMILAR SIZE</b>					
<b>CLOQUET PUBLIC LIBRARY</b>	ALS	Group 5: Serve 12,000-23,999	12,374	\$600,000	\$0
<b>GRAND RAPIDS AREA LIBRARY</b>	ALS	Group 5: Serve 12,000-23,999	21,231	\$697,397	\$144,150
<b>HIBBING PUBLIC LIBRARY</b>	ALS	Group 5: Serve 12,000-23,999	16,093	\$786,542	\$0
<b>COLUMBIA HEIGHTS PUBLIC LIBRARY</b>	MELSA	Group 5: Serve 12,000-23,999	21,124	\$1,002,850	\$0
<b>SOUTH SAINT PAUL PUBLIC LIBRARY</b>	MELSA	Group 5: Serve 12,000-23,999	20,774	\$781,771	\$0

STILLWATER PUBLIC LIBRARY	MELSA	Group 5: Serve 12,000-23,999	19,767	\$1,353,200	\$0
<b>MARSHALL-LYON COUNTY LIBRARY</b>	<b>PCLS</b>	<b>Group 5: Serve 12,000-23,999</b>	<b>22,128</b>	<b>\$661,436</b>	<b>\$327,552</b>
NOBLES COUNTY LIBRARY	PCLS	Group 5: Serve 12,000-23,999	21,976	\$0	\$688,067
KASSON PUBLIC LIBRARY	SELCO	Group 5: Serve 12,000-23,999	16,839	\$361,203	\$56,932
RED WING PUBLIC LIBRARY	SELCO	Group 5: Serve 12,000-23,999	21,222	\$1,141,835	\$143,686
MARTIN COUNTY LIBRARY	TDS	Group 5: Serve 12,000-23,999	19,683	\$90,686	\$799,074
NEW ULM PUBLIC LIBRARY	TDS	Group 5: Serve 12,000-23,999	13,562	\$825,073	\$16,300
NORTH MANKATO TAYLOR LIBRARY	TDS	Group 5: Serve 12,000-23,999	16,278	\$633,575	\$60,044
SIBLEY COUNTY LIBRARY	TDS	Group 5: Serve 12,000-23,999	14,899	\$220,264	\$382,812
ST. PETER PUBLIC LIBRARY	TDS	Group 5: Serve 12,000-23,999	20,981	\$283,714	\$50,921
FERGUS FALLS PUBLIC LIBRARY	VLS	Group 5: Serve 12,000-23,999	19,093	\$819,072	\$87,148

Per Capita City: \$661,436 revenue / 13487 population= \$49.04

State Government Operating Revenue	Federal Government Operating Revenue	Operating Revenue - Regional System	Total Operating Revenue	Per Capita Funding
\$0	\$0	\$800	\$35,048	\$39.16
\$0	\$0	\$8,000	\$55,000	\$61.04
\$0	\$2,087	\$1,250	\$63,456	\$48.29
\$0	\$11,705	\$0	\$76,308	\$40.61
\$0	\$0	\$0	\$81,754	\$43.10
\$0	\$0	\$0	\$46,105	\$24.87
\$0	\$0	\$0	\$58,684	\$33.84
\$0	\$0	\$0	\$57,300	\$24.84
\$0	\$0	\$0	\$136,456	\$64.49
\$0	\$0	\$0	\$75,754	\$40.71
\$0	\$0	\$0	\$112,107	\$49.89
\$0	\$0	\$0	\$65,486	\$42.03
\$0	\$0	\$0	\$195,173	\$58.79
\$0	\$0	\$0	\$137,025	\$29.81
\$0	\$0	\$0	\$211,533	\$46.86
\$0	\$0	\$1,100	\$589,760	\$59.83
\$0	\$5,000	\$0	\$228,927	\$27.22
\$0	\$15,444	\$936	\$445,466	\$62.89
\$0	\$0	\$300	\$354,116	\$37.84
\$0	\$0	\$15,987	\$1,032,995	\$46.68
\$0	\$0	\$4,500	\$710,639	\$32.34
\$477,668	\$0	\$1,576	\$911,030	\$7.84

\$0	\$0	\$7,645	\$629,645	\$50.88
\$0	\$0	\$8,045	\$900,523	\$42.42
\$0	\$0	\$6,636	\$793,178	\$49.29
\$0	\$24,992	\$0	\$1,059,717	\$50.17
\$0	\$0	\$0	\$786,237	\$37.85

\$0	\$57,003	\$2,543	\$1,492,939	\$75.53
\$0	\$0	\$15,987	\$1,032,995	\$46.68
\$0	\$0	\$4,500	\$710,639	\$32.34
\$0	\$0	\$19,445	\$450,113	\$26.73
\$0	\$0	\$24,784	\$1,372,065	\$64.65
\$0	\$0	\$0	\$899,238	\$45.69
\$0	\$32,256	\$0	\$889,929	\$65.62
\$0	\$0	\$30,242	\$752,784	\$46.25
\$0	\$61,800	\$0	\$664,876	\$44.63
\$0	\$0	\$0	\$412,382	\$19.66
\$0	\$9,717	\$0	\$978,788	\$51.26

Colors based on state median per capita = \$44.75

**MINUTES OF THE  
MARSHALL PLANNING COMMISSION MEETING  
JANUARY 12, 2022**

**MEMBERS PRESENT:** Schroeder, Lee, Deutz, Muchlinski, and Edblom

**MEMBERS ABSENT:** Fox

**OTHERS PRESENT:** Ilya Gutman, Jason Anderson, and Lauren Deutz

1. The meeting was called to order by Chairperson Lee. She asked for the approval of the minutes of the December 8, 2021, regular meeting of the Marshall Planning Commission. Schroeder MADE A MOTION, SECOND BY Muchlinski, to approve the minutes as written. ALL VOTED IN FAVOR OF THE MOTION.
  
2. Gutman explained this is a request by the City of Marshall for a Conditional Use Permit to allow construction of a 39-unit apartment in B-2 Central Business District and within the limits of the Downtown District at 103 West Lyon Street. Apartment buildings are a Conditional Use in a Central Business District. The lot is currently vacant, and the City is promoting the development of apartments within, and in close proximity to, the downtown business area. However, parking in downtown has always been a concern. Based on the types of apartments proposed in the building, 45 parking spaces would be needed for this development outside of the Downtown district, based on the City parking regulations. However, all uses within the Downtown District are exempt from off-street parking. Staff recommends approve the request with the following conditions applied: 1. That the regulations, standards, and requirements as set forth in the City Code and as pertains to the class of district in which such premises are located shall be conformed with. 2. That the City reserves the right to revoke the Conditional Use Permit in the event that any person has breached the conditions contained in this permit provided that the City serve the person with written notice specifying items of any default and allow the applicant a reasonable time in which to repair such default. 3. That the property is maintained to conform to the Zoning Code and not cause or create negative impacts to adjacent existing or future properties. 4. That not more than 40 apartments are allowed. 5. That at least one off-street parking space per apartment is provided. Muchlinski questioned the traffic flow regarding College Drive. Anderson advised that those conversations have not happened yet at this time. In 2025 on College Drive, the stop light at Lyon Street will go away; the intersection gets narrower and there will be a RRFB crossing. Muchlinski MADE A MOTION, SECOND BY Schroeder to close the public hearing. ALL VOTED IN FAVOR OF THE MOTION. Schroeder MADE A MOTION, SECOND BY Muchlinski to recommend to City Council as recommend by staff.
  
3. Lauren Deutz, Economic Development Director, presented the item. This presentation is an overview of what we are looking at. The Planning Commission decides if this fits in the Comp Plan. Some background information was shared about the developer. The project is a 3 phase projects with phase 1 starting this spring. The developer wants the project to look like it fits downtown with finishes complementing the downtown. Higher end apartments are their niche and they are having a lot of success in that area. Lee said she is surprised with number of 1-bedroom apartments. Lauren Deutz explained that the higher end 1-bedroom apartments is in high need at this time, but phase 2 and 3 gives them the option to change and go to a 2 or 3-bedroom if the need is there. Muchlinski questioned the entrances. Lauren Deutz said the main entrance is on Lyon Street with 2 on the parking side and 3 or 4 on the frontside.



**--UNAPPROVED --**

Gutman advised State Statutes require the Planning Commission to review the Project Plan and the TIF Plan for compliance with the intent of the City Comprehensive Plan. The proposed project is a mixed commercial and high-density residential construction (three buildings with the total of 83 apartments and commercial space on the first floor in two of them) that will be located on the vacant portions of "Block 11", more accurately described as Lots 1-5 and Lots 15-20 of the Original Plat of the City of Marshall. The Comprehensive Plan identifies this area for downtown commercial use. There are many similar buildings (commercial on the first floor and residential on the upper floors) within downtown and commercial use within the downtown district has historically included apartments. Therefore, city staff believes that the proposed project complies with the current city Comprehensive Plan. Staff recommends approval of the attached resolution finding the proposed Tax Increment Financing District No. 1-15 within Redevelopment Project No. 1 for the City of Marshall to be consistent with the intent of the City Comprehensive Plan. Anderson added that we don't need to do any rezoning for this project as it all fits. Muchlinski MADE A MOTION, SECOND BY Schroeder, to approve the Resolution for the TIF Plan for District 6-1 Complying with the City of Marshall Comprehensive Plan. ALL VOTED IN FAVOR OF THE MOTION.

4. Lee asked for updates on the comprehensive plan. Lauren Deutz said the survey was released the end of December and the goal was to receive 300 surveys back and as of today we are at 316. The open house will be interactive version of the survey; however due to the current spike of covid we have pushed that to February. The consultant will be on site for some focus groups. Everything is moving along well. Muchlinski asked if survey will drive the focus groups. Lauren Deutz said that is correct. From what she has seen so far it is spot on as to what they were expecting. Muchlinski asked how the people are generated for the focus group. Lauren Deutz said they haven't had that discussion. Anderson said it will be based on the survey as to what groups we will reach out to.
5. A MOTION WAS MADE BY Deutz, SECOND BY Muchlinski to adjourn the meeting. ALL VOTED IN FAVOR. Chairperson Lee declared the meeting adjourned.

Respectfully submitted,  
Chris DeVos, Recording Secretary



DATE: Thursday January 20<sup>th</sup> 2022, | LOCATION: Red Baron Arena & Expo | TIME: 10:00 a.m.

**Members Present:** Kelly Loft, Ty Brouwer, Steve Klinkhammer, Keith Petermeier, Londa, Joe Rein, Sarah Marczak

**Members Absent:** Luke Tietz, Russ Labat,

**Staff Present:** Cassi Wiess, Adri DeBoer

*Call to order January 20<sup>th</sup> at 10:05am*

### Approvals

- Additions to Agenda
- Conflict of Interest
- December Meeting minutes

*Ty motioned to approve December Minute, Keith 2<sup>nd</sup>.*

### Financials

- Review and acceptance of December Financial

*Keith motioned to approve financials, Sara 2<sup>nd</sup>.*

### Action Items

- Community Support
  - Juneteenth – Recommend Pilar 1 with a focus of in-kind marketing
    - Local event
    - Not many hotel rooms

Ty stated that they are mostly asking for Marketing and so we should consider \$250 in Marketing

*Ty motioned to approve \$250 in-kind marketing (including Digital Billboard, targeted social media ads), Keith 2<sup>nd</sup>.*

- Just for Kix – Recommended Pilar 4
  - Will bring about 2500 dancers to town
  - 1 day event (hard to get 600 hotel rooms)

*Keith motioned for Pilar 3 \$750 cash donation (no in-kind), Kelly 2<sup>nd</sup>.*

- Spring Craft Show – Recommended \$500 for in-kind Marketing
  - Independently run but donates to Girls HS Hockey
  - Would like more in-kind Marketing

Discussion on marketing promoting the Red Baron and less cash donations.

*Joe motioned \$500 in-kind marketing, Keith 2<sup>nd</sup>.*

### Director Update

- Meetings – Requesting the 2<sup>nd</sup> Thursday of the month at 10AM
- Marketing for quarter 1 started
  - SEO Marketing – Redwood Valley Tech is helping us build in more so that we get more people to our website. (We will bring analytics to next meeting to see a before and after impressions)

- Shrpa – Itinerary website that will integrate into our website. We built in 2 travel bloggers to come to Marshall and build the Itinerary.
- Anna Behning Photography Sessions for 2022 – Seasonal photo shoots 4 times throughout the year. We select the locations and supply models.
- SD Magazine for Community Support Marketing – Anything approved through Community Support will most likely be promoted through this publication.
- Youth Sports & Activity Expo – April 3rd
  - Multiple groups signed up after 1 email, will start calling 2-3 groups per week for sign up.
    - All booths are interactive.
    - Including Hunting
    - Working with Community Services regarding activities.
    - SMSU having a larger booth
    - Building relationships with sports that will lead to more with Community Tourism Support
- City of Marshall 150<sup>th</sup>
  - Celebration Season from May – October
  - “Birthday Party” is Friday August 19<sup>th</sup> from 5pm – 7pm with Jett Skrien magic Show
  - Other events we are looking at are, Arts & Living History show, Vintage Vehicle drive in and pancake feed, youth & adult archery tournament, golf event, fashion show.
- Intern
  - Last internship just ended – Leah was wonderful to have and came daily for 1 hour
  - We were asked to take on another intern – Cayden with an emphasis in video and marketing
- Red Baron
  - Sponsor Renewals approved
    - Action Arena – Covers just the Reinhart side for both when the ice is on and off
    - D&G is on vacation and will sign next week
    - Working on Vast due to buy-out and name change
  - Marketing
  - Website Draft
  - Updating sponsor logos, murals, and signage
    - These are paid by the city but we work on these

#### **Board Update**

- TY - Coyote Hunt was very successful and brought a bunch to Brau – Raised 2k for habitat enhancement. Had 17 due to snowstorm so hoping to have more in the future.
- KEITH – Bridal Extravaganza is this weekend at SMSU
- KELLY – Hall of Honor banquet and Gold Rush Raffle is scheduled
- Londa & Joe – Stated hotels are slow
- Sarah – Ralco is moving in and they will be moving the rental venue to the top floor

#### **Next Meeting Date**

- Thursday February 17<sup>th</sup> 2021 @ 10am

***Meeting Adjourn at 11:05am***

# 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

### January

- 01/25 Community Service Advisory Board Interview, 4:45 PM, City Hall (Byrnes, Meister, Coleman)
  - 01/25 Library Board Interview, 5:00 PM, City Hall
  - 01/25 Regular Meeting, 5:30 PM, City Hall
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### February

- 02/08 Regular Meeting, 5:30 PM, City Hall
  - 02/22 Regular Meeting, 5:30 PM, City Hall
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### March

- 03/08 Regular Meeting, 5:30 PM, City Hall
- 03/22 Regular Meeting, 5:30 PM, City Hall